

RESOLUTION NO. 637 -2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF THE PARTIAL INTEREST IN THE JOHN P. COHALAN COURT COMPLEX, CONSTITUTING THE PORTION OF FACILITY NOT CURRENTLY OWNED BY THE COUNTY, FROM THE SUFFOLK COUNTY JUDICIAL FACILITIES AGENCY (CAPITAL PROJECT 1137)

WHEREAS, the Suffolk County Judicial Facilities Agency was established in 1999 for the purpose of purchasing from the NYS Dormitory Authority an interest in the John P. Cohalan Court Complex; and

WHEREAS, on September 1, 1999, the Suffolk County Judicial Facilities Agency ("Agency") issued Service Agreement Revenue Bonds for the acquisition from the NYS Dormitory Authority an interest in the John P. Cohalan Court Complex; and

WHEREAS, the Agency Service Agreement Revenue Bonds are special obligations payable from moneys received by the Agency from Suffolk County as service fee payments pursuant to a Service Agreement between the Agency and Suffolk County; and

WHEREAS, Suffolk County is presented with an opportunity to acquire from the Agency the portion of the John P. Cohalan Court Complex Facility not currently owned by the County; and

WHEREAS, this acquisition of the portion of the John P. Cohalan Court Complex Facility not currently owned by the County will result in a substantial savings to Suffolk County due to the lower interest rates available on Suffolk County General Obligation Serial Bonds and due to the fact that no bond insurance will be required for the issuance of these serial bonds as a result of Suffolk County's strong bond rating; and

WHEREAS, in addition, the current Debt Service Reserve Fund of the Agency is required to be utilized to pay down the current debt service on the outstanding Service Agreement Revenue Bonds reducing the amount required to defease these revenue bonds; and

WHEREAS, a CHARTER LAW entitled "A Charter Law To Implement a Cost Saving Measure to Help Mitigate Budgetary Shortfall" has been adopted which waives the requirement that an increase in the Capital Budget and Program during the fiscal year be offset by a corresponding reduction in the Capital Budget and Program in order for the County to purchase the Agency's interest in the John P. Cohalan Court Complex; and

WHEREAS, Resolution No. 471-1994 and as amended by Resolution No. 461-2006, has established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$66,000,000 in Suffolk County General Obligation Serial Bonds; now, therefore be it

1st **RESOLVED**, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes an unlisted action, pursuant to 6 NYCRR; and be it further

2nd **RESOLVED**, and determined that implementation of this action will not have significant adverse impacts on the environment for the following reasons:

1. the action simply involves the acquisition of the partial interest in an existing facility, the John P. Cohalan Court Complex, constituting the portion of the facility not currently owned by the County; and
2. the proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
3. the proposal does not significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;

and be it further

3rd **RESOLVED**, that in accordance with Section 279-5 (c)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution; and be it further

4th **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty (60) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

5th **RESOLVED**, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request under Capital Project 1137 and pursuant to the Suffolk County Charter, Section C4-13 (B) an offsetting authorization is not required on the amendment to finance the County's acquisition of Suffolk County Judicial Facilities Agency's interest in the John P. Cohalan Court Complex located in Central Islip, New York; and be it further

6th **RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1137
Project Title: Acquisition of the John P. Cohalan Court Complex from the Suffolk County Judicial Facilities Agency

	Current 2009 Capital	Revised 2009 Capital
Total		

	<u>Est'd Cost</u>	<u>Budget & Program</u>	<u>Budget & Program</u>
3. Construction	\$66,000,000	\$0	\$66,000,000B
TOTAL	<u>\$66,000,000</u>	<u>\$0</u>	<u>\$66,000,000</u>

and be it further

7th **RESOLVED**, that the proceeds of \$66,000,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

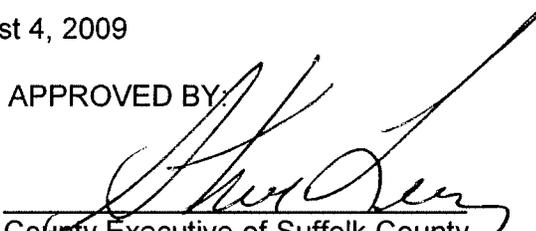
<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1137.310 (Fund 001-Debt Service)	Acquisition of the Portion of the John P. Cohalan Court Complex, Not Currently Owned by the County, from the Suffolk County Judicial Facilities Agency	\$66,000,000

and be it further

8th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreements and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED: August 4, 2009

APPROVED BY:


County Executive of Suffolk County

Date:

AUG 1 2 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 4, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Clerk of the Legislature

Intro. Res. 1609

Res. No. 631

August 4, 2009

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Brian BEEDENBENDER	/				
6	Daniel P. LOSQUADRO	/				
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Cameron ALDEN	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO	/				
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	18				

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee
Table Subject To Call
Lay On The Table
Discharge
Take Out of Order
Reconsider
Waive Rule _____
Override Veto
Close
Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote