

**SENECA COUNTY
BOARD OF SUPERVISORS**

Special Board Meeting & Public Hearings
November 18, 2021

Call to Order

Chairman Hayssen called the meeting to order at 6:00 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Board of Supervisors answered roll call. Sprvrs. Barnhart, McGreevy, and Enslow were not present.

Pledge of Allegiance and Moment of Silence

Public Hearings (Sewer 1)

Proposal to improve the facilities of Seneca County Sewer District No. 1 (the “District”), consisting of, without limitation, the following upgrades to the Willard WWTP: upgrades to headworks facilities, a new packaged biological treatment system (sequencing batch reactors), new tertiary filtration system, new UV disinfection, upgraded solids handling facilities, building improvements as well as site improvements, including acquisition and installation of equipment, machinery or apparatus required in connection therewith (the “Project”), at an estimated maximum cost of \$8,799,000, as described in the Map and Plan report of Barton & Loguidice D.P.C., dated October 28, 2021 (the “Engineer’s Report”). The cost of the Project is proposed to be financed through the issuance of bonds by Seneca County on behalf of the District. The annual cost to the typical property in the District as a result of the Project has been estimated not to exceed \$340.

Sprvr. Reynolds moved the floor open to receive comment from the public. No comments, oral or written were received. Sprvr. Ferrara moved the public hearing closed.

Public Hearing (Sewer 2)

Proposal to improve the facilities of Seneca County Sewer District No. 2 (the “District”), consisting of the following improvements to the Five Points WWTP: upgrades to headworks (grit removal and screening), sludge dewatering, digesters, and effluent aeration, along with demolition of the RBCs, filtration and chemical feed buildings, and construction of a new rectangular 2-basin SBR and tertiary filtration/chemical addition, new UV disinfection and improvements to the administrative building. The project also includes the decommissioning of the Hillside WWTP as well as Improvements to five pump stations within Sewer District 2. This also includes acquisition and installation of equipment, machinery or apparatus required in connection therewith (the “Project”), at an estimated maximum cost of \$12,767,746, as described in the Map and Plan report of Barton & Loguidice, D.P.C., dated October 28, 2021 (the “Engineer’s Report”). The cost of the Project is proposed to be financed through the issuance of bonds by Seneca County on behalf of the District. The annual cost to the typical property, including debt service and operations and maintenance of the Five Points WWTP in the District as a result of the Project

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has been estimated not to exceed \$835.00.

Sprvr. Ferrara moved the floor open to received comment from the public.

Ronald Klinczar, member of, and speaking on behalf of the Seneca Lake Pure Waters Association, Jacob Welch, President: Seeking reconsideration of effluent discharge going into Reeder Creek (and thus into Seneca Lakes), which is deemed as an impaired water body on the DEC 303d list, and instead be relocated to nearby Kendig Creek...a flowing stream which discharges to the Seneca Canal...and would stop sewer discharge from going into Seneca Lake drinking water.

Written comments by Ian Smith, Seneca Watershed Intermunicipal Organization, supporting effluent discharge to be routed through Kendig Creek, were received..

Peter Baker, Barton & Loguidice, stated that their concerns were valid, and would be more appropriately addressed at the engineering phase of the project. He said the public hearings tonight are for bonding resolutions.

Sprvr. Ferrara moved the public hearing closed.

Communications

127. Seneca County Sewer District 1 Improvement, Map and Plan Draft, October 2021, Barton & Loguidice, Engineers.

128. Seneca County Sewer District 2 Improvement, Map and Plan Draft, October 2021, Barton & Loguidice, Engineers.

129. From Jacob Welch, President, Seneca Pure Waters, a letter dated November 8, 2021 regarding Sewer 2 Improvements asking the design be altered to discharge into Kendig Creek and not Redder Creek.

130. From Ian Smith, Seneca Watershed Intermunicipal Organization, a copy of a letter to County Manager Rowe, regarding Sewer 2 plans to discharge into Reeder Creek and that Kendig Creek is a better alternative.

RESOLUTION & MOTIONS

**RESOLUTION APPROVING PROPOSED IMPROVEMENTS TO THE
SENECA COUNTY SEWER DISTRICT NO. 1 SEWER FACILITIES**

RESOLUTION NO. 281-21, moved by Sprvr. Hayes, second by Sprvr. Ferrara and adopted.

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the Board of Supervisors of Seneca County, New York (the "Board of Supervisors"), established a county sewer district designated and known as Seneca County Sewer District No. 1 (the "District"); and

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WHEREAS, the sewer facilities serving properties in the District are in need of improvement, as described in the report prepared by Barton & Loguidice, D.P.C. dated October 28, 2021 (the “Engineer’s Report”); and

WHEREAS, the estimated maximum cost of the proposed improvements to the District sewer facilities, including, but not limited to, the following upgrades to the Willard Waste Water Treatment Plant: upgrades to headworks facilities, a new packaged biological treatment system (sequencing batch reactors), new tertiary filtration system, new UV disinfection, upgraded solids handling facilities, building improvements, site improvements, and the acquisition and installation of equipment, machinery or apparatus required in connection therewith (the “Project”), is \$8,799,000; and

WHEREAS, the cost of the Project is proposed to be financed through the issuance of bonds by Seneca County on behalf of the District; and

WHEREAS, the annual cost to the typical property in the District as a result of the Project and the financing thereof has been estimated to be \$340.00; and

WHEREAS, the Board of Supervisors has previously determined that the Project is a “Type I Action” under the State Environmental Quality Review Act (“SEQRA”), and that the Project will have no significant impact on the environment; and

WHEREAS, on October 26, 2021, the Board of Supervisors duly adopted a resolution calling a public hearing regarding the proposed Project; and

WHEREAS, notice of the public hearing was duly published in the manner provided by law; and

WHEREAS, the public hearing was duly held at the Seneca County Office Building located at 1 DiPronio Drive, Waterloo, New York, on November 18, 2021 at 6:00 p.m.; and

NOW, THEREFORE BE IT

RESOLVED, that upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project, as described in the Engineer’s Report, at a maximum estimated cost of \$8,799,000; and be it further

RESOLVED, the cost of the Project will be financed, in whole or in part, by the issuance of bonds of the County in the principal amount not to exceed \$8, 799,000, and the costs of the Project including payment of principal of and interest on said bonds, shall be assessed, levied and collected from the several lots and parcels of land within the District and collected from fees paid by out-of-District users; and be it further

RESOLVED, if and to the extent that the approval of the New York State Comptroller is required pursuant to County Law Section 268, the appropriate County officers and staff are hereby directed to

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prepare an application to the New York State Comptroller in the manner provided by law; and be it further

RESOLVED, that the financing of the Project shall not occur until the Board of Supervisors has adopted a Bond Resolution in accordance with the New York Local Finance Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

**BOND RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,799,000
SERIAL BONDS TO FINANCE THE COST OF IMPROVEMENTS TO THE SENECA COUNTY
SEWER DISTRICT NO. 1 SEWER FACILITIES**

RESOLUTION NO. 282-21, moved by Sprvr. Hayes, second by Sprvr. Ferrara and adopted by two-thirds majority of the Board of Supervisors, receiving 635 ayes (Hayes, Ferrara, Reynolds, Garlick Lorenzetti, Brownell, Borst, Kronenwetter, Lott, Hayssen, Trout, and Cleere); and 135 not present (Barnhart, McGreevy, and Enslow).

BE IT RESOLVED, by the Board of Supervisors of the County of Seneca, New York (the “County”) as follows:

Section 1. The County is hereby authorized to undertake improvements to the Seneca County Sewer District No. 1 (the “District”) sewer facilities including, but not limited to, the following upgrades to the Willard Waste Water Treatment Plant: upgrades to headworks facilities, a new packaged biological treatment system (sequencing batch reactors), new tertiary filtration system, new UV disinfection, upgraded solids handling facilities, building improvements, site improvements, and the acquisition and installation of equipment, machinery or apparatus required in connection therewith, at a maximum estimated cost of \$8,799,000.

Section 2. The plan for financing of such maximum authorized cost includes the issuance of not to exceed \$8,799,000 in serial bonds (the “Bonds”) of the County which are hereby authorized to be issued pursuant to this resolution and the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose set forth in Section 1 is forty (40) years pursuant to subparagraph 4 of Section 11.00 of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(1) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby

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authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds. An annual appropriation shall be made in the budget of the County for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the District especially benefited by the capital purposes described in Section 1 of this resolution an amount which, together with fees collected from out-of-District users, is sufficient to pay the principal of and interest on the Bonds and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable, but if not paid from such sources, all the taxable real property in the County shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, and 56.00 to 63.00, inclusive, of the 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 Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for substantially level or declining annual debt service, is hereby delegated to the County Treasurer.

Section 8. The Bonds, and any bond anticipation notes issued in anticipation of the Bonds, are hereby authorized to be consolidated, at the option of the County Treasurer, with the bonds and bond anticipation notes authorized by other bond resolutions approved by the Board of Supervisors for purposes of sale into one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the Bonds and bond anticipation notes with other issues of the County and the serial maturities of the Bonds are hereby delegated to the County Treasurer.

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Section 9. This resolution shall constitute the declaration of the County’s “official intent” to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The County Treasurer is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the County.

Section 11. The County Treasurer is hereby further authorized, in his sole discretion, to execute a loan agreement, a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond anticipation note and/or serial bond issue of the County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 12. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if:

- 1) (a) Such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of publication of this resolution 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
- 2) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 13. The County Treasurer is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the bonds, requiring the County to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12

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Section 14. This resolution, or a summary hereof, shall be published in the official newspapers of the County, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 15. This resolution is not subject to a mandatory or permissive referendum.

Section 16. The Board of Supervisors hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

**RESOLUTION APPROVING PROPOSED IMPROVEMENTS TO THE
SENECA COUNTY SEWER DISTRICT NO. 2 SEWER FACILITIES**

RESOLUTION NO. 283-21, moved by Sprvr. Hayes, second by Sprvr. Ferrara and adopted.

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the Board of Supervisors of Seneca County, New York (the "Board of Supervisors"), established a county sewer district designated and known as Seneca County Sewer District No. 2 (the "District"); and

WHEREAS, the sewer facilities serving properties in the District are in need of improvement, as described in the report prepared by Barton & Loguidice, D.P.C. dated October 28, 2021 (the "Engineer's Report"); and

WHEREAS, the estimated maximum cost of the proposed improvements to the District sewer facilities, including, but not limited to, (1) the following improvements to the Five Points Waste Water Treatment Plant ("WWTP"): upgrades to headworks (grit removal and screening), sludge dewatering, digesters, and effluent aeration, along with demolition of the RBCs, filtration and chemical feed buildings, and construction of a new rectangular 2-basin SBR and tertiary filtration/chemical addition, new UV disinfection and improvements to the administrative building, (2) decommissioning of the Hillside WWTP, (3) improvements to five pump stations within the District, and (4) the acquisition and installation of equipment, machinery or apparatus required in connection therewith (the "Project"), is \$12,767,746; and

WHEREAS, the cost of the Project is proposed to be financed through the issuance of bonds by Seneca County on behalf of the District; and

WHEREAS, the annual cost to the typical property in the District as a result of the Project and the financing thereof has been estimated to be \$835.00; and

WHEREAS, the Board of Supervisors has previously determined that the Project is a "Type I Action" under the State Environmental Quality Review Act ("SEQRA"), and that the Project will have no significant impact on the environment; and

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WHEREAS, on October 26, 2021, the Board of Supervisors duly adopted a resolution calling a public hearing regarding the proposed Project; and

WHEREAS, notice of the public hearing was duly published in the manner provided by law; and

WHEREAS, the public hearing was duly held at the Seneca County Office Building located at 1 DiPronio Drive, Waterloo, New York, on November 18, 2021 at 6:00 p.m.; and

NOW, THEREFORE BE IT

RESOLVED, that upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as described in the Engineer's Report, at a maximum estimated cost of \$12,767,746; and be it further

RESOLVED, the cost of the Project will be financed, in whole or in part, by the issuance of bonds of the County in the principal amount not to exceed \$12,767,746, and the costs of the Project including payment of principal of and interest on said bonds, shall be assessed, levied and collected from the several lots and parcels of land within the District and collected fees paid by from out-of-District users; and be it further

RESOLVED, if and to the extent that the approval of the New York State Comptroller is required pursuant to County Law Section 268, the appropriate County officers and staff are hereby directed to prepare an application to the New York State Comptroller in the manner provided by law; and be it further

RESOLVED, that the financing of the Project shall not occur until the Board of Supervisors has adopted a Bond Resolution in accordance with the New York Local Finance Law; and be it further

RESOLVED, that this Resolution shall take effect immediately.

**BOND RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$12,767,746
SERIAL BONDS TO FINANCE THE COST OF IMPROVEMENTS TO THE SENECA COUNTY
SEWER DISTRICT NO. 2 SEWER FACILITIES**

RESOLUTION NO. 284-21, moved by Sprvr. Hayes, second by Sprvr. Ferrara and adopted by two-thirds majority of the Board of Supervisors; receiving 635 ayes (Hayes, Ferrara, Reynolds, Garlick, Lorenzetti, Brownell, Borst, Kronenwetter, Lott, Hayssen, Trout, and Cleere); and 135 not present (Barnhart, McGreevy, and Enslow).

BE IT RESOLVED, by the Board of Supervisors of the County of Seneca, New York (the "County") as follows:

Section 1. The County is hereby authorized to undertake improvements to the Seneca County Sewer District No. 2 (the "District") sewer facilities including, but not limited to, (1) the

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following improvements to the Five Points Waste Water Treatment Plant (“WWTP”): upgrades to headworks (grit removal and screening), sludge dewatering, digesters, and effluent aeration, along with demolition of the RBCs, filtration and chemical feed buildings, and construction of a new rectangular 2-basin SBR and tertiary filtration/chemical addition, new UV disinfection and improvements to the administrative building, (2) decommissioning of the Hillside WWTP, (3) improvements to five pump stations within the District, and (4) and the acquisition and installation of equipment, machinery or apparatus required in connection therewith, at a maximum estimated cost of \$12,767,746.

Section 2. The plan for financing of such maximum authorized cost includes the issuance of not to exceed \$12,767,746 in serial bonds (the “Bonds”) of the County which are hereby authorized to be issued pursuant to this resolution and the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose set forth in Section 1 is forty (40) years pursuant to subparagraph 4 of Section 11.00 of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(1) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds. An annual appropriation shall be made in the budget of the County for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the District especially benefited by the capital purposes described in Section 1 of this resolution an amount which, together with fees collected from out-of-District users, is sufficient to pay the principal of and interest on the Bonds and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable, but if not paid from such source, all the

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taxable real property in the County shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, and 56.00 to 63.00, inclusive, of the 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 Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for substantially level or declining annual debt service, is hereby delegated to the County Treasurer.

Section 8. The Bonds, and any bond anticipation notes issued in anticipation of the Bonds, are hereby authorized to be consolidated, at the option of the County Treasurer, with the bonds and bond anticipation notes authorized by other bond resolutions approved by the Board of Supervisors for purposes of sale into one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the Bonds and bond anticipation notes with other issues of the County and the serial maturities of the Bonds are hereby delegated to the County Treasurer.

Section 9. This resolution shall constitute the declaration of the County's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. The County Treasurer is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the County.

Section 11. The County Treasurer is hereby further authorized, in his sole discretion, to execute a loan agreement, a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose

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described in Section 1 hereof, or a portion thereof, by a bond anticipation note and/or serial bond issue of the County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 12. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if:

- 1) (a) Such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of publication of this resolution 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
- 2) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 13. The County Treasurer is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the bonds, requiring the County to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 14. This resolution, or a summary hereof, shall be published in the official newspapers of the County, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 15. This resolution is not subject to a mandatory or permissive referendum.

Section 16. The Board of Supervisors hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 17. This resolution shall take effect immediately upon its adoption.

Special Order of the Day

The meeting adjourned at 6:20 p.m.