



**CITY COUNCIL
SCHENECTADY, NEW YORK**

**EXTRACT OF MINUTES OF MEETING OF THE CITY
COUNCIL OF THE CITY OF SCHENECTADY ADOPTING
A BOND ORDINANCE**

At a meeting of the City Council of the City of Schenectady, New York, duly held on the
11th day of March, 2024.

Present: Councilmembers: Doreen Ditoro, Damonni Farley, Joseph
Mancini, John Mootooveren, Carmel Patrick, Carl Williams,
and Marion Porterfield

Absent: [None]

Also Present: Gary R. McCarthy, Mayor
Anthony Ferrari, Commissioner of Finance and Administration
Derek Gugumuck, Deputy Commissioner of Finance
Maxine Barasch, Corporation Counsel
Samanta Mykoo, City Clerk

Mr. Mootooveren presented the Ordinance and it was seconded by Ms. Patrick:

ORDINANCE NO. 2024-01

**BOND ORDINANCE DATED MARCH 11, 2024 AUTHORIZING
THE ISSUANCE OF NOT TO EXCEED \$9,998,684 AGGREGATE
PRINCIPAL AMOUNT OF SERIAL BONDS OF THE CITY OF
SCHENECTADY, NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW TO FINANCE A PORTION OF THE 2024
CAPITAL PLAN**

WHEREAS, the City Council of the City of Schenectady (the “City Council” and the
“City”, respectively), hereby determines that it is in the public interest of the City to authorize the
financing of the Project as defined in Section 2 hereof by the issuance of bonds and notes in an

WHEREAS, the City Council has not taken any action or adopted any local law which would require the effectiveness of this bond ordinance be subjected to a permissive or mandatory referendum;

NOW THEREFORE BE IT RESOLVED BY THIS COUNCIL AS FOLLOWS:

Section 1. There is hereby authorized to be issued serial bonds of the City in the aggregate principal amount of \$9,998,684, which includes \$133,184 to finance the Costs of Issuance, pursuant to the Local Finance Law, in order to finance the classes of objects or purposes, or specific objects or purposes, described in Section 2.

Section 2. The classes of objects or purposes, or specific objects or purposes (collectively, the "Purpose"), to be financed pursuant to this bond ordinance, the estimated maximum cost of each object or purpose, the principal amount of serial bonds authorized for each object or purpose (including Costs of Issuance allocable on a pro rata basis to each object or purpose or classes of objects or purposes), and the period of probable usefulness of each object or purpose pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance Law, are as follows:

- a. Acquisition of machinery and apparatus for construction and maintenance for use by Parks (General Fund), Waste Department (General Fund) and Bureau of Service (General Fund), including, but not limited to, (i) one (1) mobile vehicle lift, (ii) three (three) pick-up truck with plows, (iii) four (4) waste collection electric vehicles, (iv) two (2) rear loader packer trucks, (v) two (2) street sweepers, and (vi) one (1) blacktop hotbox reclaimer trailer, at an estimated maximum cost of \$1,686,464, for which \$1,686,464 principal amount of serial bonds is authorized herein, such class of objects or purposes having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of not to exceed fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds;
- b. Acquisition of replacement vehicles with a seating capacity of less than ten persons for use by the Police Department (General Fund), at an estimated maximum cost of \$655,228, for which \$655,228 principal amount of serial bonds is authorized herein, such class of objects or purposes having a period of probable usefulness of three (3) years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed three (3) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds;
- c. Acquisition of equipment for use by the Police Department (General Fund), including, but not limited to, computers, servers, body cameras, in-car video

cameras, and SOS tactical team equipment, at an estimated maximum cost of \$278,713, for which \$278,713 principal amount serial bonds is authorized herein, such class of objects or purposes having a period of probable usefulness of five (5) years pursuant to subdivision 89 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds;

- d. Acquisition of equipment for use by the Fire Department (General Fund), including, but not limited to, self-contained breathing apparatus (SCBA), air packs and related apparatus, at an estimated maximum cost of \$1,216,200, for which \$1,216,200 principal amount serial bonds is authorized herein, such class of objects or purposes having a period of probable usefulness of twenty (20) years pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds;
- e. Acquisition of equipment for use by the Utilities and Facilities Department (General Fund), including, but not limited to upgrades and replacement of information technology servers and related equipment, at an estimated maximum cost of \$202,700, for which \$202,700 principal amount serial bonds is authorized herein, such class of objects or purposes having a period of probable usefulness of five (5) years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds;
- f. Reconstruction, renovation of, and improvements to various City buildings, including, but not limited to, improvements and renovations of the City Court, Fire Station, Police Department including the kennel facility, Central Park Casino and Woodlawn bathhouse, at an estimated maximum cost of \$3,511,778, for which \$3,511,778 principal amount of serial bonds is authorized herein, such class of objects or purposes having a period of probable usefulness of twenty-five (25) years pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of not to exceed twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.
- g. Construction and reconstruction of improvements to the City water distribution system (Water Fund) including, but not limited to (i) concrete work and repairs to the City reservoir, (ii) repairs and improvements to the water distribution system and pumping well field, including equipment upgrades; and (iii) engineering and/or

construction related infrastructure, at an estimated maximum cost of \$927,353, for which \$927,353 principal amount of serial bonds is authorized herein, such class of objects or purposes having a period of probable usefulness of forty (40) years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

- h. Construction and reconstruction of improvements to the sewer systems (Sewer Fund) including, but not limited to: (i) the repair of and improvements of the City's sewer collection systems ; (ii) wastewater treatment plant improvements, including equipment replacement; (iii) South Ferry Street Pump Station upgrades, and (iii) engineering and/or construction related infrastructure, at an estimated maximum cost of \$1,520,250, for which \$1,520,250 principal amount of serial bonds is authorized herein, such class of objects or purposes having a period of probable usefulness of forty (40) years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity not to exceed forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The City Council has ascertained and hereby states that: (a) the estimated maximum cost of the classes of objects or purposes or specific objects or purposes listed in Section 2 above is \$11,008,684 (including Costs of Issuance); (b) no money has heretofore been authorized to be applied to the payment of the costs of the objects or purposes described in Section 2 hereof; and (c) the City Council plans to finance the costs of such objects or purposes from funds raised by the issuance of obligations authorized herein to permanently finance such objects or purposes and, with respect to the portion of the Purpose described in paragraph (g) of Section 2 hereto, the expenditure of \$1,010,000 from the Capital Reserve Fund.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this bond ordinance and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including renewals thereof, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, including renewals thereof, is hereby delegated to the Commissioner of Finance of the City, as chief fiscal officer of the City. Such power shall include the power to consolidate the obligations authorized herein with other obligations of the City and to authorize the use of substantially level or declining debt service in accordance with the provisions of Section 21 of the Local Finance Law. The Commissioner of Finance is hereby authorized to execute on behalf of the City all serial bonds, issued pursuant to this bond ordinance and all bond anticipation notes, including renewals thereof, issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes, including renewals thereof, and to attest such

seal. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this Ordinance.

Section 5. This Bond Ordinance shall constitute the declaration of the City's "official intent" to reimburse expenditures with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2. Except as otherwise permitted by United States Treasury Regulation Section 1.150-2, the City will not use proceeds of the Bonds or notes to reimburse itself for prior expenditures for the Purpose unless: (1) the original expenditure was made not more than 60 days prior to the adoption of this bond ordinance, (2) the reimbursement will be made within three years after the later of the date the original expenditure was paid or the date the Purpose is placed in service or abandoned.

Section 6. The City Clerk of the City shall cause a summary of this bond ordinance to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Daily Gazette, a newspaper having a general circulation in the City. The validity of the Bonds authorized by this bond ordinance and of bond anticipation notes issued in anticipation of the sale of such Bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this bond ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due.

Section 8. The City intends to issue the obligations authorized by this bond ordinance to finance the costs of the purposes described in Section 2 hereof. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except, to the extent applicable, for the alternative minimum tax imposed on individuals by the Code) or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of such obligations until the date which is 60 days after the final maturity date or earlier prior redemption date thereof.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized pursuant to this ordinance (the "obligations"), the City agrees, in

accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule.

Section 10. The City Council hereby determines that the above proposed actions, individually and cumulatively, do not exceed the thresholds established under 6 NYCRR Part 617, of the State Environmental Quality Review Act ("SEQRA"); the proposed action is a Type II action in accordance with the SEQRA regulations; and no further review of the proposed actions is required under SEQRA.

Section 11. The law firm of Barclay Damon LLP is hereby appointed to serve as bond counsel to the City in connection with the issuance of the Bonds.

Section 12. This bond ordinance shall take effect immediately upon its adoption by the City Council of the City.

AYES

NAYS

ABSENT

ADOPTED LOST by the following vote (a majority of all members voting in the affirmative negative)

| Council Member | AYE | NAY |
|--------------------|-----|-----|
| Doreen Ditoro | ✓ | |
| Damonti Farley | ✓ | |
| Joseph Mancini | ✓ | |
| John Mootooveren | ✓ | |
| Carmel Patrick | ✓ | |
| Marion Porterfield | ✓ | |
| Carl Williams | ✓ | |
| TOTAL | 7 | 0 |

ORDINANCE RESOLUTION LOCAL LAW
 ADOPTED unanimously ~~LOST~~ March 11, 2024
 Approved by Mayor March 13, 2024
 Vetoed by Mayor _____

STATE OF NEW YORK)
) SS.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the City of Schenectady, do hereby certify as follows:

1. A Regular Meeting of the City Council of the City of Schenectady, State of New York, was duly held on March 11, 2024, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the Minutes of meetings of said Council. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extract.

2. Said Minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of said Council who attended said meeting.

3. Public Notice of the time and place of said meeting was duly given to the public and the news media in accordance with Article 7 of the Public Officers Law (the “Open Meetings Law”) and that the members of said Council had due notice of said meeting and that the meeting was in all respects duly held and a quorum was present and acted throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of Schenectady this ____ day of March, 2024.

City Clerk

[SEAL]

LEGAL NOTICE

The bond ordinance, a summary of which is published herewith, has been adopted on the 11th day of March, 2024, and the validity of the obligations authorized by such ordinance may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of Schenectady is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

A complete copy of the bond ordinance summarized herewith is available for public inspection during regular business hours at the Office of the City Clerk of the City of Schenectady for a period of twenty days from the date of publication of this Notice.

Samanta Mykoo
City Clerk

BOND ORDINANCE DATED MARCH 11, 2024 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,998,684 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OF THE CITY OF SCHENECTADY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE A PORTION OF THE 2024 CAPITAL PLAN

| <u>Class of objects or purposes (General Fund)/Maximum Cost:</u> | <u>Maximum Cost/Maximum Obligations</u> | <u>Period of probable usefulness:</u> |
|---|---|---------------------------------------|
| a. Acquisition of machinery and apparatus for construction and maintenance for use by Parks (General Fund), the Waste Department (General Fund) and the Bureau of Service (General Fund), including, but not limited to, (i) one (1) mobile vehicle lift, (ii) three (3) pick-up trucks with plows, (iii) six (6) electric vehicles, (iv) two (2) rear loader packer trucks, (v) two (2) street sweepers, and (vi) one (1) blacktop hotbox reclaimer trailer. | \$1,686,464 | 15 years |
| b. Acquisition of replacement vehicles with a seating capacity of less than ten persons for use by the Police Department (General Fund). | \$655,228 | 3 years |
| c. Acquisition of equipment for use by the Police Department (General Fund), including, but not limited to, replacement computers, servers, body cameras, SOS tactical team equipment. | \$278,713 | 5 years |
| d. Acquisition of equipment for use by the Fire Department (General Fund), of self-contained breathing apparatus (SCBA) air packs and related apparatus. | \$1,216,200 | 20 years |
| e. Acquisition of equipment for use by the Utilities and Facilities Department (General Fund), including, but not limited to upgrades and replacement of information technology servers and related equipment. | \$202,700 | 5 years |
| f. Reconstruction, renovation of, and improvements to various City buildings, including but not limited to improvements and renovations of the City Court, Fire Station, Police Department including the kennel facility, Central Park Casino and Woodlawn bathhouse roof replacement. | \$3,511,778 | 25 years |

- | | | | |
|----|---|---------------------------|----------|
| g. | Construction and reconstruction of improvements to the City water distribution system (Water Fund) including, but not limited to (i) concrete work and repairs to the City reservoir, (ii) repairs and improvements to the water distribution system and pumping well field, including equipment upgrades; and (ii) engineering and/or construction related infrastructure. | \$1,937,353/ \$927,353 | 40 years |
| h. | Construction and reconstruction of improvements to the sewer systems (Sewer Fund) including, but not limited to: (i) the repair of and improvements of the City's sewer collection systems ; (ii) wastewater treatment plant improvements, including equipment replacement; (iii) and (iii) South Ferry Street Pump Station upgrades, and (iii) engineering and/or construction related infrastructure. | \$1,520,250 | 40 years |

Estimated Maximum Cost: \$11,008,684

Amount of obligations to be issued: \$9,998,684

Amount to be expended from the Capital Reserve Fund: \$1,010,000