

Warren County Board of Supervisors

RESOLUTION NO. 105 OF 2013

Resolution introduced by Supervisors Girard, Wood, Loeb, Westcott and Mason

INTRODUCING PROPOSED LOCAL LAW NO. 5 OF 2013 AND AUTHORIZING PUBLIC HEARING THEREON

Resolution Withdrawn (by Resolution No. 124 of 2013)

RESOLVED, that proposed Local Law No. 5 of 2013 titled “A Local Law Superceding County Law Section 215 and Authorizing the Lease of a Portion of the Warren County Human Services Building in the Town of Queensbury without Public Advertisement or Auction”, attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and a public hearing shall be held at the Supervisors’ Rooms in the Warren County Municipal Center on the 15th day of March, 2013 at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 5 of 2013, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

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COUNTY OF WARREN

PROPOSED LOCAL LAW NO. 5 OF 2013

A LOCAL LAW SUPERCEDING COUNTY LAW SECTION 215 AND AUTHORIZING
THE LEASE OF A PORTION OF THE WARREN COUNTY HUMAN SERVICES BUILDING
IN THE TOWN OF QUEENSBURY WITHOUT PUBLIC ADVERTISEMENT OR
AUCTION

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. Legislation Intent and Purpose. This Local Law is enacted to supercede County Law Section 215 and authorize the Warren County Board of Supervisors (“Board of Supervisors”), in the name of and on behalf of the County of Warren (“County”), to enter into a lease of the property identified in Section 3 hereof and thereby obtain a reasonable return on property not needed for County purposes. The purpose of superceding County Law Section 215 is to avoid the need to advertise and thereafter lease a portion or all of the property identified in Section 3 hereof to the highest bidder following public auction. This Local Law will provide the Board of Supervisors, for the benefit of the County, authority to lease the property identified in Section 3 hereof to New York State, a government entity engaged in government operations and more specifically, the New York State Department of State, Bureau of Administrative Support Services. The State of New York intends to utilize the leased property for administrative office space, a use which is completely compatible with the County’s intended and current use of the Human Services Building. In addition, the lease rental paid by New York State under the Lease is the same or substantially the same as the rates New York State reimburses the County for certain mandated or non-mandated services conducted by the County in the Human Services Building.

SECTION 2. County Law Section 215 Amended and/or Superceded. It is the intent of this Local Law to supercede County Law Section 215(6) which provides that property no longer necessary for public use “...may be sold or leased only to the highest responsible bidder after public advertisement.” It is desired to provide authority for a lease of certain County property more specifically described in Section 3 hereof under the circumstances set forth in this Local Law and without public advertisement or auction.

SECTION 3. Description of County Owned Real Property Affected by Local Law. The property which is the subject of this Local Law is described as follows: two hundred, plus/minus (200±) square feet of office space

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located within the Warren County Human Services Building which building is located at 19 Glen Lake Road, Lake George, Warren County, New York. The lease of the property may be subject to any terms or conditions deemed advisable by the Board of Supervisors.

SECTION 4. Authorization to Lease Certain County Property in the Town of Queensbury. The Board of Supervisors is hereby authorized and empowered, without public advertisement or auction and in the name of and on behalf of the County, to enter into a lease with New York State and more specifically the New York State Department of State, Bureau of Administrative Support Services for two hundred, plus/minus (200±) square feet of office space located within the Warren County Human Services Building described in Section 3 hereof together with such other reasonably related property rights as the Board of Supervisors may deem appropriate, provided that: (A) the annual or monthly rental is in an amount determined by the Board of Supervisors to represent a reasonable return; (B) the lease is for a term up to but no longer than one (1) year with a right of mutual renewal for up to five (5) consecutive one (1) year terms; (C) the use of the property be limited to that of administrative office space and otherwise compatible with and appropriate for the Warren County Human Service Building; (D) the Lessee provides insurance and agrees to defend, indemnify and hold harmless the County, its boards, officers, employees and agents to the extent to be determined by the Board of Supervisors; and (E) the lease agreement may contain such other and further terms and conditions as may be deemed advisable by the Board of Supervisors and be generally in a form approved by the County Attorney.

SECTION 5. Nature and Extent of Authority. Determination that the County property is not needed. The authority provided in Section 4 hereof is optional and the Board of Supervisors shall at all times have the option of authorizing or not authorizing the lease of the property as allowed herein for by this Local Law or State Statute. Further, this Local Law shall not be deemed to require the Board of Supervisors to authorize a lease of the property to the State of New York or any other entity or individual if the Board of Supervisors is unable to obtain an agreement upon terms agreeable to the Board of Supervisors, or if the Board of Supervisors should determine, at any time including after the date this Local Law shall become effective, that it is in Warren County's best interest, for whatever reason, not to complete the transaction authorized by this Local Law. Finally, the Board of Supervisors shall, by resolution adopted by majority vote and before authorizing any lease agreement, make a determination as to whether

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the property to be leased is needed for County purposes.

SECTION 6. Local Law Subject to Referendum on Petition. This Local Law shall not take effect until at least forty-five (45) days after its adoption nor until approved by the affirmative vote of a majority of the qualified electors of Warren County voting on a proposition for its approval if, within forty-five (45) days after adoption, there shall be filed with the Clerk a petition protesting against such Local Law, signed and authenticated as required by the Municipal Home Rule Law of the State of New York. The Clerk shall publish this Local Law or abstract thereof and take such further action as may be required by the Municipal Home Rule Law concerning this Local Law.

SECTION 7. Severability. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 8. Effective Date. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.