



**COMMON COUNCIL MEETING
FINANCE, ASSESSMENT & TAXATION COMMITTEE
Ginnie Farrell, Chair**

DATE: Tuesday, January 21, 2020

PLACE: City Court Room 209 – 2nd Fl. City Hall

TIME: 5:30 p.m.

TOPIC(S) OF DISCUSSION/CONSIDERATION:

- 22.101.19 AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$225,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$225,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- Roadway Striping)
- 23.101.19 AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,357,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,357,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- VEHICLES)
- 24.101.19 AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- BUILDING IMPROVEMENTS)
- 28.101.19 AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (BRIDGE IMPROVEMENTS)
- 29.101.19 AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ENGINEERING- RENOVATIONS TO CITY BUILDINGS)
- 48.122.19(MC) AN ORDINANCE AMENDING ORDINANCE 2.21.18, ENTITLED: “AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,799,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,799,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (EQUIPMENT)” , AS ADOPTED BY THE COMMON COUNCIL ON MARCH 5, 2018, IN RELATION TO A REDUCTION IN THE MAXIMUM AUTHORIZED TO BE BORROWED BY THE ISSUANCE OF SERIAL BONDS FOR EQUIPMENT PURCHASES THEREUNDER FROM \$1,799,000 TO \$799,000

PUBLIC COMMENT PERIOD: YES

Council Member

introduced the following:

Ordinance Number 22.101.19

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$225,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$225,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- Roadway Striping)

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Roadway Striping

Local Finance Law Section 11 Subparagraph 20(c)

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: \$225,000.00

Maximum Amount of Bonds: \$225,000.00

Comptroller's Bond Authorization Numbers: B-20

Comptroller's Project Numbers: GH.3120.3310.9002

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$225,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Council Member

introduced the following:

Ordinance Number 23.101.19

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,357,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,357,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- VEHICLES)

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: vehicles

Local Finance Law Section 11 Subparagraph 77

Period of Probable Usefulness: 3 years

Maximum Term of Obligations: 3 years

Maximum Estimated Cost: \$1,357,000.00

Maximum Amount of Bonds: \$1,357,000.00

Comptroller's Bond Authorization Numbers: C-20

Comptroller's Project Numbers: GH.3120.9003

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$1,357,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Council Member

introduced the following:

Ordinance Number 24.101.19

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$300,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$300,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (APD- Building Improvements)

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: building improvements

Local Finance Law Section 11 Subparagraph 12(a)(1)

Period of Probable Usefulness: 30 years

Maximum Term of Obligations: 30 years

Maximum Estimated Cost: \$300,000.00

Maximum Amount of Bonds: \$300,000.00

Comptroller's Bond Authorization Numbers: E-20

Comptroller's Project Numbers: GH.3120.9005

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$300,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Council Member

introduced the following:

Ordinance Number 28.101.19

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (BRIDGE IMPROVEMENTS)

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Bridge improvements

Local Finance Law Section 11 Subparagraph 10

Period of Probable Usefulness: 20 years

Maximum Term of Obligations: 20 years

Maximum Estimated Cost: \$500,000.00

Maximum Amount of Bonds: \$500,000.00

Comptroller's Bond Authorization Numbers: K-20

Comptroller's Project Numbers: GH.1440.9011

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$500,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Council Member

introduced the following:

Ordinance Number 29.101.19

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$500,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$500,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ENGINEERING- RENOVATIONS TO CITY BUILDINGS)

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Renovations to City buildings

Local Finance Law Section 11 Subparagraph 12(a)(1)

Period of Probable Usefulness: 25 years

Maximum Term of Obligations: 25 years

Maximum Estimated Cost: \$500,000.00

Maximum Amount of Bonds: \$500,000.00

Comptroller's Bond Authorization Numbers: L-20

Comptroller's Project Numbers: GH.1440.9012

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of \$500,000.00 serial bonds hereby authorized to be issued.

Section 3. It is hereby ordered and directed that the projects specified above be undertaken and the amounts set forth as the maximum estimated costs are hereby appropriated therefor. The Board of Contract and Supply is hereby authorized to take such necessary and further steps to carry out the provisions of this section.

Section 4. Pending the sale of the bonds herein authorized, the temporary use of funds from the City's general fund, pursuant to the provisions of section 165.10 of the New York Local Finance Law, is hereby authorized. The City reasonably expects to reimburse such temporary expenditures with the proceeds of the bonds or bond anticipation notes authorized by section 1 of this ordinance. This ordinance shall constitute the City's "official intent" to reimburse such temporary expenditures in accordance with United States Treasury Regulation section 1.150-2.

Section 5. The faith and credit of the City of Albany, New York are hereby irrevocably pledged for the payment of the principal of and interest on such leases or bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such leases or bonds becoming due and payable in such year and such debt service payments may be made in substantially level or declining amounts as may be authorized by law. There shall annually be levied on all taxable real property of said City, a tax sufficient to pay the principal of and interest on such leases or bonds as the same become due and payable.

Section 6. Subject to the provisions of the New York Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated in the City comptroller, as chief fiscal officer of the City of Albany. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of Local Finance Law.

Section 7. The City Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the leases or bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 8. The City Comptroller is further authorized to enter into a continuing disclosure agreement with the initial issuer of the leases or the purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

Section 9. The validity of such leases or bonds and bond anticipation notes may be contested only if:

(a) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this ordinance pursuant to Section 8 hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publications, or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. Upon this ordinance taking effect, the Clerk of the Common Council is hereby authorized and directed to publish the same together with a notice in substantially the form set forth in section 81.00 of the New York Local Finance Law.

Section 11. It is hereby determined that except as hereinafter specified, the authority and funding of the projects aforesaid constitute either unlisted of Type II actions under the New York State Environmental Quality Review Act and the regulations promulgated thereunder having no adverse effect upon the environment.

Section 12. This ordinance shall be dated February 5 and shall take effect immediately upon passage.

**APPROVED AS TO FORM
September 27, 2019**

Council Member Doesschate introduced the following:

Ordinance 48.122.19 (MC)

AN ORDINANCE AMENDING ORDINANCE 2.21.18, ENTITLED: "AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,799,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,799,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (EQUIPMENT)", AS ADOPTED BY THE COMMON COUNCIL ON MARCH 5, 2018, IN RELATION TO A REDUCTION IN THE MAXIMUM AUTHORIZED TO BE BORROWED BY THE ISSUANCE OF SERIAL BONDS FOR EQUIPMENT PURCHASES THEREUNDER FROM \$1,799,000 TO \$799,000

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. The title, and sections 1 and 2 of Ordinance Number 2.21.18, as adopted by the Common Council on March 5, 2018, are amended to read as follows:

AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF ~~\$1,799,000.00~~ \$799,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF ~~\$1,799,000.00~~ \$799,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (EQUIPMENT).

Section 1. The objects or purposes to be authorized and financed pursuant to this ordinance are set forth below, together with estimates of the maximum estimated costs thereof; determinations of the periods of probable usefulness thereof and the subparagraphs of Section 11.00(a) of the New York Local Finance Law pursuant to which it is determined; the maximum amount of the bonds to be issued with respect to such object or purpose and the maximum term of the obligations to be issued with respect to each project or purpose.

Object or Purpose: Purchase and replacement of equipment

Local Finance Law Section 11.00(a) Subparagraph 28

Period of Probable Usefulness: 15 years

Maximum Term of Obligations: 15 years

Maximum Estimated Cost: ~~\$1,799,000.00~~ \$799,000.00

Maximum Amount of Bonds: ~~\$1,799,000.00~~ \$799,000.00

Comptroller's Bond Authorization Numbers: B-18

Comptroller's Project Numbers: GH 149114908802

Section 2. The plan of financing such objects or purposes is the lease financing of or the issuance of ~~\$1,799,000.00~~ \$799,000.00 serial bonds hereby authorized to be issued.

Section 2. This ordinance shall be dated December 16, 2019 and shall take effect upon its approval by the Board of Estimate and Apportionment of the City of Albany and shall be deemed to have been in full force and effect on the same day as Ordinance 2.21.18 as adopted by the Common Council on March 5, 2018 took effect.

TO: Danielle Gillespie, City Clerk
FROM: Judy Doesschate, Member, Albany Common Council
RE: Supporting Memorandum

DATE: December 16, 2019

ORDINANCE NUMBER 48.122.19

AN ORDINANCE AMENDING ORDINANCE 2.21.18, ENTITLED: “AN ORDINANCE AUTHORIZING CERTAIN PURCHASES BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$1,799,000.00 AND AUTHORIZING THE LEASE FINANCING OR THE ISSUANCE OF \$1,799,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (EQUIPMENT)” , AS ADOPTED BY THE COMMON COUNCIL ON MARCH 5, 2018, IN RELATION TO A REDUCTION IN THE MAXIMUM AUTHORIZED TO BE BORROWED BY THE ISSUANCE OF SERIAL BONDS FOR EQUIPMENT PURCHASES THEREUNDER FROM \$1,799,000 TO \$799,000

GENERAL PURPOSE OF LEGISLATION

To revise ordinance 2.21.18 to reduce the amount of the authorization to the amount of funds already spent and encumbered in Comptroller’s Account GH 149114908802, thereby eliminating \$1,000,000 of the \$1,249,000 authorized for spending on Waste and Recycling Carts that is no longer needed.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

The City’s borrowing practices has put the City up against the debt limits established by the City in 2008. There is a need to reign in borrowing to bring it within the City’s debt policy limits.

In 2018, the Department of General Services requested \$1,799,000 in borrowing authorization, which included \$1,249,000 in borrowing for “Waste and Recycling Carts.” The Common Council was told this funding was needed so that the City could complete its purchases for new recycling carts and purchase waste carts that were needed to begin to pilot and roll out a “Pay as you throw” curbside waste collection program. The administration subsequently decided to defer any action on that plan, and the Common Council has recently learned that the funds intended for waste and recycling carts for other equipment purchases. This was not the intent of the Common Council at the time it approved the \$1,799,000. Additionally, the Budget Office and Treasurer’s office have recently provided the Council with a chart with all balances in previously authorized accounts that shows there is approximately \$345,000 in unspent and unencumbered funds in bonding accounts for equipment purchases for the Department of General Services that could be used to cover most equipment purchases in 2020. Many of the equipment purchases identified by the Department of General Services are also operating expenses that should not be borrowed for. It should be noted that this bonding authorization does not impact funds spent or encumbered in 2019, although it appears some of the purchases planned with those funds may not have been previously presented to the Council.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

This resolution needs to be acted on with other bonding requests for 2020 so that the Common Council can be confident authorized borrowing for 2020 will not exceed the City’s debt policy limits.

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

This will reduce annual debt service over the next 8-13 years by approximately \$100,000 a year and eliminate unnecessary interest payments in 2020 and after for borrowing on funds that are not being used in 2020, 2021, and 2022
