

CALENDAR

for

SPECIAL MEETING OF THE COUNCIL

of the

CITY OF LONG BEACH

held

FRIDAY, JUNE 23, 2017

1. Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the City's Local Share of the Cost of Improvements to the City's Wastewater Treatment Plant to Implement Consolidation with Nassau County's Bay Park Wastewater Treatment Plant, Stating the Estimated Total Cost Thereof is \$18,000,000, Appropriating Said Amount Therefor, and Authorizing the Application of \$11,700,000 Grant Funds Expected to be Received from the New York State Environmental Facilities Corporation or Any Other Source and the Issuance of Not to Exceed \$6,300,000 Bonds of Said City to Finance Said Appropriation.

June 23, 2017

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an Ordinance Authorizing Financing for the City's Local Share of the Cost of Improvements to the City's Wastewater Treatment Plant to Implement Consolidation with Nassau County's Bay Park Wastewater Treatment Plant, Stating the Estimated Total Cost Thereof is \$18,000,000, Appropriating Said Amount Therefor, and Authorizing the Application of \$11,700,000 Grant Funds Expected to be Received from the New York State Environmental Facilities Corporation or Any Other Source and the Issuance of Not to Exceed \$6,300,000 Bonds of Said City to Finance Said Appropriation.

WHEREAS, there has been presented to this Council the following proposed Bond Ordinance:

“BOND ORDINANCE DATED JULY 18, 2017.

AN ORDINANCE AUTHORIZING FINANCING FOR THE CITY'S LOCAL SHARE OF THE COST OF IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT PLANT TO IMPLEMENT CONSOLIDATION WITH NASSAU COUNTY'S BAY PARK WASTEWATER TREATMENT PLANT, STATING THE ESTIMATED TOTAL COST THEREOF IS \$18,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE APPLICATION OF \$11,700,000 GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION OR ANY OTHER SOURCE AND THE ISSUANCE OF NOT TO EXCEED \$6,300,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.”

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach, the title and the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a meeting of the City Council to be held at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on July 18, 2017 at 7:00 p.m. on that day.

AN ORDINANCE AUTHORIZING FINANCING FOR THE CITY'S LOCAL SHARE OF THE COST OF IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT PLANT TO IMPLEMENT CONSOLIDATION WITH NASSAU COUNTY'S BAY PARK WASTEWATER TREATMENT PLANT, STATING THE ESTIMATED TOTAL COST THEREOF IS \$18,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE APPLICATION OF \$11,700,000 GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION OR ANY OTHER SOURCE AND THE ISSUANCE OF NOT TO EXCEED \$6,300,000 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION

BE IT ENACTED, by the Council of the City of Long Beach, Nassau County, New York, as follows:

Section 1. The City of Long Beach, Nassau County, New York (herein called the "City" and "County" respectively), is hereby authorized to finance the City's share of the cost of the initial phase of improvements to the City's Wastewater Treatment Plant to implement consolidation with the County's Bay Park Wastewater Treatment Plant; all in accordance with (i) an intermunicipal agreement between the City and the County; and (ii) the Order on Consent for DEC case no. CO 1-20151020-142, dated June 23, 2017. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$18,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$6,300,000 bonds of the City to finance a portion of said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable, with the expectation that \$11,700,000 grant funds expected to be received by the City from the New York State Environmental Facilities Corporation or any other source shall be used to pay a part of the cost of the project or to pay debt service on bonds or notes issued to finance the project or shall be budgeted as an offset to such taxes to be levied and collected..

Section 2. Bonds of the City in the aggregate principal amount of \$6,300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$6,300,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal

and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such ordinance or a summary 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 publication, or such obligations are authorized in violation of the provisions of the constitution.

Section 8. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of §81.00 of the Local Finance Law.