

## **RESOLUTION NO.**

### **APPROVING THE ESTABLISHMENT AND CREATION OF A CAPITAL RESERVE FUND IN THE ALBANY COUNTY BUDGET**

Introduced: 11/8/2021

By Audit & Finance Committee:

WHEREAS, Pursuant to Article 2, Section 6-c, of the New York State General Municipal Law, local municipalities are authorized to establish and create Capital Reserve Funds within in their municipal budgets as a part of planning for their future financial obligations related to certain expenditures that are contemplated by the municipality, and

WHEREAS, The Albany County Executive and the Commissioner of Management and Budget have recommended that the Albany County Legislature establish and create a Capital Reserve Fund which will be funded through budgetary appropriations approved by this Honorable Body, as well as by other permissible modes of funding as recognized by New York State law, and

WHEREAS, The Commissioner of Management and Budget has indicated that the Capital Reserve Fund shall be utilized for the purpose of accumulating monies necessary to finance costs related to furnishing, rehabilitating, renovating, and/or maintaining various municipal buildings owned and operated by Albany County, and

WHEREAS, The Commissioner has further indicated that the Capital Reserve Fund, once established, will allow the County of Albany to incrementally set aside monies sufficient to satisfy its obligations related to these recurring expenditures in the annual operating budget in a fiscally prudent manner, now, therefore, be it

RESOLVED, That this Honorable Body hereby approves of and establishes a Capital Reserve Fund within the Albany County budget which shall be utilized for the purpose of accumulating monies necessary to finance costs related to furnishing, rehabilitating, renovating, and/or maintaining various municipal buildings owned and operated by Albany County, and, be it further

RESOLVED, That the initial amount budgeted for the Capital Reserve Fund for the fiscal year 2022 budget shall be in the amount of \$3,749,172 as recommended by the Albany County Executive and Commissioner of Management and Budget, and, be it further, and, be it further

RESOLVED, That the Albany County Comptroller, in conjunction with the Commissioner of Management and Budget, are hereby authorized to deposit, secure, and invest the monies allocated to Capital Reserve Fund in the manner recognized

under Article 2, Section 10 & Section 11, of the New York State General Municipal law and consistent with the current Albany County investment policy, and, be it further

RESOLVED, That any interest earned or capital gains realized on the monies so deposited, secured, and/or invested shall accrue to and become part of the Capital Reserve Fund, and, be it further

RESOLVED, That the Albany County Comptroller, and the Commissioner of Management and Budget, shall collaboratively work to ensure that the Capital Reserve Fund maintains its own separate identity from the General Fund and shall maintain a record which shows: (1) the date and amount of each sum paid into the fund; (2) interest earned by the fund; (3) capital gains or losses resulting from the sale of investments of the fund; (4) the amount and date of each withdrawal from the fund; and (5) the total assets of the fund showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Albany County Legislature a detailed report of the operation and condition of the Capital Reserve Fund, and, be it further

RESOLVED, That except as otherwise provided by law, expenditures from the Capital Reserve Fund shall be made only for the purposes for which the fund has been established, and, be it further,

RESOLVED, That no expenditure shall be made from the Capital Reserve Fund without explicit approval of the Albany County Legislature, and such expenditure, once approved, shall be made in accordance with the requirements of Section 6-c of the New York State General Municipal Law and any other applicable law, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.