

# PRELIMINARY OFFICIAL STATEMENT DATED AUGUST 14, 2023

## SERIAL BONDS

Ratings: See "Ratings" herein

*In the opinion of Harris Beach PLLC, Bond Counsel to the County, under existing statutes, regulations, administrative rulings, and court decisions, and assuming continuing compliance by the County with its covenants relating to certain requirements contained in the Internal Revenue Code of 1986, as amended (the "Code"), and the accuracy of certain representations made by the County, interest on the Bonds is excluded from gross income of the owners thereof for Federal income tax purposes and is not an "item of tax preference" for purposes of the Federal alternative minimum tax imposed on individuals. However, for tax years beginning after December 31, 2022, interest on the Bonds held by certain corporations that are subject to the Federal corporate alternative minimum tax is included in the computation of "adjusted financial statement income" for purposes of the Federal alternative minimum tax imposed on such corporations. Bond Counsel is also of the opinion that under existing statutes interest on the Bonds is exempt from personal income taxes imposed by the State of New York or any political subdivision thereof (including The City of New York). No opinion is expressed regarding other Federal or State tax consequences arising with respect to the Bonds. See "TAX MATTERS" herein.*

*The Bonds will be designated by the County as "qualified tax-exempt obligations" pursuant to Section 265 of the Code*

## COUNTY OF NIAGARA STATE OF NEW YORK

**\$6,460,000**

### GENERAL OBLIGATION SERIAL BONDS - 2023 (the "Bonds")

**Dated Date: Date of Delivery**

**Maturity Date: September 1, 2024-2033**

The Bonds are general obligations of the County of Niagara, New York (the "County"). The County has pledged its faith and credit for the payment of the principal of and interest on the Bonds and, unless paid from other sources, the Bonds are payable from ad valorem taxes which may be levied upon all the taxable real property within the County, subject to certain applicable statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended (the "Tax Levy Limitation Law"). See "TAX LEVY LIMITATION LAW," herein.

The Bonds will be issued as registered bonds to the Depository Trust Company ("DTC" or the "Securities Depository").

The Bonds will be issued through DTC and will be registered in the name of Cede & Co., as nominee of DTC in New York, New York, which will act as Securities Depository for the Bonds (see "Book-Entry-Only System" herein). Individual purchases will be made in book-entry-only form, in the principal amount of \$5,000 or integral multiples thereof. Purchasers of the Bonds will not receive certificates representing their ownership interest in the Bonds. Payments of principal of and interest on the Bonds will be made by the District to DTC, which will in turn remit such principal and interest to its Participants, for subsequent distribution to the Beneficial Owners of the Bonds.

The Bonds will be dated their Date of Delivery and will bear interest from that date until maturity at the annual rate or rates as specified by the purchaser of the Bonds, with interest payable on September 1, 2024 and semi-annually thereafter on March 1 and September 1 in each year to maturity. The Bonds will mature on September 1 in each year in the principal amounts and will bear interest at the rates as shown on the inside cover page hereof. Certain maturities of the Bonds will be subject to optional redemption prior to maturity, see "THE BONDS - Optional Redemption for the Bonds" herein.

Interest on the Bonds will be calculated on a 30-day month and 360-day year basis, payable at maturity.

Harris Beach PLLC has not participated in the preparation of the demographic, financial or statistical data contained in this Official Statement, nor verified the accuracy, completeness or fairness thereof, and, accordingly, expresses no opinion with respect thereto. Capital Markets Advisors, LLC has served a Municipal Advisor to the County in connection with the issuance of the Bonds.

The Bonds are offered when, as and if issued and received by the purchaser(s) and subject to the receipt of the final approving opinions of Harris Beach PLLC, Buffalo, New York, Bond Counsel to the County, and certain other conditions. It is anticipated that the Bonds will be available for delivery on or about September 7, 2023.

THIS PRELIMINARY OFFICIAL STATEMENT IS IN A FORM DEEMED FINAL BY THE COUNTY FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 (THE "RULE"). FOR A DESCRIPTION OF THE COUNTY'S AGREEMENT TO PROVIDE CONTINUING DISCLOSURE FOR THE BONDS AS DESCRIBED IN THE RULE, SEE "DISCLOSURE UNDERTAKINGS," HEREIN.

Dated: August \_\_\_\_, 2023

This Preliminary Official Statement and the information contained in it are subject to completion and amendment in a final Official Statement. This Preliminary Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, and there may not be any sale of the Bonds offered by this Preliminary Official Statement, in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to the registration or qualification under the securities laws of that jurisdiction.

The Bonds will mature on September 1 in the following years and principal amounts:

<u>Maturity</u>	<u>Amount*</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP**</u>
2024	540,000			
2025	560,000			
2026	580,000			
2027	605,000			
2028	630,000			
2029	655,000			
2030	680,000			
2031	710,000			
2032***	735,000			
2033***	765,000			

\* The principal amounts of the Bonds are subject to adjustment following their sale pursuant to the terms of the accompanying Notice of Sale.

\*\* CUSIP numbers have been assigned by an independent company not affiliated with the County and are included solely for the convenience of the holders of the Bonds. The County is not responsible for the selection or uses of these CUSIP numbers and no representation is made to their correctness on the Bonds or as indicated above.

\*\*\* Subject to optional redemption prior to maturity. (See "*Optional Redemption*" herein.)

**COUNTY OF NIAGARA  
STATE OF NEW YORK**

**COUNTY MANAGER  
Richard E. Updegrave**

**COUNTY TREASURER AND  
CHIEF FISCAL OFFICER  
Kyle R. Andrews**

**COUNTY ATTORNEY  
Claude A. Joerg**

**COUNTY CLERK  
Joseph A. Jastrzemski**

**COUNTY LEGISLATURE**

Chairman: Rebecca J. Wydysh  
Vice Chairman: Anthony J. Nemi  
Majority Leader: Randy R. Bradt  
Minority Leader: Christopher A. Robins

1 <sup>st</sup> District: Irene M. Myers	2 <sup>nd</sup> District: Rebecca J. Wydysh
3 <sup>rd</sup> District: Mark J. Grozio	4 <sup>th</sup> District: Jeffrey Elder
5 <sup>th</sup> District: Christopher A. Robins	6 <sup>th</sup> District: Christopher Voccio
7 <sup>th</sup> District: Jesse P. Gooch	8 <sup>th</sup> District: Richard L. Andres, Jr.
9 <sup>th</sup> District: Randy R. Bradt	10 <sup>th</sup> District: David E. Godfrey
11 <sup>th</sup> District: Anthony J. Nemi	12 <sup>th</sup> District: William J. Collins
13 <sup>th</sup> District: Richard E. Abbott	14 <sup>th</sup> District: Shawn A. Foti
15 <sup>th</sup> District: Michael A. Hill	

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**BOND COUNSEL**



**Buffalo, New York**

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**MUNICIPAL ADVISOR**



**Capital Markets Advisors, LLC**  
**Hudson Valley \* Long Island \* Southern Tier \* Western New York**  
**(716) 662-3910**

No dealer, broker, salesman or other person has been authorized by the County to give any information or to make any representations, other than those contained in this Official Statement and if given or made, such other information or representations must not be relied upon as having been authorized by the County. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained by the County from sources that are believed to be reliable but it is not guaranteed as to accuracy or completeness. The information and expressions of opinion herein are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the County since the date hereof.

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**COUNTY OF NIAGARA  
STATE OF NEW YORK**  
relating to

**\$6,460,000  
GENERAL OBLIGATION SERIAL BONDS - 2023**

This Official Statement, which includes the cover page and appendices hereto, presents certain information relating to the County of Niagara, State of New York (the "County," and "State," respectively) in connection with the sale of \$6,640,000 General Obligation Serial Bonds – 2023 (the "Bonds").

The factors affecting the County's financial condition are described throughout this Official Statement and many of these factors, including economic and demographic factors, are complex and may influence the County's tax base, revenues, and expenditures. This Official Statement should be read in its entirety.

Statements in this Official Statement, and the documents included by specific reference, that are not historical facts are forward-looking statements, which are based on the County management's beliefs as well as assumptions made by, and information currently available to, the County's management and staff. **This Official Statement should be read with the understanding that the ongoing COVID-19 global pandemic has created prevailing economic conditions (at the global, national, State and local levels) that are highly uncertain, generally negative, and rapidly changing, and these conditions are expected to continue for an indefinite period of time. Accordingly, the County's overall economic situation and outlook (and all of the specific County-related information contained herein) should be carefully reviewed, evaluated and understood in the full light of this unprecedented world-wide event, the effects of which are extremely difficult to predict and quantify. (See "COVID-19" herein.)**

**THE BONDS**

***Description***

The Bonds will be dated their Date of Delivery and will bear interest from that date until maturity at the annual rate or rates as specified by the purchaser of the Bonds, with interest payable on September 1, 2024 and semi-annually thereafter on March 1 and September 1 in each year to maturity. The Bonds will mature on September 1 in each year in the principal amounts and will bear interest at the rates as shown on the inside cover page hereof. The Bonds will be subject to optional redemption prior to maturity as further described below. (See "Optional Redemption" herein.)

The record date for payment of principal of and interest on the Bonds will be the fifteenth day of the calendar month immediately preceding each interest payment date.

***Authority for and Purpose***

The Bonds are issued pursuant to the Constitution and laws of the State, including the Local Finance Law and a bond resolution duly adopted by the County Legislature on June 20, 2023, authorizing the issuance of serial bonds for improvements to County buildings. The proceeds of the Bonds will provide original financing in the amount of \$6,460,000.

***Nature of the Obligations***

Each Bond when duly issued and paid for will constitute a contract between the County and the holder thereof.

The Bonds will be general obligations of the County and will contain a pledge of the faith and credit of the County for the payment of the principal thereof and the interest thereon. For the payment of such principal of and interest on the County has the power and statutory authorization to levy ad valorem taxes on all taxable real property in the County, subject to certain applicable statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended (the "Tax Levy Limitation Law." (See "Tax Levy Limitation Law").

Under the Constitution of the State, the County is required to pledge its faith and credit for the payment of the principal of and interest on the Bonds, and the State is specifically precluded from restricting the power of the County to levy taxes on real estate therefor. The Tax Levy Limitation Law imposes a statutory limitation upon the County's power to increase its annual tax levy. As a result, the power of the County to levy real estate taxes on all the taxable real property within the County is subject to statutory limitations set forth in Tax Levy Limitation Law, unless the County complies with certain procedural requirements to permit the County to levy certain year-to-year increases in real property taxes. (See "*The Tax Levy Limitation Law*").

### ***Optional Redemption***

The Bonds maturing in the years 2024 to 2031, inclusive, are not subject to redemption prior to maturity.

The Bonds maturing on or after September 1, 2032 will be subject to redemption prior to maturity, at the option of the County, on any date on or after September 1, 2031, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at the redemption price equal to the principal amount of the Bonds to be redeemed, plus accrued interest to the date of redemption.

### ***Notice of Redemption***

If less than all of the Bonds of any maturity are to be redeemed, the particular Bonds of such maturity to be redeemed will be selected by the County by lot in any customary manner of selection as determined by the County Treasurer. Notice of redemption shall be given by mailing such notice to the registered holders of Bonds to be redeemed at their respective addresses as shown upon the registration books of the County as Paying Agent at least 30 days prior to the date set for any such redemption. If notice of redemption shall have been given as aforesaid, the Bonds so called for redemption shall become due and payable at the applicable redemption price on the redemption date designated in such notice, and interest on such Bonds shall cease to accrue from and after such redemption date.

### ***Book-Entry-Only System***

The following applies to the extent that the Bonds are issued in book-entry form. The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Bonds. The Bonds will be issued as fully-registered bonds and notes registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered bond certificate will be issued for each maturity of the Bonds, and will be deposited with DTC. One fully-registered note certificate will be issued for each Note bearing the same rate of interest and CUSIP number, and will be deposited with DTC.

DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com) and [www.dtc.org](http://www.dtc.org).

Purchases of the Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each bond and note ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not affect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the County as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the County, on the payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC or the County, subject to any statutory or regulatory requirements as may be in effect from time to time.

Payment of principal and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the County, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the County. Under such circumstances, in the event that a successor depository is not obtained, Bond certificates will be printed and delivered.

The County may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Bond certificates will be printed and delivered.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the County believes to be reliable, but the County takes no responsibility for the accuracy thereof.

*Source: The Depository Trust Company*

### ***Certificated Bonds***

DTC may discontinue providing its services with respect to the Bonds at any time by giving reasonable notice to the County and discharging its responsibilities with respect thereto under applicable law, or the County may terminate its participation in the system of book-entry-only transfers through DTC at any time. In the event that such book-entry-only system is discontinued, the following provisions will apply: the Bonds will be issued in fully registered form in denominations of \$5,000 each or any integral multiple thereof for any single maturity. The County will act as Paying Agent for such Bonds. Interest on the Bonds will remain payable on September 1, 2024 and semi-annually thereafter on March 1 and September 1 in each year to maturity. Such interest will be payable by check drawn on the Paying Agent and mailed to the registered owner on the maturity date of the Bonds and on each interest payment date for the Bonds at the address as shown on the registration books of the Paying Agent as of the last day of the calendar month preceding each such interest payment date. Bonds may be transferred or exchanged at no cost to the registered owner at any time prior to maturity at the office of the Paying Agent for the Bonds of the same series if any other authorized denomination or denominations in the same aggregate principal amount upon the terms set forth in respective Certificates of Determination executed by the County Treasurer authorizing the sale of the Bonds and fixing the details thereof and in accordance with the Local Finance Law. The Paying Agent shall not be obligated to make any such transfer or exchange of the Bonds between the fifteenth day of the calendar month immediately preceding each interest payment date.

### **TAX LEVY LIMITATION LAW**

On June 24, 2011, Chapter 97 of the Laws of 2011 was signed into law by the Governor. The Tax Levy Limitation Law applies to all local governments, including school districts (with the exception of New York City, the counties comprising New York City and the Big 5 City School Districts (Buffalo, Rochester, Syracuse, Yonkers and New York)). It also applies to independent special districts and to town and county improvement districts as part of their parent municipalities tax levies.

The Tax Levy Limitation Law restricts, among other things, the amount of real property taxes (including assessments of certain special improvement districts) that may be levied by or on behalf of a municipality in a particular year, beginning with fiscal years commencing on or after January 1, 2012. Pursuant to the Tax Levy Limitation Law, the tax levy of a municipality cannot increase by more than the lesser of (i) two percent (2%) or (ii) the annual increase in the consumer price index ("CPI"), over the amount of the prior year's tax levy. Certain adjustments would be permitted for taxable real property full valuation increases or changes in physical or quantity growth in the real property base as defined in Section 1220 of the Real Property Tax Law. A municipality may exceed the tax levy limitation for the coming fiscal year only if the governing body of such municipality first enacts, by at least a sixty percent vote of the total voting strength of the board, a local law (resolution in the case of fire districts and certain special districts) to override such limitation for such coming fiscal year only. There are permissible exceptions to the tax levy limitation provided in the Tax Levy Limitation Law, including expenditures made on account of certain tort settlements and certain increases in the average actuarial contribution rates of the New York State and Local Employees' Retirement System, the Police and Fire Retirement System, and the Teachers' Retirement System. Municipalities are also permitted to carry forward a certain portion of their unused levy limitation from a prior year. Each municipality prior to adoption of each fiscal year budget must submit for review to the State Comptroller any information that is necessary in the calculation of its tax levy for each fiscal year.

The Tax Levy Limitation Law does not contain an exception from the levy limitation for the payment of debt service on either outstanding general obligation debt of municipalities or such debt incurred after the effective date of the tax levy limitation provisions.

Article 8 Section 2 of the State Constitution requires every issuer of general obligation notes and bonds in the State to pledge its faith and credit for the payment of the principal thereof and the interest thereon. This has been interpreted by the Court of Appeals, the State's highest court, in *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 40 N.Y.2d 731 (1976), as follows:



“A pledge of the city’s faith and credit is both a commitment to pay and a commitment of the city’s revenue generating powers to produce the funds to pay. Hence, an obligation containing a pledge of the City’s “faith and credit” is secured by a promise both to pay and to use in good faith the city’s general revenue powers to produce sufficient funds to pay the principal and interest of the obligation as it becomes due. That is why both words, “faith” and “credit”, are used and they are not tautological. That is what the words say and that is what courts have held they mean.”

Article 8 Section 12 of the State Constitution specifically provides as follows:

“It shall be the duty of the legislature, subject to the provisions of this constitution, to restrict the power of taxation, assessment, borrowing money, contracting indebtedness, and loaning the credit of counties, cities, towns and villages, so as to prevent abuses in taxation and assessments and in contracting of indebtedness by them. Nothing in this article shall be construed to prevent the legislature from further restricting the powers herein specified of any county, city, town, village or school district to contract indebtedness or to levy taxes on real estate. The legislature shall not, however, restrict the power to levy taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted.”

On the relationship of the Article 8 Section 2 requirement to pledge the faith and credit and the Article 8 Section 12 protection of the levy of real property taxes to pay debt service on bonds subject to the general obligation pledge, the Court of Appeals in the *Flushing National Bank* case stated:

“So, too, although the Legislature is given the duty to restrict municipalities in order to prevent abuses in taxation, assessment, and in contracting of indebtedness, it may not constrict the city’s power to levy taxes on real estate for the payment of interest on or principal of indebtedness previously contracted....While phrased in permissive language, these provisions, when read together with the requirement of the pledge of faith and credit, express a constitutional imperative: debt obligations must be paid, even if tax limits be exceeded”.

In addition, the Court of Appeals in the *Flushing National Bank* case has held that the payment of debt service on outstanding general obligation bonds and notes takes precedence over fiscal emergencies and the police power of municipalities.

Therefore, while the Tax Levy Limitation Law may constrict an issuer’s power to levy real property taxes for the payment of debt service on debt contracted after the effective date of said Tax Levy Limitation Law, it is clear that no statute is able (1) to limit an issuer’s pledge of its faith and credit to the payment of any of its general obligation indebtedness or (2) to limit an issuer’s levy of real property taxes to pay debt service on general obligation debt contracted prior to the effective date of the Tax Levy Limitation Law. Whether the Constitution grants a municipality authority to treat debt service payments as a constitutional exception to such statutory tax levy limitation outside of any statutorily determined tax levy amount is not clear.

It is possible that the Tax Levy Limitation Law will be subject to judicial review to resolve the constitutional issues raised by its adoption. Although courts in New York have historically been protective of the rights of holders of general obligation debt of political subdivisions, the outcome of any such legal challenge cannot be predicted.

### **MARKET MATTERS AFFECTING FINANCINGS OF THE MUNICIPALITIES OF THE STATE**

The financial condition of the County as well as the market for the Bonds could be affected by a variety of factors, some of which are beyond the County's control. There can be no assurance that adverse events in the State, including, for example, the seeking by a municipality of remedies pursuant to the Federal Bankruptcy Act or otherwise, will not occur which might affect the market price of and the market for the Bonds. If a significant default or other financial crisis should occur in the affairs of the State or at any of its agencies or political subdivisions thereby further impairing the acceptability of obligations issued by borrowers within the State, both the

ability of the County to arrange for additional borrowings and the market for and market value of outstanding debt obligations, including the Bonds, could be adversely affected.

The County does not receive a significant amount of financial assistance from the State in the form of State aid. Should the County fail to receive State aid expected from the State in the amounts and at the times expected, occasioned by a delay in the payment of such monies and not by a cut in State aid, the County is authorized by the Local Finance Law to provide operating funds by borrowing in anticipation of the receipt of uncollected State aid.

### **CYBER SECURITY**

The County, like many other public and private entities, relies on technology to conduct its operations. As a recipient and provider of personal, private, or sensitive information, the County faces multiple cyber threats including, but not limited to, hacking, viruses, malware and other attacks on computer and other sensitive digital networks and systems. To mitigate the risk of business operations impact and/or damage from cyber incidents or cyber-attacks, the County invests in various forms of cybersecurity and operational controls; however, no assurances can be given that such security and operational control measures will be completely successful to guard against cyber threats and attacks. The results of any such attack could impact business operations and/or damage County digital networks and systems and the costs of remedying any such damage could be substantial.

### **TAX MATTERS**

In the opinion of Harris Beach PLLC, Bond Counsel to the County, based on existing statutes, regulations, administrative rulings and court decisions and assuming compliance by the County with certain covenants and the accuracy of certain representations, interest on the Notes is excluded from gross income for Federal income tax purposes. Bond counsel is of the further opinion that interest on the Notes is not an "item of tax preference" for purposes of the Federal alternative minimum tax on individuals. However, for tax years beginning after December 31, 2022, the Code imposes a federal corporate alternative minimum tax equal to 15 percent of the "adjusted financial statement income" of corporations (other than S corporations, regulated investment companies and real estate investment trusts) having an average annual "adjusted financial statement income" for the 3-taxable-year period ending with the tax year that exceeds \$1,000,000,000. Interest on tax-exempt obligations such as the Notes is included in the computation of a corporation's "adjusted financial statement income".

The Internal Revenue Code of 1986, as amended (the "Code"), imposes various limitations, conditions and other requirements which must be met at and subsequent to the date of issue of the Bonds in order that interest on the Bonds will be and remain excluded from gross income for federal income tax purposes. Included among these requirements are restrictions on the investment and use of proceeds of the Bonds and in certain circumstances, payment of amounts in respect of such proceeds to the United States. Failure to comply with the requirement of the Code may cause interest on the Bonds to be includable in gross income for purposes of federal income tax, possibly from the date of issuance of the Bonds. The County has covenanted to comply with certain procedures, and it has made certain representations and certifications, designed to assure satisfaction of the requirements of the Code in respect to the Bonds. The opinion of Bond Counsel assumes compliance with such covenants and the accuracy, in all material respects, of such representations and certificates.

Prospective purchasers of the Bonds should be aware that ownership of the Bonds, and the accrual or receipt of interest thereon, may have collateral federal income tax consequences for certain taxpayers, including financial institutions, property and casualty insurance companies, S corporations, certain foreign corporations, individual recipients of Social Security or Railroad benefits and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry such obligations. Prospective purchasers should consult their tax advisors as to any possible collateral consequences of their ownership of the Bonds and their accrual or receipt of interest thereon. Bond Counsel expresses no opinion regarding any such collateral federal income tax consequences.

The Bonds **will be** designated as "qualified tax-exempt obligations" within the meaning of, and pursuant to Section 265(b)(3) of the Code.

In the opinion of Bond Counsel, interest on the Bonds is exempt from personal income taxes imposed by the State or any political subdivision thereof, including the City of New York.

Bond Counsel has not undertaken to determine (or to inform any person) whether any actions taken (or not taken) or events occurring (or not occurring) after the date of issuance and delivery of the Bonds may affect the tax status of interest on the Bonds.

No assurance can be given that any future legislation or governmental actions, including amendments to the Code or State income tax laws, regulations, administrative rulings, or court decisions, will not, directly or indirectly, cause interest on the Bonds to be subject to federal, State or local income taxation, or otherwise prevent Bondholders and Noteholders from realizing the full current benefit of the tax status of such interest. Further, no assurance can be given that the introduction or enactment of any such future legislation, or any judicial decision or action of the Internal Revenue Service or any State taxing authority, including, but not limited to, the promulgation of a regulation or ruling, or the selection of the Bonds for audit examination or the course or result of an audit examination of the Bonds or of obligations which present similar tax issues, will not affect the market price, value or marketability of the Bonds. Prospective purchasers of the Bonds should consult their own tax advisors regarding the foregoing matters.

All summaries and explanations of the law herein do not purport to be complete and reference is made to such laws for full and complete statements of their provisions.

ALL PROSPECTIVE PURCHASERS OF THE BONDS SHOULD CONSULT WITH THEIR TAX ADVISORS IN ORDER TO UNDERSTAND THE IMPLICATIONS OF THE CODE AS TO THE TAX CONSEQUENCES OF PURCHASING OR HOLDING THE BONDS.

### **LEGAL MATTERS**

The legality of the authorization and issuance of the Bonds will be covered by the approving legal opinion of Harris Beach PLLC, Buffalo, New York, Bond Counsel to the County. Such legal opinion will state that in the opinion of Bond Counsel (i) the Bonds have been authorized and issued in accordance with the Constitution and statutes of the State of New York and constitute valid and legally binding general obligations of the County, all the taxable property within which is subject to the levy of ad valorem taxes to pay the Bonds and interest thereon, subject to certain applicable statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended (see "Tax Levy Limitation Law" herein); provided, that the enforceability (but not the validity) of the Bonds may be limited by any applicable existing or future bankruptcy, insolvency or other law (State or Federal) affecting the enforcement of creditors' rights; (ii) under existing statutes, regulations, administrative rulings and court decisions, interest on the Bonds is excluded from the gross income of the owners thereof for Federal income tax purposes, is not an "item of tax preference" for purposes of the Federal alternative minimum taxes imposed on individuals; (iii) interest on the Bonds is exempt from personal income taxes imposed by the State of New York or any political subdivision thereof (including The City of New York); and (iv) based upon Bond Counsel's examination of law and review of the arbitrage and use of proceeds certificate executed by the County Treasurer of the County pursuant to Section 148 of the Code and the regulations thereunder, the facts, estimates and circumstances as set forth in said arbitrage certificate are sufficient to satisfy the criteria which are necessary under Section 148 of the Code to support the conclusion that the Bonds will not be "arbitrage bonds" within the meaning of said section, and no matters have come to Bond Counsel's attention which makes unreasonable or incorrect the representations made in said arbitrage certificate. Bond Counsel expresses no opinion regarding Federal or State income tax consequences arising with respect to the Bonds.

Such legal opinion will also state that (i) in rendering the opinions expressed therein, Bond Counsel has assumed the accuracy and truthfulness of all public records, documents and proceedings examined by Bond Counsel which have been executed or certified by public officials acting within the scope of their official capacities, and has not verified the accuracy or truthfulness thereof, and Bond Counsel also has assumed the accuracy of the signatures appearing upon such public records, documents and proceedings and such certifications; (ii) the scope of Bond Counsel's engagement in relation to the issuance of the Bonds, as applicable, has extended solely to the examination of the facts and law incident to rendering the opinions expressed therein; (iii) the opinions expressed therein are not

intended and should not be construed to express or imply any conclusion that the amount of real property subject to taxation within the boundaries of the County together with other legally available sources of revenue, if any, will be sufficient to enable the County to pay the principal of and interest on the Bonds as the same become due and payable; (iv) reference should be made to the Official Statement for factual information which, in the judgment of the County, would materially affect the ability of the County to pay such principal and interest; and (v) while Bond Counsel has participated in the preparation of the Official Statement, Bond Counsel has not verified the accuracy, completeness or fairness of the factual information contained therein and, accordingly, no opinion is expressed by Bond Counsel as to whether the County, in connection with the sale of such Bonds, has made any untrue statement of a material fact, or omitted to state a material fact necessary in order to make any statements made, in the light of the circumstances under which they were made, not misleading.

### **DISCLOSURE UNDERTAKING**

This Preliminary Official Statement is in a form “deemed final” by the County for the purposes of Securities and Exchange Commission Rule 15c2-12 (the “Rule”). At the time of the delivery of the Bonds, the County will provide an executed copy of its “Undertaking to Provide Continuing Disclosure” (the “Undertaking”). Said Undertaking will constitute a written agreement or contract of the County for the benefit of holders of and owners of beneficial interests in the Bonds, to provide, or cause to be provided to the Electronic Municipal Market Access (“EMMA”) System implemented by the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of such Board contemplated by the Undertaking:

- (1) On or prior to the 270th day following the end of each fiscal year, commencing with the fiscal year ending December 31, 2023 (i) certain annual financial information, in a form generally consistent with the information contained or cross-referenced in this Official Statement in Appendices A and B, and (ii) the audited financial statement (prepared in accordance with generally accepted accounting principles in effect at the time of audit), if any, of the County for each fiscal year, unless such audited financial statement, if any, shall not then be available in which case the unaudited financial statement shall be provided and an audited financial statement shall be provided within 60 days after it becomes available and in no event later than 360 days after the end of each fiscal year;
- (2) timely notice, not in excess of ten (10) business days after the occurrence of such event, of the occurrence of any of the following events:
  - (i) principal and interest payment delinquencies; (ii) non-payment related defaults, if material; (iii) unscheduled draws on debt service reserves reflecting financial difficulties; (iv) unscheduled draws on credit enhancements reflecting financial difficulties; (v) substitution of credit or liquidity providers, or their failure to perform; (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices of determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (vii) modifications to rights of Bondholders, if material; (viii) Bond calls, if material, and tender offers; (ix) defeasances; (x) release, substitution, or sale of property securing repayment of the Bonds, if material; (xi) rating changes; (xii) bankruptcy, insolvency, receivership or similar event of the County; [note to clause (xii): For the purposes of the event identified in clause (xii) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or government authority has assumed jurisdiction over substantially all of the assets or business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County]; (xiii) the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry

into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and (xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material; (xv) incurrence of a financial obligation of the County, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the County, any of which affect security holders, if material; and (xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the County, any of which reflect financial difficulties.

With respect to the Undertaking, the County does not undertake to provide any notice with respect to credit enhancement added after the primary offering of the Bonds.

The County may provide notice of the occurrence of certain other events, in addition to those listed above, if it determines that any such other event is material with respect to the Bonds; but the County does not undertake to commit to provide any such notice of the occurrence of any event except those events listed above; and

- (3) in a timely manner not in excess of ten (10) business days, notice of a failure to provide the annual financial information by the date specified.

The County's Undertaking shall remain in full force and effect until such time as the principal of, redemption premium, if any, and interest on the Bonds shall have been paid in full or in the event that those portions of the Rule which require the Undertaking, or such provision, as the case may be, do not or no longer apply to the Bonds. The sole and exclusive remedy for breach or default under the Undertaking is an action to compel specific performance of the undertakings of the County, and no person or entity, including a Holder of the Bonds, shall be entitled to recover monetary damages thereunder under any circumstances. Any failure by the County to comply with the Undertaking will not constitute a default with respect to the Bonds.

#### ***Prior Disclosure History***

The County is in compliance in all material respects with all previous undertakings made pursuant to Rule 15c2-12 for the past five years.

### **RATINGS**

Moody's Investor Services, Inc. ("Moody's") has assigned an underlying rating of "Aa3" to the outstanding bonded indebtedness of the County. The County has applied and is awaiting a rating on the Notes.

Such ratings reflect only the view of such organization, and an explanation of the significance of such rating may be obtained only from such rating agency, at the following address: Moody's Investors Service, Inc., 7 World Trade Center at 250 Greenwich Street, New York, NY 10007. There can be no assurance that such ratings will continue for any specified period of time or that such ratings will not be revised or withdrawn, if in the judgment of Moody's circumstances so warrant. Any such change or withdrawal of such ratings may have an adverse effect on the market price of such Bonds or the availability of a secondary market for those Bonds.

### **MISCELLANEOUS**

So far as any statements made in this Official Statement involve matters of opinions or estimates, whether or not so expressly stated, they are set forth as such and not as representations of fact, and no representation is made that any of the opinions or estimates will be realized. Neither this Official Statement nor any statement which may have been made orally or in writing is to be construed as a contract with the holders of the Bonds.

Statements in this Official Statement, and the documents included by specific reference, that are not historical facts are forward-looking statements, which are based on the County management's beliefs as well as assumptions made by, and information currently available to, the County's management and staff. Because the statements are based on expectations about future events and economic performance and are not statements of fact, actual results may differ

materially from those projected. Important factors that could cause future results to differ include legislative and regulatory changes, changes in the economy, and other factors discussed in this and other documents that the County files with the repositories. When used in County documents or oral presentation, the words “anticipate”, “estimate”, “expect”, “objective”, “projection”, “forecast”, “goal”, or similar words are intended to identify forward-looking statements.

References herein to the Constitution of the State and various State and federal laws are only brief outlines of certain provisions thereof and do not purport to summarize or describe all of such provisions.

The Official Statement is submitted only in connection with the sale of the Bonds by the County and may not be reproduced or used in whole or in part for any other purpose.

### **MUNICIPAL ADVISOR**

Capital Markets Advisors, LLC has acted as Municipal Advisor to the County in connection with the sale of the Bonds. In preparing the Official Statement, the Municipal Advisor has relied upon governmental officials, and other sources, who have access to relevant data to provide accurate information for the Official Statement, and the Municipal Advisor has not been engaged, nor has it undertaken, to independently verify the accuracy of such information. The Municipal Advisor is not a public accounting firm and has not been engaged by the County to compile, review, examine or audit any information in the Official Statement in accordance with accounting standards. The Municipal Advisor is an independent advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities and therefore will not participate in the underwriting of the Bonds.

### **ADDITIONAL INFORMATION**

Additional information may be obtained from the County's Municipal Advisor, Capital Markets Advisors, LLC, (716) 662-3910 or from Mr. Kyle Andrews, County Treasurer and Paying Agent Contact, Philo J. Brooks Co. Office Bldg., 59 Park Ave., Lockport, NY 14094, phone: (716) 439-7018, email: Kyle.Andrews@niagaracounty.com.

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of such statements will be realized. This Official Statement is not to be construed as a contract or agreement between the County and the original purchasers or holders of any of the Bonds.

This Official Statement has been prepared in connection with the sale of the Bonds by the County and may not be reproduced or used in whole or in part for any other purpose.

Capital Markets Advisors, LLC may place a copy of this Official Statement on its website at [www.capmark.org](http://www.capmark.org). Unless this Official Statement specifically indicates otherwise, no statement on such website is included by specific reference or constitutes a part of this Official Statement. Capital Markets Advisors, LLC has prepared such website information for convenience, but no decisions should be made in reliance upon that information. Typographical or other errors may have occurred in converting original source documents to digital format, and neither the County nor Capital Markets Advisors, LLC assumes any liability or responsibility for errors or omissions on such website. Further, Capital Markets Advisors, LLC and the County disclaim any duty or obligation either to update or to maintain that information or any responsibility or liability for any damages caused by viruses in the electronic files on the website. Capital Markets Advisors, LLC and the County also assume no liability or responsibility for any errors or omissions or for any updates to dated website information.

Harris Beach PLLC expresses no opinion as to the accuracy or completeness of any documents prepared by or on behalf of the County for use in connection with the offer or sale of the Bonds, including this Official Statement. This Official Statement has been prepared only in connection with the sale of the Bonds by the County and may not be reproduced or used in whole or in part for any other purpose.

**COUNTY OF NIAGARA  
STATE OF NEW YORK**

By: \_\_\_\_\_  
Kyle R. Andrews  
County Treasurer and Chief Fiscal Officer

DATED: August \_\_\_\_, 2023

## **APPENDIX A**



## **THE COUNTY**

### ***General Information***

The County, consisting of approximately 533 square miles, is located in the northwest corner of New York State. It is bordered on three sides by water, Lake Ontario to the North, Tonawanda Creek to the South and the Niagara River to the West.

The population is 212,666 according to the 2020 U.S. Census. Although the County is mostly a suburban landscape, 48 percent of the population lives in the County's major cities, Lockport, Niagara Falls and North Tonawanda.

The largest city in the County is Niagara Falls. The City is famous for its waterfalls and draws millions of tourists from around the world. Niagara County is a major entry and exit point for many international travelers and has points of entry with Canada. Niagara County is only 15 miles from Buffalo, New York and 105 miles from Toronto, Ontario, Canada. Niagara Falls State Park, which surrounds Niagara Falls, is recognized as one of the most precious and prestigious parklands.

Higher education opportunities are offered through Niagara University and Niagara County Community College as well as nearby University of Buffalo and Buffalo State College in Buffalo, New York.

### ***Governmental Organization***

The County Legislature is the chief governing body of the County. The County is divided into 19 legislative districts, where each district elects a Legislator to serve a two-year term. These representatives have the responsibility of establishing the County budget and tax levy, establishing policies for the provisions of County services, approving contracts, and appointing key staff to serve in County agencies.

The County Legislature appoints a County Manager for a four-year term. The current County Manager was appointed effective January 2011. His responsibility is to oversee the daily operations of the County. The Treasurer is the Chief Fiscal Officer and was elected to a four-year term expiring December 31, 2026.

### ***Recent Economic Factors***

#### ***Niagara County Industrial Development Agency Activity***

The Niagara County IDA (NCIDA) closed on six projects in 2022, which represents over \$89.9 million dollars in new private capital investment, the creation of 90 jobs and the retention of 252 jobs.

The NCIDA assisted five manufacturing/industrial projects, including Moog's expansion of its aerospace operation Wheatfield Business Park, National Vacuum's construction of a new company headquarters, ANAT's approval for a production and a bottling factory and Voss Manufacturing's construction of an addition to its present location. Metropolis Properties Management was approved for the renovation of a long vacant building in Niagara Falls to become a 4-star hotel.

In addition, the NCIDA has approved seven additional projects totaling over \$89 million in capital investment. New jobs created are estimated to be 116 and jobs retained are 132.

**2022 and 2023 to date NCIDA Approved Leaseback Projects**

<u>Company</u>	<u>Project Description</u>	<u>Location</u>	<u>Amount of NCIDA Project</u>	<u># of Jobs Retained</u>	<u># of Jobs Created</u>
PEMM LLC	Construction of full service travel center for Quicklees	Vacant lot Porter Rd. Town of Niagara	8,500,000	0	20
CVE US Ei3 Wheatfield LLC	Construction of a 4 Megawatt solar photovoltaic facility	3635 Lockport Rd. Town of Wheatfield	9,760,000	0	0
Kilmer Solar	Construction of a 5 Megawatt community solar farm	4616 Townline Rd. Town of Lewiston	9,145,000	0	1
Rubberform Recycled Product	Renovation and expansion of manufacturing space	75 Michigan St. City of Lockport	1,292,999	19	10
Vantage Point LLC	Construction of addition to existing manufacturing facility	6350 Inducon Drive Town of Town of Wheatfield	1,403,220	60	0
4600 Group	Renovation of Frontier House for Tourism Destination	460 Center Street Village of Lewiston	5,292,351	0	3
Lockport Schools Credit Union	Construction of new credit union	360 S. Transit Road Lockport	522,913	14	7
Catholic Health System	Construction of new micro-hospital and acquisition of new equipment	6001 Shimer Drive Lockport	48,874,501	162	0
13 W. Main	Renovation of abandoned building for mixed commercial	13. W. Main Street Lockport	2,981,342	0	50
Micbarcer	Renovation of vacant building for commercial tenant	298 Hyde Park Blvd. Niagara Falls	598,930	5	5
OAHS Urban Park Tower	Renovation of housing facility	Main Street Lockport	16,215,000	0	0
Burger Factory	Renovation of vacant building to house A & W restaurant	303 Rainbow Blvd Niagara Falls	1,110,000	0	16
DRC Development	Addition to warehouse for Edwards Vacuum	6416 Inducon Drive Town of Wheatfield	3,000,000	100	20
OAHS Niagara Towers	Renovation of housing facility	901 Cedar Ave. Niagara Falls	19,875,000	0	0
DLV Properties LLC	Construction of market rate apartments	624 River Road Lockport	23,089,050	2	10
Amazon.com Services	Construction of warehouse facility	8995 Lockport Road Town of Niagara	555,000,000	0	1000
Chase Commons LLC	Renovation of vacant nursing home for market rate residential	327 High St. Lockport	4,600,000	0	2
Peak Development Partners	Construction of new market rate housing	1286-1298 Payne Av North Tonawanda	7,175,000	0	0
Zeton US Properties	Construction of new manufacturing facility for Chemical Design Inc	115 Oakhurst Street Lockport	4,825,000	23	12
<b>Totals</b>			<b>\$724,845,000</b>	<b>377</b>	<b>1,150</b>

Total Investment of 2023 NCIDA Approved Leaseback Projects = \$724,845,000

Total Jobs Retained = 377

Total Jobs Created = 1,150

***COVID Small Business Relief Program***

Federal CARES Act money was provided to Niagara County by the New York State Office of Community Renewal for the purpose of small business relief. On behalf of the County, the NCIDA awarded \$1.4

million to 33 projects located throughout the County. These projects retained 206 jobs and created 54 new jobs.

### ***Microenterprise Grant Fund***

In 2021, the NCIDA applied for and was awarded \$300,000 to continue the Microenterprise grant program. During 2022, those funds were awarded to 11 projects, consisting of 7 start-ups and 4 existing companies. The recipients are located in Youngstown, Olcott, Town of Niagara, Appleton, Lockport, Middleport, Lewiston, Ransomville and Newfane.

## **Niagara County Department of Economic Development (NCDED) Business Outreach Programs**

### ***Business Growth & Retention Program***

Through this program, the Niagara County Center for Economic Development reached out to 73 companies in 2022, resulting in meetings with 44 different companies. Fifteen companies had projects in either the planning stage, in progress or completed in 2022. These projects would account for \$43.6 million in proposed capital investment, 136 proposed new jobs and 481 jobs being retained.

### ***Empower Niagara – Low-Cost Power Assistance to Niagara County Companies***

In 2022, the County, through its Empower Niagara Program, renewed low-cost power contracts with four companies, including Woodcock Brothers Brewing Company, North Tonawanda; Vishay Thin Film, and Delfingen, Town of Wheatfield; and Water Haus Waterjet, Town of Lockport. These companies and the additional five companies that are receiving low-cost power benefits through the County program have invested over \$47 million into their facilities over the life of their power agreements, and have retained 379 jobs while creating an additional 221 new jobs.

### ***Niagara County Façade Program***

With an eye toward assisting businesses negatively impacted by the COVID 19 Pandemic, the Niagara County Legislature created the Niagara County Façade Program. 203 businesses were awarded grants totaling \$5,234,524, which will infuse \$13,344,067 in investments into the business districts of the County.

## **Site Development & Redevelopment**

### ***Brownfield Redevelopment***

The County continues to build on its successful brownfields assessment and cleanup program. In 2022, the County was awarded a \$3.9 million cleanup grant from the United States Environmental Protection Agency (EPA), the largest such award in New York State.

Through the Niagara County Brownfields Development Corporation (NCBDC), remediation was completed at two sites in the City of Lockport and one site in the Town of Niagara, while cleanup continued at a site in the City of North Tonawanda. The sites will be used for residential, commercial, and public spaces.

The NCBDC has completed Phase I Environmental Site Assessments (ESAs) on 36 parcels and Phase II ESAs on 3 parcels. Information gathered is being used to determine next steps at each site.

The NCDED continues to work with the Refuse Disposal District and BQ Energy for development of a solar installation at the closed County landfill site in Lockport. The County was selected for technical assistance from the EPA to develop a feasibility study for a solar installation at a closed landfill in the Town of Wheatfield.

### ***Niagara Orleans Regional Land Improvement Corporation (NORLIC)***

In 2022, NORLIC hired their first full-time employee, applied for, and received, \$150,000 in State funding to support operations, and acquired five homes in the City of Niagara Falls.

NORLIC has worked with each of its City partners in the past year to identify priority areas for land bank intervention. In North Tonawanda and Lockport, projects in the Oliver Street Corridor, and South Street neighborhood, respectively, have been deemed a priority. In the City of Niagara Falls, five homes that have sat vacant for many years have been cleaned out and prepared for sale to new owners. These homes are in diverse parts of the City, and represent a huge step in the effort to improve the neighborhoods of Niagara Falls.

Industrial site development has continued to be a focus for NORLIC. Niagara County has utilized the land bank as an avenue to transfer tax delinquent property for redevelopment, and the County has also pursued temporary incidents of ownership (TIO) for several tax delinquent properties that could potentially be contaminated. The TIO has allowed NORLIC to enter and assess conditions on the sites. Following the results of the environmental tests, properties will be transferred to the land bank for purposes of redevelopment. These sites represent over \$1.4 million dollars that the County can return to productive tax status.

NORLIC finished out the year of 2022 with applications for CDBG funding from the City of Niagara Falls, and by listing several of the Niagara Falls homes for sale.

### ***Western New York Industrial Real Estate Development Strategy***

The NCCED continues to play an active role in the Invest Buffalo Niagara (InBN) WNY Industrial Real Estate Development Strategy Task Force. Commissioner Michael Casale continues to Chair the Task Force charged with implementing the strategy rolled out in March of 2021. A report by was provided Newmark Knight Frank, with assistance from a number of public and private sector organizations in the region. The report contained an industrial real estate market analysis, best practice comparisons against peer regions, industrial property assessments, industrial development strategies, an investigation on the impacts of COVID-19 on industrial location strategy, and final strategic recommendations with implementation plans and success measurements. The report also studied the Buffalo Niagara Region's industrial site availability rate, which continues to be one of the lowest in the nation. Of the 44 sites/buildings identified in the report as being ready for development, nine were in the County, . A key recommendation to fund a site readiness coordinator to assist in developing additional sites has been implemented, and the work continues to close the gaps to make the County and the region more development ready

### ***Niagara County Site Development***

In following up on the "Site and Development Readiness" recommendations identified in the Newmark report mentioned above, and with the support of the County Legislature, the NCDED in partnership with the NCIDA and the Town of Cambria, continues with the development of a new 60-acre industrial/business park. The County has procured the services of Wendel Engineering to provide planning, engineering and design services to create a master site development plan for the establishment of the new business park in the Town of Cambria. A draft Development and Capital Funding Plan has been submitted, which includes cost estimates for road, earthwork, sewer, gas, electric infrastructure, and funding sources for construction. Costs for sewer and electric infrastructure still need to be finalized to complete the report, which is expected sometime in 2023.

### ***Agribusiness Development***

One of the opportunities identified in the latest Niagara County Agricultural and Farmland Protection Plan was to increase the number of meat processing facilities in the County as there are currently only two small facilities which cannot meet demand therefore forcing farmers to have their meat processed outside of the County. Additional meat processing facilities would not only reduce costs for farmers, but would also

provide jobs and investment. In 2022, NCDED procured the services of Labella Associates to conduct a “Meat Processing Facility Market and Economic Analysis”. A steering/advisory committee has been formed and work has begun on the study which has six components including assessment of current market conditions for increased capacity, size and type of a facility that would be most feasible, conceptual design, suitable sites in the County and a financial analysis with cash flow, model business plan and identification of funding sources. A deliverable is expected by close of Q3, 2023.

### ***Niagara Falls International Airport (NFIA)***

The Niagara Falls International Airport (NFIA) continues to be an economic driver in the County. A state-of-the-art \$31.5 million terminal opened for business at NFIA in December 2009. This terminal was a major component of an overall \$42.5 million airport improvement project. With this facility, the Niagara Frontier Transportation Authority (NFTA) has been in a better position to attract additional air service, both scheduled and charter. Two commercial carriers have been operating consistently out of NFIA, Spirit Airlines and Allegiant Air. However due to the COVID-19 pandemic, Spirit Airlines has been on hiatus for the past couple of years, though they retain operational space at the airport for a potential return. Currently, three nonstop destinations are flown from NFIA: Orlando-Sanford, Tampa/St. Petersburg and Punta Gorda, all located in Florida. Since March 2020, the airport experienced a significant drop in passengers compared to pre-pandemic levels. In 2022, NFIA handled 116,000 passengers compared to more than 243,000 passengers in 2019. Still, the airport handled almost triple the number of passengers in 2022 than it did back in 2009, when fewer than 40,000 passengers used the airport. The NFTA also reports the most common parking stay at the NFIA parking lots is approximately one week, with 88% of the cars coming from Canada. The NFTA reports that since border restrictions started to ease in early 2022, the airport is seeing a steady increase of Canadians returning with every passing month. The return of Canadian passengers also benefits local retail outlets, restaurants, hotels, and motels. NFIA has been a key driver in the construction of new hotels / motels along Niagara Falls Boulevard.

### ***Niagara Falls Air Reserve Station***

With more than 3,000 assigned personnel comprised of active duty, Reserve, Guard, civil servant, and contractor personnel, the Niagara Falls Air Reserve Station (NFARS) continues to be the County’s largest employer and is home to the 914th Air Refueling Wing of the U.S. Air Force Reserve. On June 3, 2017, the 914th Airlift Wing was redesignated to the 914th Air Refueling Wing, exchanging an inventory of C-130 Hercules for KC-135 Stratotankers. Other units at the base include the Buffalo Military Entrance Processing Station, 2nd Squadron 101st Cavalry of the New York Army National Guard, the 277th Quartermaster Company, 912th Field Hospital, 423rd Medical Detachment, and the 1982nd Forward Surgical Team of the US Army Reserve. NFARS personnel are responsible for operating, maintaining, and securing over \$1 billion in federal assets with an average of \$300 million in annual economic impact

### ***Niagara Airport Commercial Park***

The 216-acre Niagara Airport Commercial Park is being targeted for development by Amazon. The proposed project consists of the construction and operation of an e-commerce storage and distribution facility that will be considered a “First Mile” fulfillment center. The \$550 million project is projected to create 1,000 jobs. The project presents a unique opportunity given its proximity to U.S. Interstate 190 and the U.S.-Canada border as well as being located adjacent to the Niagara Falls International Airport (NFIA).

### ***Host Community Greenway Recreation / Tourism Fund***

The Host Community Standing Committee of the Niagara River Greenway Commission (HCSC) reports that as of 12/31/2022, 143 projects totaling \$74,501,088 have been determined to be consistent with eligibility criteria. Of the 143 projects, eight are capital projects that are subject to debt service. Of the \$74,501,088 in funding that was approved, 21 approvals were for additional funding of existing projects

totaling \$4,210,325. During the HCSC fiscal year July 1, 2021 through June 30, 2022, six (6) new projects were approved for funding totaling \$925,000, and four (4) projects were approved for additional funding in the amount of \$309,781.37, for a total of \$1,234,781.37.

### ***Employees***

The County employs approximately 1,3380 full time and 77 part time employees, some of which are represented by the following bargaining units:

<b><u>Bargaining Unit</u></b>	<b><u># of Members</u></b>		<b>Contract</b>
			<b><u>Expiration</u></b>
AFSCME	108	– full time	2025
	26	– part time	
NC Deputy Sheriff’s Assoc., Corrections	167	– full time	2024
CSEA	730	– full time	2024
	2	– full time	
PBA – Sheriff’s Department	105	– full time	2026
Niagara County Probation	33	– full time	2026
Teamsters Local 264 – Sewer	16	– full time	2025
Non-Union	221	– full time	N/A
	49	– part time	

Source: County Officials as of June 29, 2023.

### ***Pension Payments***

Substantially all employees of the County are members of the New York State and Local Employees Retirement System (“ERS”), the New York State and Local Police and Fire Retirement System (“PFRS”) or, for full-time and certain part-time instructional positions at the Niagara County Community College (the “College”), the New York State Teachers’ Retirement System (“TRS”) (all three systems are referred to collectively hereinafter as the “Retirement Systems” where appropriate). These Retirement Systems are cost-sharing multiple public employer retirement systems. The obligation of employers and employees to contribute and the benefits to employees are governed by the New York State Retirement System and Social Security Law (the “Retirement System Law”). The Retirement Systems offer a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability benefits and optional methods of benefit payments. As of April 9, 2022, all members only need five years of service credit to be vested. This affects members of both ERS and PFRS. Previously, Tier V and VI members needed 10 years of service to be eligible for a service retirement benefit. The Retirement System Law generally provides that all participating employers in each retirement system are jointly and severally liable for any unfunded amounts. Such amounts are collected through annual billings to all participating employers. Generally, all employees, except certain part-time employees, participate in the Retirement Systems. The Retirement Systems are non-contributory with respect to members hired prior to July 1, 1976. All members hired on or after July 1, 1976 must contribute 3% of gross annual salary toward the cost of retirement programs, until they attain ten years in the Retirement System, at which time contributions become voluntary.

On March 16, 2012, the Governor signed into law the new Tier VI pension program, effective for new ERS and TRS employees hired after April 1, 2012. The Tier VI legislation provides, among other things, for increased employee contribution rates of between 3% and 6%, an increase in the retirement age from 62 to 63 years, a readjustment of the pension multiplier, and a change in the time period for final average salary calculation from 3 years to 5 years. Tier VI employees will vest in the system after ten years of employment and will continue to make employee contributions throughout employment.

On December 10, 2009, the Governor signed into law the creation of a new Tier 5, which is effective for new ERS and TRS employees hired after January 1, 2010. New ERS employees in Tier 5 contribute 3% of their salaries and new TRS employees in Tier 5 contribute 3.5% of their salaries. There is no provision for these contributions to cease for Tier 5 employees after a certain period of service.

On May 14, 2003, the Governor signed a pension reform bill into law as Chapter 49 of the Laws of 2003 (“Chapter 49”). Chapter 49 changed the billing cycle for employer contributions to the ERS retirement system to match budget cycles of the County. Under the previous method, the County was not provided with the required payment until after its budget was implemented. Under the reforms implemented by Chapter 49, the employer contribution for a given fiscal year is based on the value of the pension fund on the prior April 1, instead of the following April 1. As a result, the County is notified of and can include the actual cost of the employer contribution in its budget. Chapter 49 also requires a minimum payment of 4.5% of payroll each year, including years in which investment performance of the fund would make a lower employer contribution possible.

During its 2004 Session the New York State Legislature enacted further pension relief in the form of Chapter 260 of the Laws of 2004 (“Chapter 260”). Among other things, Chapter 260 changed the pension payment date for all local governments from December 15 to February 1 and permitted the legislative body of a municipality to establish a retirement contribution reserve fund for the purpose of financing retirement contributions in the future.

The New York State Retirement System has advised that municipalities can elect to make employer contribution payments in the December or the following February, as required. If such payments are made in the December prior to the scheduled payment date in February, they may be made at a discount amount.

The following schedule reflects the County's contribution to ERS for the last three fiscal years and the budgeted amounts for the 2023 fiscal year.

<b>Fiscal Year</b> <b><u>Ending December 31:</u></b>	<b>State Fiscal Year</b> <b><u>Ending March 31</u></b>	<b>ERS</b> <b><u>Contribution</u></b>
2023 Budgeted	2023	\$12,554,585
2022	2022	8,162,423
2021	2021	12,910,676
2020	2020	11,786,044

*Source: County's Audited Financial Statements for Fiscal Year 2022, Adopted Budget for Fiscal Year 2023.*

The following schedule reflects the College's contribution to ERS for the last three fiscal years and the budgeted amounts for the 2023 fiscal year.

<b>Fiscal Year</b> <b><u>Ending August 31:</u></b>	<b>State Fiscal Year</b> <b><u>Ending March 31</u></b>	<b>ERS</b> <b><u>Contribution</u></b>
2023 Budgeted	2023	\$1,028,000
2022	2022	1,269,468
2021	2021	1,227,298
2020	2020	1,121,057

*Source: County's Audited Financial Statements for Fiscal Year 2022, Adopted Budget for Fiscal Year 2023.*

The following schedule reflects the College's contribution to TRS for the last three fiscal years and the budgeted amounts for the 2023 fiscal year.

<b>Fiscal Year</b> <b><u>Ending August 31:</u></b>	<b>State Fiscal Year</b> <b><u>Ending June 30</u></b>	<b>TRS</b> <b><u>Contribution</u></b>
2023 Budgeted	2023	\$337,000
2022	2022	332,148
2021	2021	333,306
2020	2020	332,636

*Source: County's Audited Financial Statements for Fiscal Year 2022, Adopted Budget for Fiscal Year 2023.*

According to the State Comptroller, the estimated average contribution rate for participating employers in the ERS for the fiscal year 2023-24 will increase from 11.6 percent of payroll to 14.6 percent of payroll. The estimated average employer contribution rate for PFRS will be reduced from 28.3% to 27% of payroll.

***Other Post-Employment Benefits***

Under GASB Statement No. 75, the total OPEB liability represents the sum of expected benefit payments which may be attributed to past service (or “earned”), discounted to the end of the fiscal year using the current discount rate. The total OPEB liability is analogous to the Unfunded Actuarial Accrued Liability (“UAAL”) under GASB Statement No. 45.

The following table shows the changes to the total OPEB liability during the fiscal year:

	<u>County’s Total</u>
Balances at December 31, 2021 as restated:	\$582,955,491
Changes for the year:	
Service Cost	6,921,955
Interest	11,772,905
Changes in assumptions	(176,471,382)
Benefit payments	<u>(17,334,870)</u>
Net changes	<u>(175,111,392)</u>
Balances at December 31, 2022	<u>\$407,844,099</u>

The expense recognized annually is referred to as the annual OPEB cost and includes the annual required contribution (ARC), an annual adjustment to the ARC, and interest on the post-employment benefits liability (net of OPEB obligation).

The following table illustrates the College’s OPEB cost, the amount actually contributed to the College’s Plan, and changes in the College’s net OPEB obligation.

	<u>Community College</u>
Balances at August 31, 2021 as restated:	<u>\$139,803,063</u>
Changes for the year:	
Service Cost	3,158,846
Interest	2,022,962
Changes in assumptions	(22,733,943)
Difference between expected and actual	(36,134,465)
Change in Benefit Term	(270,911)
Benefit payments	<u>(4,494,567)</u>
Net changes	<u>(58,452,078)</u>
Balances at August 31, 2022	<u>\$81,350,985</u>

Source: County’s Audited Financial Statements for Fiscal Year 2022.

**FINANCIAL FACTORS**

***Independent Audit***

The annual financial statements of the County are audited by independent certified public accountants. The County is also subject to periodic audit by the State Comptroller's Office. Appendix B to this Official Statement presents a summary of the financial operating results of the General and Special Revenue Funds for each of the last five fiscal years ended, and budget summaries for the current and prior fiscal years.



## Revenues

The County derives a major portion of its general fund revenues from a tax on real property (see "Statement of Revenues, Expenditures and Changes in Fund Balance" in Appendix B, herein). Real property taxes accounted for 21.9% of total general fund revenues for the fiscal year ended December 31, 2022, while State aid accounted for 10.3%

**Real Property Tax.** The following table sets forth total general fund revenues and real property tax revenues during the last five audited fiscal years and current budgeted year.

**TABLE 1**  
**Property Taxes**  
(General Fund)

<u>Fiscal Year</u>	<u>Total Revenues</u>	<u>Real Property Taxes</u>	<u>Real Property Taxes to Revenues</u>
2018	325,465,601	77,247,121	23.7%
2019	321,541,871	78,301,185	24.4%
2020	326,351,004	80,097,924	23.7%
2021	350,124,298	82,499,641	23.6%
2022	379,228,198	82,979,993	21.9%
2023 Budgeted	384,247,799	85,269,713	22.2%

Source: County's Audited Financial Statements for Fiscal Years 2018 – 2022 and Adopted Budgets for Fiscal Years 2023.

**State and Federal Aid.** The County also receives a portion of its revenues in the form of State and Federal aid. For the fiscal year ended December 31, 2022, State and Federal aid represented approximately 21.8% of the total general fund revenues of the County. However, there is no assurance that the Federal aid or State appropriation for State aid to municipalities will continue, either pursuant to existing formulas or in any form whatsoever. The State is not constitutionally obligated to maintain or continue such aid. Federal or State budgetary restrictions which eliminate or substantially reduce aid could have a material adverse effect upon the County, requiring either a counterbalancing increase in revenues from other sources to the extent available, or a curtailment of expenditures.

The following table sets forth total general fund revenues and Federal and State aid during the last five audited fiscal years and current budgeted year.

**TABLE 2**  
**State Aid and Federal Aid**  
(General Fund)

<u>Fiscal Year</u>	<u>Total Revenues</u>	<u>State Aid</u>	<u>Federal Aid</u>	<u>Total State and Federal Aid</u>	<u>Aid to Revenues</u>
2018	324,716,797	31,219,258	40,917,085	72,136,343	22.2%
2019	321,805,666	28,966,586	37,782,943	66,749,529	20.7%
2020	326,351,004	32,642,041	39,612,407	72,254,448	22.1%
2021	350,124,298	32,625,561	36,741,921	69,367,482	19.8%
2022	379,228,198	39,006,301	43,508,288	82,514,589	21.8%
2023 Budgeted	384,247,799	46,132,047	47,402,111	93,534,158	24.3%

Source: County's Audited Financial Statements for Fiscal Years 2018 – 2022 and Adopted Budgets for Fiscal Years 2023.

**Sales and Use Tax.** As authorized pursuant to Section 1210 of the New York Tax Law, the County currently imposes a sales and use tax of 3.00%. This is in addition to the 4.00% sales and use tax imposed by the State. The sales and use tax collections are administered by the State Tax Commission and the proceeds are paid monthly to the County.

The following table sets forth total general fund revenues and sales tax during the last five fiscal years.

**TABLE 3**  
**Sales Taxes**  
(General Fund)

<u>Fiscal Year</u>	<u>Total Revenues</u>	<u>3% General Distributed</u>	<u>3% General County's Share</u>	<u>1% Sales Tax</u>	<u>Total Sales Tax Revenue</u>	<u>Sales Taxes to Revenues</u>
2018	324,096,614	52,303,414	39,521,778	34,048,544	125,873,736	38.84%
2019	320,732,357	53,504,112	40,795,404	34,965,913	129,265,429	40.30%
2020	325,077,816	52,894,114	41,367,801	34,271,892	128,533,807	39.54%
2021	348,944,192	61,224,963	47,633,603	40,424,803	149,283,369	42.78%
2022	377,842,303	65,396,206	50,337,207	42,666,666	158,400,078	41.92%

Source: County Officials.

### ***Budgetary Process***

The tentative budget is prepared by the Director of the Office of Management & Budget and the County Manager. It is presented by the County Manager in November. The final budget must be passed by the County Legislature by December 20th of each year or the tentative budget becomes law. and the final budget is not subject to voter approval. Throughout the year, the Legislature exercises administrative budgetary controls. Money can be spent only for services, materials, and projects established in the budget. Unexpended appropriations are transferred to the appropriate fund balance at the end of the fiscal year.

### ***Investment Policy/Permitted Investments***

Pursuant to State law, including Sections 10 and 11 of the General Municipal Law (the "GML"), the County is generally permitted to deposit moneys in banks and trust companies located and authorized to do business in the State. All such deposits, including special time deposit accounts and certificates of deposit, in excess of the amount insured under the Federal Deposit Insurance Act, are required to be secured in accordance with the provisions of and subject to the limitations of Section 10 of the GML.

The County may also temporarily invest moneys in: (1) obligations of the United States of America; (2) obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America; (3) obligations of the State of New York; (4) with the approval of the New York State Comptroller, in tax anticipation notes or revenue anticipation notes issued by any municipality, school district, or district corporation, other than those notes issued by the County; (5) certificates of participation issued by political subdivisions of the State pursuant to Section 109-b(10) of the GML; (6) obligations of a New York public benefit corporation which are made lawful investments for municipalities pursuant to the enabling statute of such public benefit corporation; or (7) in the case of moneys held in certain reserve funds established by the County pursuant to law, in obligations of the County.

All of the foregoing instruments and investments are required to be payable or redeemable at the option of the owner within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of instruments and investments purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event, at the option of the owner, within two years of the date of purchase. Unless registered or inscribed in the name of the County, such instruments and investments must be purchased through, delivered to and held in custody of a bank or trust company in the State pursuant to a written custodial agreement as provided in Section 10 of the GML.

The County Legislature has adopted an investment policy and such policy conforms with applicable laws of the State governing the deposit and investment of public moneys. All deposits and investments of the County are made in accordance with such policy.

### ***The State Comptroller's Fiscal Stress Monitoring System***

The New York State Comptroller ("OSC") has reported that New York State's school districts and municipalities are facing significant fiscal challenges. As a result, the Office of the State Comptroller has developed a Fiscal Stress Monitoring System ("FSMS") to provide independent, objectively measured and quantifiable information to school district and municipal officials, taxpayers and policy makers regarding the various levels of fiscal stress under which the State's school districts and municipalities are operating.

The fiscal stress scores are based on financial information submitted as part of each school district's ST-3 report filed with the State Education Department annually, and each municipality's annual report filed with the State Comptroller. Using financial indicators that include year-end fund balance, cash position and patterns of operating deficits, the system creates an overall fiscal stress score which classifies whether a school district or municipality is in "significant fiscal stress", in "moderate fiscal stress," as "susceptible to fiscal stress" or "no designation". Entities that do not accumulate the number of points that would place them in a stress category will receive a financial score but will be classified in a category of "no designation." This classification should not be interpreted to imply that the entity is completely free of fiscal stress conditions. Rather, it means that the entity's financial information, when objectively scored according to the FSMS criteria, did not generate sufficient points to place them in one of the three established stress categories.

The most current applicable report of the State Comptroller designates the County as "No Designation" (see <https://www.osc.state.ny.us/files/local-government/fiscal-monitoring/2021/pdf/2021-munis-summary.pdf>).

### ***New York State Comptroller's Audit***

The financial affairs of the City are subject to periodic compliance reviews by the Office of the New York State Comptroller ("OSC") to ascertain whether the County has complied with the requirements of various State and federal statutes.

The last audit conducted by OSC was released on February 26, 2016. The purpose of the audit was to examine the County's golf course financial operations for the period January 1, 2014 through October 6, 2015.

The complete report can be obtained from OSC's website:  
<https://www.osc.state.ny.us/files/local-government/audits/2017-10/lgsa-audit-county-2016-niagara.pdf>

## **REAL PROPERTY TAXES**

### ***Tax Collection Procedure***

County taxes are levied in January and are collected by the local receivers in each of the various towns and cities within the County over a three-month period and there is no penalty if the taxes are paid within the first 30 days after they are due. After their collection period, delinquent taxes are returned to the County Treasurer and a 5% penalty plus interest at 12% per annum is added monthly.

On November 19, 2002, the County adopted a resolution to begin enforcement under Article 11 of the Real Property Tax Law. The 2003 tax liens were foreclosed under a three-year procedure and beginning in 2004, liens reverted to a two-year foreclosure.

The County continues to enforce liens prior to 2003 under Chapter 744 of the Laws of 1904, the County's Special Tax Act.

Under New York State Law, the County is obligated to make the towns, central school districts and villages whole for any uncollected taxes.

The following table sets forth the assessed and full valuation of taxable real property, the State equalization rate and the County's real property tax levy for County purposes for the last five fiscal years.

**Table 4**  
**Assessed and Full Valuation**

Roll Year	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b><u>2021</u></b>	<b><u>2022</u></b>
Tax Year	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>2021</u></b>	<b><u>2022</u></b>	<b><u>2023</u></b>
Taxable Assessed Valuation	\$9,087,561,136	\$9,178,186,800	\$9,341,977,736	\$9,426,065,336	\$10,379,281,975
State Equalization Rate	78.42%	73.92%	70.82%	66.46%	64.83%
Full Valuation	\$11,588,320,755	\$12,416,378,247	\$13,191,157,492	\$14,183,065,507	\$16,009,998,419
Tax Rate per \$1,000	\$8.98	\$9.11	\$9.19	\$9.32	\$8.62

*Source: County Assessor*

**TABLE 5**  
**Tax Levy and Collection Record**

	2018	2019	2020	2021	2022
Total Tax Levy <sup>(1)</sup>	\$128,189,777	\$132,025,835	\$135,825,487	\$139,775,152	\$142,009,816
Amount Collected	<u>124,022,819</u>	<u>127,857,866</u>	<u>132,213,575</u>	<u>136,580,160</u>	<u>138,349,190</u>
Amount	\$4,166,958	\$4,167,969	\$3,611,912	\$3,194,992	\$3,660,626
Percentage	3.30%	3.16%	2.66%	2.29%	2.58%

*(1) Includes County, Town and Special District taxes, along with School and Village Re-levy and unpaid water and sewer charges within Towns.*

*Source: County Treasurer's Office*

### ***Ten Largest Assessed Values***

The following table presents the top ten taxable assessed valuations for the 2023 County tax levy.

**TABLE 6**  
**Assessed Valuations**

<b><u>Property Owner</u></b>	<b><u>Nature of Business</u></b>	<b><u>Taxable Assessed Valuation</u></b>	<b><u>% of Total Assessed Valuation</u></b> <sup>(1)</sup>
Next Era Energy,	Utility	\$64,000,000	0.62%
MHC Woodlands LLC,	Mobile Home Park	53,910,000	0.52%
GM Components Holdings LLC,	Industrial	28,880,000	0.28%
CWM-Chemical Waste Management,	Industrial	23,505,300	0.23%
NYS Electric & Gas Corp,	Utility	21,003,633	0.20%
Niagara Mohawk Power Corp,	Utility	20,789,852	0.20%
Tennessee Gas Pipeline Co,	Utility	20,660,900	0.20%
TP Center LLC ,	Retail	17,370,000	0.17%
National Fuel Gas Corp,	Utility	17,117,716	0.16%
MHC Woodlands LLC,	Mobile Home Park	<u>15,110,000</u>	<u>0.15%</u>
	Total:	<u>\$282,347,401</u>	<u>2.72%</u>

*(1) The total assessed valuation of the County for the 2023 Assessment Roll was \$10,379,281,975.*

*Source: Real Property Tax Services.*

## COUNTY INDEBTEDNESS

### *Constitutional and Statutory Requirements*

The New York State Constitution limits the power of the County (and other municipalities and certain school districts of the State) to issue obligations and to otherwise contract indebtedness. Such constitutional and statutory limitations include the following, in summary form, and are generally applicable to the County.

**Purpose and Pledge.** Subject to certain enumerated exceptions, the County shall not give or loan any money or property to or in aid of any individual, or private corporation or private undertaking, or give or loan its credit to or in aid of any of the foregoing or any public corporation. The County may contract indebtedness only for a County purpose and shall pledge its faith and credit for the payment of principal and interest.

**Payment and Maturity.** Except for certain short-term indebtedness contracted in anticipation of taxes or to be paid within three fiscal year periods, indebtedness shall be paid in annual installments commencing no later than two years after the date such indebtedness shall have been contracted and ending no later than the expiration of the period of probable usefulness of the object or purpose as determined by statute; no installment may be more than fifty per centum in excess of the smallest prior installment, unless the County determines to issue a particular debt obligation amortizing on the basis of substantially level or declining annual debt service. The County is required to provide an annual appropriation for the payment of interest due during the year on its indebtedness, for the amounts required in such year for amortization and redemption of its serial bonds, and for such required annual installments on its notes.

**Debt Limit.** The County has the power to contract indebtedness for any County purpose provided the principal amount thereof shall not exceed seven per centum of the average full valuation of taxable real estate of the County, and subject to certain enumerated exclusions and deductions such as water and certain sewer facilities and cash or appropriations for current debt service. The constitutional and statutory method for determining full valuation is by taking the assessed valuation of taxable real estate for the last completed assessment rolls of the County and dividing the same by the equalization rates, or the ratios which such assessed valuations bear to the full valuation, as determined by the State Board of Real Property Services. The State Legislature is required to prescribe the manner by which such ratios shall be determined. Average full valuation is determined by taking the sum of the full valuations of such last completed assessment rolls and the four preceding assessment rolls and dividing such sum by five.

### *Statutory Procedure*

In general, the State Legislature has authorized the powers and procedures for the County to borrow and incur indebtedness by the enactment of the Local Finance Law subject to the constitutional provisions set forth above. The power to spend money, however, generally derives from other law, including County Law, the General Municipal Law, and the County Charter.

Pursuant to the County Charter and the Local Finance Law, as applicable, the County authorizes incurrence of indebtedness, including bonds and bond anticipation notes issued in anticipation of such bonds, by the adoption of a resolution, approved by at least two-thirds vote of the County Legislature. The County Legislature as a whole constitutes the finance board of the County. Such resolutions are not subject to referendum unless the County Legislature specifically determines that a particular resolution shall be subject to referendum. The Local Finance Law also provides for a twenty-day statute of limitations after publication of a bond resolution (in summary or in full), together with a statutory notice which, in effect, estops thereafter legal challenges to the validity of obligations authorized by such bond resolution except for alleged constitutional violations. Each bond resolution usually authorizes the construction, acquisition or installation of the object or purpose to be financed, sets forth the plan of financing, the estimated maximum cost thereof and the maximum maturity of the bonds, subject to the legal restrictions relating to the period of probable usefulness with respect thereto. A principal reduction must be made within twenty-

four months of the original issue date. Adoption of a bond resolution also authorizes the issuance of bond anticipation notes prior to the issuance of bonds. Statutory law in the State permits bond anticipation notes to be renewed each year provided that principal reductions commence within twenty-four months and provided that such renewals, except in the case of assessable improvement financing, do not extend five years beyond the original date of the borrowing. However, notes issued in anticipation of the sale of serial bonds for assessable improvements are not subject to such five year limit and may be renewed subject to annual reductions of principal, beginning within twenty-four months of the original issue date, for the entire period of probable usefulness of the purpose for which such notes were originally issued. The County Legislature has delegated certain of its powers in relation to the sale of bonds and any notes issued in anticipation thereof to the County Treasurer as the Chief Fiscal Officer of the County.

The County Legislature, as the finance board of the County, has the power, pursuant to the Local Finance Law, to adopt tax and revenue anticipation note resolutions by majority vote. Such resolutions may authorize the issuance of tax or revenue anticipation notes in an aggregate principal amount necessary to fund anticipated cash flow deficits, but, in no event, exceeding the amount of taxes or moneys estimated to be received by the County, less any tax or revenue anticipation note previously issued and less the amount of such taxes or moneys previously received by the County. The County Legislature has delegated certain of its powers in relation to the sale of tax and revenue anticipation notes to the County Treasurer, as the Chief Fiscal Officer of the County.

***Constitutional Debt Limit***

The following table sets forth the constitutional debt limit of the County.

**TABLE 7**  
**Constitutional Debt Limit**

<b><u>Assessment</u></b> <b><u>Roll Year</u></b>	<b><u>Assessed</u></b> <b><u>Valuation</u></b>	<b><u>Equalization</u></b> <b><u>Ratio</u></b>	<b><u>Full</u></b> <b><u>Valuation</u></b>
2018	\$9,087,561,136	78.42%	\$11,588,320,755
2019	9,178,186,800	73.92%	12,416,378,247
2020	9,341,977,736	70.82%	13,191,157,492
2021	9,426,065,336	66.46%	14,183,065,507
2022	10,379,281,975	64.83%	<u>16,009,998,419</u>
Total Five-Year Valuation			\$67,388,920,420
Average Five-Year Valuation			\$13,477,784,084
Debt Limit – 7% of Average Full Valuation			\$943,444,886

*Source: County Assessor's Office and the New York State Office of Real Property Services.*

## ***Statement of Debt Contracting Power***

The following table sets forth the debt limit of the County, as of August 14, 2023.

**TABLE 8**  
**Statutory Debt Limit and Net Indebtedness**

Debt Contracting Limitation	\$943,444,886
Gross Direct Indebtedness	
Serial Bonds	\$51,130,000
Bond Anticipation Notes	<u>0</u>
Total Gross Direct Indebtedness	\$51,130,000
Exclusions and Deductions	
Water Bonds	\$22,595,213
Sewer Bonds	5,779,787
Appropriations	<u>1,445,000</u>
Total Exclusions:	\$29,820,000
Total Net Indebtedness	<u>\$21,310,000</u>
Net Debt-Contracting Margin	<u>\$922,134,886</u>
Percentage of Debt-Contracting Margin Exhausted	<u>2.26%</u>

*Source: County Officials*

### ***Remedies Upon Default***

Under current law, provision is made for contract creditors, including bondholders and noteholders of the County to enforce payments upon such contracts, if necessary, through court action, although the present statute limits interest on the amount adjudged due to creditors to nine per centum per annum from the date due to the date of payment. As a general rule, property and funds of a municipal corporation serving the public welfare and interest have not been judicially subjected to execution or attachment to satisfy a judgment, although judicial mandates have been issued to officials to appropriate and pay judgments out of current funds or the proceeds of a tax levy.

Remedies for enforcement of payment are not expressly included in the County's contract with holders of its bonds and notes, although any permanent repeal by statute or constitutional amendment of a bondholder's or noteholder's remedial right to judicial enforcement of the contract should, in the opinion of Bond Counsel, be held unconstitutional.

The State has consented that any municipality in the State may file a petition with any United States district court or court of bankruptcy under any provision of the laws of the United States, now or hereafter in effect for the composition or adjustment of municipal indebtedness. Subject to such State consent, under the United States Constitution, Congress has jurisdiction over such matters and has enacted amendments to the existing federal bankruptcy statute, generally to the effect and with the purpose of affording municipal corporations, under certain circumstances, with easier access to judicially approved adjustment of debts including judicial control over identifiable and unidentifiable creditors.

In recent times, certain events and legislation affecting remedies on default have resulted in litigation. While courts of final jurisdiction have upheld and sustained the rights of bondholders and noteholders such courts might hold that future events, including financial crises as they may occur in the State and in municipalities of the State, require the exercise by the State of its emergency and police powers to assure the continuation of essential public services.

No principal or interest payment on County indebtedness is past due. The County has never defaulted in the payment of the principal of and interest on any indebtedness.

As a result of the Court of Appeals decision, the constitutionality of that portion of Title 6-A of Article 2 of the Local Finance Law enacted at the 1975 Extraordinary Session of the State legislature authorizing any county, city, town or village with respect to which the State has declared a financial emergency to petition the State Supreme Court to stay the enforcement against such municipality of any claim for payment relating to any contract, debt or obligation of the municipality during the emergency period, is subject to doubt. In any event, no such emergency has been declared with respect to the County.

***Trend of Outstanding Indebtedness***

The following table provides information relating to the capital indebtedness outstanding at year end for each of the five prior fiscal years.

**TABLE 9**  
**Outstanding Indebtedness**

<b>Debt Outstanding December 31:</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Bonds	\$83,513,800	\$77,614,000	\$70,060,000	\$62,482,000	\$55,685,000
Bond Anticipation Notes	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Outstanding Debt	<u>\$83,513,800</u>	<u>\$77,614,000</u>	<u>\$70,060,000</u>	<u>\$62,482,000</u>	<u>\$62,482,000</u>

***Direct and Overlapping Indebtedness***

The real property taxpayers of the County are responsible for a proportionate share of outstanding debt obligations of the County and other governmental units. Such taxpayers' share of this overlapping debt is based upon the amount of the County's equalized property values taken as a percentage of each separate unit total values. The table below sets forth both the total outstanding principal amount of debt issued by the County and the approximate magnitude of the burden on taxable property in the County of the debt instruments issued and outstanding by such other political units. Authorized but unissued debt has not been included.

**TABLE 10**  
**Statement of Direct and Overlapping Indebtedness**

**Direct Debt**

Gross Direct Debt	\$51,130,000
Exclusions & Deductions	<u>29,820,000</u>
Net Direct Debt	<u>\$21,310,000</u>

**Overlapping Debt**

<b>Issuer</b>	<b>As of:</b>	<b>Net Debt Outstanding</b>	<b>County Share</b>	<b>Amount Applicable to County</b>
City of Lockport	09/29/2022	\$ 7,031,779	100%	\$ 7,031,779
City of Niagara Falls	06/22/2023	35,805,000	100%	35,805,000
City of North Tonawanda	06/27/2023	17,012,375	100%	17,012,375
Towns (12)	12/31/2021	51,470,492	100%	51,470,492
Villages (5)	05/30/2021	5,757,338	100%	5,757,338
School Districts (10)	06/30/2021	352,770,828	100%	352,770,828
Fire District (2)	12/31/2020	0	100%	<u>0</u>
Net Overlapping Debt				\$469,847,812
Net Direct Debt				<u>21,310,000</u>
Total Net Direct & Overlapping Debt				<u>\$491,157,812</u>

Source: Data provided by Office of the State Comptroller and County Officials.



***Debt Ratios***

The following table presents certain debt ratios relating to the County's net direct and overlapping indebtedness.

**TABLE 11**  
**Debt Ratios**

	<u>Amount</u>	<u>Debt Per</u> <u>Capita</u> <small>(1)</small>	<u>Debt to</u> <u>Full Value</u> <small>(2)</small>
Net Direct Debt	\$21,310,000	\$100	0.13%
Net Direct & Overlapping Debt	\$491,157,812	\$2,309	3.07%

(1) The population of the County is 212,666 according to the 2020 Census.

(2) The County's full value of taxable real property for 2023 tax year is \$16,009,998,419.

***Debt Service Schedule***

The following table sets forth all principal and interest payments required on the County's outstanding bonded indebtedness not including refunded debt for the fiscal years ending as follows:

**TABLE 12**  
**Bond Principal and Interest Maturity**  
(as of August 14, 2023)

<u>Fiscal Year</u> <u>Ending December 31</u>	<u>Principal</u>	<u>Interest</u> <small>(1)</small>	<u>Total</u> <u>Debt Service</u> <small>(1)</small>
2023	\$1,550,000	\$441,122	\$1,991,122
2024	5,410,000	1,644,325	7,054,325
2025	5,000,000	1,419,538	6,419,538
2026	5,150,000	1,210,119	6,360,119
2027	5,095,000	1,005,806	6,100,806
2028	4,445,000	842,400	5,287,400
2029	3,835,000	697,275	4,532,275
2030	3,950,000	573,263	4,523,263
2031	4,055,000	460,369	4,515,369
2032	4,180,000	335,728	4,515,728
2033	2,145,000	243,731	2,388,731
2034	2,085,000	187,253	2,272,253
2035	2,130,000	124,944	2,254,944
2036	1,550,000	60,675	1,610,675
2037	190,000	13,650	203,650
2038	195,000	7,875	202,875
<u>2039</u>	<u>165,000</u>	<u>2,475</u>	<u>167,475</u>
Total:	<u>\$51,130,000</u>	<u>\$9,270,548</u>	<u>\$60,400,548</u>

(1) Columns may not sum due to rounding.

**ECONOMIC AND DEMOGRAPHIC DATA**

***Population***

The following table presents population trends for the County and the State.

**TABLE 13**  
**Population Trend**

	<u>2010</u>	<u>2020</u>	<u>Percentage Change</u>
County	216,469	212,666	(1.8)%
State	19,378,102	20,201,249	4.3%

Source: U.S. Census

***Employment and Unemployment***

The following tables provide information concerning employment in the County and the State.

**TABLE 14**  
**Largest County Employers**

*(as of 6/1/21)*

<u>Name</u>	<u>Type</u>	<u>Approx. No. of Employees</u>
Niagara Falls Air Reserve Station	Air National Guard	3,000
Seneca Niagara Casino	Gaming Facility	2,677
Fashion Outlets of Niagara	Retail Shopping Center	2,027
GM Lockport Operations	Heating/Cooling Systems	1,600
Niagara County	County Government	1,389
Niagara Falls City School District	Education	1,206
Niagara Falls Memorial Medical Center	Medical Center	1,030
North Tonawanda City School District	Education	704
Niagara County Community College	Education	700
Lockport City School District	Education	767
Mount St. Mary's Hospital	Medical Center	627
Eastern Niagara Health System	Medical Center	600
Niagara University	Education	609
Niagara Wheatfield School District	Education	613
Modern Corporation	Waste Management	612
City of Niagara Falls	City Government	550
New Directions Youth & Family Svc	Youth and Family Support	510
DeGraff Memorial Hospital	Medical Center	473
Empower	Education	460
Starpoint Central School District	Education	366

Source: County Officials

**TABLE 15**  
**Civilian Labor Force**

*(Thousands)*

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
County	101.2	100.8	99.2	96.2	98.1
State	9,842.3	9,880.2	9,575.0	9,441.5	9,617.0

Source: New York State Department of Labor.

The following tables set forth the unemployment rates for the County and the State.

**TABLE 16**  
**Yearly Average Unemployment Rates**

<u>Year</u>	<u>County</u>	<u>State</u>
2018	5.2%	4.1%
2019	4.8%	3.8%
2020	10.1%	9.9%
2021	5.7%	6.9%
2022	4.12%	4.3%

*Source: New York State Department of Labor.*

**TABLE 17**  
**Monthly Unemployment Rates**

<u>Month</u>	<u>County</u>	<u>State</u>
June 2022	3.5%	4.1%
July	3.9%	4.3%
August	4.1%	4.2%
September	3.2%	3.6%
October	3.0%	3.7%
November	3.4%	3.8%
December	3.7%	3.8%
January 2023	4.9%	4.6%
February	4.5%	4.5%
March	4.0%	4.0%
April	3.0%	3.7%
May	3.2%	3.8%

*Source: New York State Department of Labor. Information not seasonally adjusted.*

### ***Financial Institutions***

There are several banks including, Alden State Bank, Bank of America, Citizens Bank, KeyBank, Bank of Akron, Evans National Bank and M&T Bank serving County residents.

### ***Communication***

The County is served by the City of Buffalo’s major metropolitan area newspapers, radio and television stations. In addition, the County has two local newspapers, the “Lockport Union Sun & Journal” and the “Niagara Gazette”. Spectrum, a private corporation, provides cable service to the County.

### ***Transportation***

Transportation facilities include an excellent network of highways, the New York State Thruway (Interstate 90), and the Metro Bus System. Several major airlines operating from the Buffalo-Niagara International Airport and the Niagara Falls International Airport also serve the area. These facilities make the County easily accessible to the large diversified industrial area of the Niagara Frontier.

**Comparative Housing, Income and Population Data (2020)**

**TABLE 18**

	<u>County</u>	<u>State</u>	<u>U.S.</u>
<b><u>Age Distribution:</u></b>			
% Under 5 Years	5.3	5.8	6.0
% under 18 years	19.9	20.7	22.3
% 65 and Over	19.5	16.9	16.5
<b><u>Housing:</u></b>			
% Owner Occupied Housing Units	71.7	54.1	64.4
Median Value Housing (\$)	131,600	325,000	229,800
Median Gross Rent (\$)	714	1,315	1,096
<b><u>Income:</u></b>			
Per Capita Income (\$)	31,762	40,898	35,384
Median Family Income (\$)	57,252	71,117	64,994
% People Below Poverty Level	11.7	12.7	11.4

Source: U.S. Census Bureau.

**LITIGATION**

In common with other municipalities, the County from time to time receives notices of claim and is party to litigation. In the opinion of the County Attorney, unless otherwise set forth herein and apart from matters provided for by applicable insurance coverage, there are no claims or action pending which, if determined against the County, would have an adverse material effect on the financial condition of the County.

**END OF APPENDIX A**

**APPENDIX B**

**SUMMARY OF FINANCIAL  
STATEMENTS AND BUDGETS**

**COUNTY OF NIAGARA, NEW YORK**  
**Comparative Balance Sheets**  
**Fiscal Years Ended December 31:**

	<u>General Fund</u>		<u>Road Fund</u>		<u>Water Fund</u>		<u>Sewer Fund</u>	
	<u>2021</u>	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>	<u>2022</u>	<u>2021</u>	<u>2022</u>
<b>Assets:</b>								
Cash	\$57,011,482	\$20,934,162	\$6,217,271	\$6,995,697	\$2,607,997	\$3,254,035	\$3,466,158	\$5,062,612
Investments	0	63,261,165	0	0	0	0	0	0
Restricted Cash	27,991,384	5,931,881	0	0	5,906,127	6,627,934	1,273,128	1,485,734
Restricted Investments	0	36,415,960	0	0	0	0	0	0
Receivables:			25,461	12,182	1,204,041	1,269,921	217,372	84,274
Taxes	7,826,668	7,223,557	0	0	0	0	0	0
Returned School and Village Taxes	5,818,689	6,312,474	0	0	0	0	0	0
Lease Receivables	0	1,807,424	0	0	0	115,720	0	0
Accounts Receivable	1,404,308	1,249,364	0	0	0	0	0	0
Due from Other Funds	434,129	10,497	0	0	0	0	0	0
Due from Other Governments	52,945,146	53,527,385	479,631	449,097	73,137	80,162	76,437	47,539
Prepaid Items	698,059	2,295,898	11,004	33,655	13,812	45,515	9,523	30,130
<b>Total Assets</b>	<b>\$154,129,865</b>	<b>\$198,969,767</b>	<b>\$6,733,367</b>	<b>\$7,490,631</b>	<b>\$9,805,114</b>	<b>\$11,393,287</b>	<b>\$5,042,618</b>	<b>\$6,710,289</b>
<b>Liabilities and Fund Equity</b>								
<b>Liabilities:</b>								
Accounts Payable	\$6,470,626	\$7,156,784	\$149,616	\$333,681	\$206,705	\$126,994	\$259,089	\$144,727
Accrued Liabilities	2,698,475	3,690,839	27,063	34,650	23,683	26,457	20,295	23,708
Due to other Governments	12,731,050	12,797,707	0	0	0	0	0	0
Unearned Revenue	20,391,128	35,207,198	0	0	0	0	0	0
Due to Other Funds	0	0	0	0	0	0	73,000	73,000
<b>Total Liabilities</b>	<b>\$42,291,279</b>	<b>\$58,852,528</b>	<b>\$176,679</b>	<b>\$368,331</b>	<b>\$230,388</b>	<b>\$153,451</b>	<b>\$352,384</b>	<b>\$241,435</b>
Deferred inflows of resources - aggregated inflows of resources	17,623,638	21,785,341	0	0	0	113,250	0	0
<b>Fund Balances:</b>								
Non-Spendable	\$743,235	\$2,295,898	\$11,004	\$33,655	\$13,812	\$45,515	\$9,523	\$30,130
Restricted	7,600,256	7,140,643	0	0	5,906,127	6,627,934	1,273,128	1,485,734
Committed	3,690,689	5,148,756	0	0	0	0	0	0
Assigned	52,882,814	71,716,411	6,545,654	7,088,645	3,654,787	4,453,137	3,407,583	4,952,990
Unassigned	29,297,954	32,030,390	0	0	0	0	0	0
<b>Total Fund Balance</b>	<b>94,214,948</b>	<b>118,332,098</b>	<b>6,556,658</b>	<b>7,122,300</b>	<b>9,574,726</b>	<b>11,126,586</b>	<b>4,690,234</b>	<b>6,468,854</b>
<b>Total Liabilities and Fund Balance</b>	<b>\$154,129,865</b>	<b>\$198,969,967</b>	<b>\$6,733,337</b>	<b>\$7,490,631</b>	<b>\$9,805,114</b>	<b>\$11,393,287</b>	<b>\$5,042,618</b>	<b>\$6,710,289</b>

Sources: Annual Audited Financial Reports.  
Summary is not subject to Audit

**COUNTY OF NIAGARA, NEW YORK**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**GENERAL FUND**  
**Fiscal Years Ended December 31:**

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<b>Revenues</b>					
Real Property Taxes	\$77,247,121	\$78,301,185	\$80,097,924	\$82,499,641	\$82,979,993
Non-Property Tax Items	126,569,641	130,151,414	128,765,293	149,283,369	158,400,079
Departmental Income	30,044,416	29,096,199	27,499,715	29,779,971	28,959,070
Intergovernmental Charges	14,046,391	11,608,494	13,391,550	14,014,182	16,445,961
Use of Money and Property	937,252	1,520,438	666,454	374,937	1,944,074
Licenses and Permits	21,825	24,850	25,125	21,825	12,450
Fines & Forfeitures	329,536	280,014	160,370	220,756	313,485
Sale of Property & Comp. for Loss	1,609,851	962,177	872,733	1,540,651	2,734,746
Miscellaneous	1,364,279	1,688,466	1,453,905	1,862,379	3,769,028
Interfund Revenues	1,158,946	1,159,105	1,163,487	1,159,105	1,154,723
State aid	31,219,258	28,966,586	32,642,041	32,625,561	39,006,301
Federal aid	40,917,085	37,782,943	39,612,407	36,741,921	43,508,288
<b>Total Revenues</b>	<u>\$325,465,601</u>	<u>\$321,541,871</u>	<u>\$326,351,004</u>	<u>\$350,124,298</u>	<u>\$379,228,198</u>
<b>Expenditures and Other Uses</b>					
General Government Support	\$90,772,953	\$92,086,603	\$93,109,476	\$103,939,972	\$112,415,731
Education	26,344,709	24,738,739	22,109,829	23,755,632	25,085,141
Public Safety	50,035,681	52,419,226	57,014,020	55,180,367	56,180,252
Health	21,438,293	22,153,397	21,919,609	23,155,432	23,309,048
Transportation	442,800	442,800	398,520	487,080	442,800
Economic Assistance & Opportunity	117,689,432	117,953,475	114,091,280	109,227,160	112,357,298
Culture & Recreation	3,427,960	3,339,542	1,451,000	1,297,310	3,968,854
Home & Community Service	1,313,209	1,256,758	2,929,568	3,439,337	4,126,315
Employee Benefits	1,595,082	1,314,559	1,977,170	1,422,691	1,463,331
Debt Service	4,665,298	5,345,680	5,344,064	5,313,612	5,549,010
<b>Total Expenditures</b>	<u>\$317,725,417</u>	<u>\$321,050,779</u>	<u>\$320,344,536</u>	<u>\$327,218,593</u>	<u>\$344,897,780</u>
<b>Excess (Deficiency) of</b>					
<b>Revenues over Expenditures</b>	7,740,184	491,092	6,006,468	22,905,705	34,330,418
<b>Other Financing Sources (Uses):</b>					
Operating Transfers In	1,632,696	494,351	3,761,999	0	454
Operating Transfers Out	(2,139,536)	(6,126,660)	(756,956)	(5,622,231)	(9,992,022)
Premium on Bonds	600,904	0	0	0	0
Payment to Escrow Agent	0	0	0	0	0
Proceeds from Debt Issuance	0	0	0	0	0
Serial Bonds Issued	0	0	0	0	0
<b>Total Other Financing</b>	<u>\$94,064</u>	<u>(\$5,632,309)</u>	<u>\$3,005,043</u>	<u>(\$5,622,231)</u>	<u>(\$9,991,568)</u>
<b>Excess of Revenues and Other</b>					
<b>Sources Over (Under) Expenditures</b>					
<b>and Other Uses</b>	<u>7,834,248</u>	<u>(5,141,217)</u>	<u>9,011,511</u>	<u>17,283,474</u>	<u>24,338,850</u>
<b>Fund Balance - Beginning of Year, restated</b>	<u>\$65,226,794</u>	<u>\$73,061,042</u>	<u>\$67,919,963</u>	<u>\$76,931,474</u>	<u>\$93,993,248</u>
<b>Fund Balance - End of Year</b>	<u>\$73,061,042</u>	<u>\$67,919,825</u>	<u>\$76,931,474</u>	<u>\$94,214,948</u>	<u>\$118,332,098</u>

Sources: Annual Audited Financial Reports for Fiscal Years Ending December 31, 2018-2022

Summary is not subject to Audit

**COUNTY OF NIAGARA, NEW YORK**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**ROAD, WATER AND SEWER FUNDS**  
**Fiscal Years Ended December 31:**

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
<b>Revenues</b>					
Real Property Taxes	\$15,564,623	\$15,769,803	\$16,130,931	\$16,317,881	\$16,661,622
Departmental Income	6,035,219	6,022,897	6,077,092	6,076,057	6,238,539
Intergovernmental Charges	2,510,245	2,575,177	2,618,234	2,652,764	2,736,597
Use of Money and Property	298,514	452,433	179,433	70,433	253,088
Fines and Forfeitures	1,000	36,650	77,050	15,950	4,750
Sale of Property	2,973	28,026	34,701	16,734	35,330
Miscellaneous	21,936	23,378	207,212	36,342	22,235
State aid	1,288,145	972,534	1,984,989	649,261	1,560,621
Federal aid	0	0	736,279	39,992	263,017
<b>Total Revenues</b>	<u>\$25,722,655</u>	<u>\$25,880,898</u>	<u>\$28,045,921</u>	<u>\$25,875,414</u>	<u>\$27,775,799</u>
<b>Expenditures and Other Uses</b>					
General Government Support	192,594	205,848	192,641	192,451	190,806
Transportation	7,624,296	7,322,608	8,752,231	6,444,806	8,610,322
Home & Community Service	9,788,719	10,662,414	12,917,606	10,569,185	9,870,208
Employee Benefits	0	0	0	0	0
Debt Service	5,533,016	5,461,585	4,993,854	4,888,956	3,824,540
<b>Total Expenditures</b>	<u>\$23,138,625</u>	<u>\$23,652,455</u>	<u>\$26,856,332</u>	<u>\$22,095,398</u>	<u>\$22,495,876</u>
Excess (Deficiency) of Revenues Over Expenditures and Other Uses	2,584,030	2,228,443	1,189,589	3,780,016	5,279,923
<b>Other Financing Sources (Uses)</b>					
Transfers in	68,529	0	0	3,080	4,491,199
Transfers out	(3,350,913)	(804,964)	(3,450,618)	(4,300,000)	(5,875,000)
<b>Total Other Financing Sources (Uses)</b>	<u>(3,282,384)</u>	<u>(804,964)</u>	<u>(3,450,618)</u>	<u>(4,296,920)</u>	<u>(1,383,801)</u>
Net Change in Fund Balances	(698,354)	1,423,479	(2,261,029)	(516,904)	3,896,122
<b>Fund Balance - Beginning of Year</b>	<u>22,874,425</u>	<u>22,176,062</u>	<u>23,599,551</u>	<u>21,338,522</u>	<u>20,821,618</u>
<b>Fund Balance - End of Year</b>	<u>\$22,176,071</u>	<u>\$23,599,541</u>	<u>\$21,338,522</u>	<u>\$20,821,618</u>	<u>\$24,717,740</u>

Sources: Annual Audited Financial Reports for Fiscal Years Ending December 31, 2018-2022

Summary is not subject to Audit



**County of Niagara, New York  
Budget Summary**

**GENERAL FUND**

	<u>2022</u>	<u>2023</u>
Estimated Revenues:		
Real Property Taxes and Tax Items	\$84,359,399	\$85,269,713
Sales and Use Taxes	130,797,000	148,251,000
State Aid	39,727,696	46,132,047
Federal Aid	45,988,125	47,402,111
Departmental Income	40,388,199	50,260,720
Use of Money and Property	2,000,500	810,577
Sale of Property and Compensation for Loss	6,082,394	6,121,631
<b>Total Estimated Revenues</b>	<u><u>\$349,343,313</u></u>	<u><u>\$384,247,799</u></u>
Budget Appropriations:		
General Government Support	\$100,636,177	\$120,139,906
Education	27,873,002	28,710,363
Public Safety	57,137,049	61,821,767
Health	25,307,717	29,771,268
Transportation	442,800	442,800
Economic Assistance and Opportunity	125,564,688	130,046,198
Culture and Recreation	3,870,831	4,979,638
Home and Community Service	1,553,597	1,934,719
Employee Benefits	1,348,412	1,218,888
Debt Service	5,609,040	5,182,252
<b>Total Budget Appropriations</b>	<u><u>\$349,343,313</u></u>	<u><u>\$384,247,799</u></u>

*Source: Budget summary extracted from Annual Budgets as adopted.*

**APPENDIX C**

**INDEPENDENT AUDITORS' REPORT  
FOR THE FISCAL YEAR ENDED  
DECEMBER 31, 2022**

**Can be accessed on the Electronic Municipal Market Access (“EMMA”) website  
of the Municipal Securities Rulemaking Board (“MSRB”)  
at the following link:**

**<https://emma.msrb.org/P11677545-P11291199-P11721108.pdf>**

**The audited financial statements referenced above are hereby incorporated into the  
attached Official Statement.**

**\* Such Financial Statements and opinion are intended to be representative only as  
of the date thereof. Drescher & Malecki LLP has not been requested by the County  
to further review and/or update such Financial Statements or opinion in connection  
with the preparation and dissemination of this Official Statement.**