

AUTHORIZING THE EXECUTION AND DELIVERY OF A MUNICIPAL COOPERATION AGREEMENT AND RELATED DOCUMENTS BY AND AMONG THE SEVERAL MUNICIPAL CORPORATIONS, SCHOOL DISTRICTS, FIRE DISTRICTS AND/OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO PROVIDE FOR THE COOPERATIVE TEMPORARY INVESTMENT OF PUBLIC FUNDS

The Ways and Means Committee (Chairman Cummings and Legislators Busick, Noonan, Stock, Tipp, Dart, Feldmann, Lomita and Richard Parete) offers the following:

WHEREAS, Ulster County is authorized to deposit public funds, receive such deposits and temporarily invest public funds pursuant to the provisions of Sections 10 and 11 of the General Municipal Law (the "GML") and the County now exercises such powers as authorized by statute without any disability or reservation, and

WHEREAS, the County is authorized to enter into agreements with municipal corporations (as defined in Article 5-G of the GML), including school districts and boards of cooperative educational services, pursuant to Article 5-G of the GML for the purpose of exercising its functions, powers and duties on a cooperative or contract basis or for the provision of a joint service, and

WHEREAS, with respect to the temporary investment of its public funds, the County has adopted an investment policy pursuant to and consistent with Section 39 of the GML, and

WHEREAS, the County after conducting an investigation and evaluation of the benefits of exercising its power under Sections 10 and 11 of the GML on a cooperative, contract or joint service basis, and after due deliberation of the findings arising from such investigation and evaluation, determined that it is in the best interest of the County to temporarily invest a portion of its public funds on a cooperative basis pursuant to the terms of a municipal cooperation agreement, as defined in Article 3-A of the GML, and

WHEREAS, the County executed and delivered a Municipal Cooperation Agreement dated as of July 1, 2001 (the "Agreement") among the Dutchess County Board of Cooperative Educational Services, as Lead Agent (the "Lead Agent"), and various other municipal corporations, providing for cooperative investment in accordance with Article 3-A under the trade name "New York Liquid Asset Fund" ("NYLAF"), and

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WHEREAS, the Lead Agent has now recommended that the Agreement be amended in accordance with Article XIII thereof, in order to make certain changes in connection with the appointment of Key Bank National Association as Administrator, Custodian and Marketing Agent and Victory Capital Management, Inc., as Investment Advisor for NYLAF, and

WHEREAS, the Ulster County Legislature has reviewed the amended and restated Agreement approved by the Lead Agent and determined that it is in the best interests of the County to execute and deliver a counterpart of the amended and restated Agreement (the "Amended Agreement"), a true copy of which is available in the office of the Clerk of the County, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the terms, conditions and provisions of the Amended Agreement attached hereto are hereby approved, and

FURTHER RESOLVED, that Chairman of the Ulster County Legislature is hereby authorized to execute and deliver the Amended Agreement, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature is hereby authorized to affix the seal of the County thereto and attest such seal, and

FURTHER RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to affect and consent to such changes to the Amended Agreement in the form attached hereto as may be necessary or convenient in order to further carry out the purposes of the Amended Agreement and to clarify or correct the terms thereof, and

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FURTHER RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized by the Laws (as that term is defined in the Amended Agreement), which designee is an authorized employee of officer of the County, and

FURTHER RESOLVED, that the County hereby consents to the appointment of Key Bank National Association as the Administrator, Marketing Agent and Consultant, as engaged by the Lead Agent or the Governing Board as authorized under the terms of the Amended Agreement, and

FURTHER RESOLVED, that the County hereby consents to the appointment of Victory Capital management, Inc. as the Investment Advisor (as that term is defined in the Amended Agreement), as engaged by the Lead Agent as authorized under the terms of the Amended Agreement, and

FURTHER RESOLVED, notwithstanding any term or provision of the Amended Agreement to the contrary, the County may withdraw from the Amended Agreement upon not more than 30 days' written notice given to the Lead Agent or the Administrator, on behalf of the Lead Agent, by the chief fiscal officer of the County and thereafter the County's participation in the cooperative investment in Portfolio Assets (as that term is defined in the Amended Agreement) shall terminate pursuant to the terms of the Amended Agreement, and

FURTHER RESOLVED, this resolution shall be effective immediately upon its due adoption by the governing board of the County,

and moves its adoption.

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ADOPTED BY THE FOLLOWING VOTE:

AYES: 29

NOES: 0

(Absent: Legislators Aiello,
Hyatt, and Stoeckeler)

(Legislator R.S. Parete left
at 9:20 PM)

FINANCIAL IMPACT:

NONE

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