

RESOLUTION

A regular meeting of the City of Syracuse Industrial Development Agency was convened in public session on June 30, 2023 at 8:15 a.m. in the Common Council's Chambers, City Hall, 233 East Washington Street, Syracuse, New York.

The meeting was called to order by the Chair and, upon the roll being duly called, the following members were:

PRESENT: Kathleen Murphy, Kenneth Kinsey, Steven Thompson, Dirk Sonneborn, Rickey T. Brown

THE FOLLOWING PERSONS WERE ALSO PRESENT: Staff Present: Eric Ennis, Susan Katzoff, Esq., Amy Huber; Others Present: Aggie Lane, Wendy Lounnot, Barry Lentz, Jeff Davis, Peter King, Scott Dumas, James Trasher

The following Resolution was offered by Dirk Sonneborn and seconded by Kenneth Kinsey:

RESOLUTION AUTHORIZING THE AGENCY TO PARTNER WITH THE CITY TO COMPELTE A SECOND PHASE HOUSING STRATEGY STUDY AT A COST NOT TO EXCEED \$137,500

WHEREAS, the policy of the State of New York (the "**State**") set forth in Title 1 of Article 18-A of the General Municipal Law of the State, as amended (the "**IDA Act**"), is to promote the economic welfare, recreation opportunities and prosperity of its inhabitants and to actively promote, attract, encourage and develop recreation, economically sound commerce and industry through governmental action for the purpose of preventing unemployment and economic deterioration by the creation of industrial development agencies and to protect and promote the health of the inhabitants of the State and to increase trade through promoting the development of facilities to provide recreation for the citizens of the State and to attract tourists from other states; and

WHEREAS, City of Syracuse Industrial Development Agency (the "**Agency**") constitutes an industrial development agency established under the IDA Act and Chapter 641 of the Laws of 1979 of the State of New York, as amended from time to time (together with the IDA Act, the "**Act**") and is thereby authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, educational or cultural facilities, railroad facilities and certain horse racing facilities, thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State and improve their recreation opportunities, prosperity and standard of living; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to do all things necessary or convenient to carry out its purposes and exercise the powers expressly given in the IDA Act, including but not limited to entering contracts and agreements; and

WHEREAS, by letter dated June 16, 2023, the City of Syracuse's (the "**City**") Department of Neighborhood & Business Development ("**NBD**") advised the Agency, that using funds allocated to the City from the American Rescue Plan Act, the City previously engaged czb, LLC (the "**Company**") to undertake the first phase of a City wide housing study ("**First Phase Study**"); and

WHEREAS, based upon the completed First Phase Study, the City wishes to further engage the Company to undertake the second phase of the study to develop more comprehensive and prescriptive recommendations for a housing strategy and investment plan that advances the market-based and affordability-based outcomes identified in the First Phase Study (the "**Second Phase Study**"); and

WHEREAS, the City has requested the Agency partner with the City to undertake the Second Phase Study which will cost, in the aggregate, \$270,000; and

WHEREAS, the City has requested the Agency enter into a memorandum of understanding with the City (the "**MOU**") to undertake the Second Phase Study and allocate \$137,500 of the total cost of the Second Phase Study (the "**Agency's Allocable Share**") with the City allocating the balance of the costs; and

WHEREAS, a member of the Agency would be invited to sit on the Mayor-appointed steering committee that would be tasked with making recommendations for the implementation of the housing strategy. Understanding that the health of the City's housing market is inextricably connected to that of its overall economic development health, the Agency's involvement with the process will help ensure that the outcomes of the strategy help to advance their mutual goals (hereinafter the "**Agency's Participation**"); and

WHEREAS, the Agency recognizes the lack of affordable housing options within the City and that increasing the housing stock in general will advance the general prosperity and standard of living of the residents of the City; and

WHEREAS, the First Phase Study supports the need for more affordable housing within the City; and

WHEREAS, NBD has submitted a legislative request for the July 3rd agenda of the Syracuse Common Council to authorize the City to enter into an agreement with the Company to undertake and complete the Second Phase Study; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as "**SEQRA**"),

the Agency is required to make a determination as to whether the “action” (as said quoted term is defined in SEQRA) to be taken by the Agency may have a “significant impact on the environment” (as said quoted term is utilized in SEQRA). The Agency has classified the execution and delivery of the MOU and the allocation of the Agency's Allocable Share as a “Type II” action as that term is defined under SEQRA, and therefore no further review is required; and

NOW, THEREFORE, be it resolved by the members of the City of Syracuse Industrial Development Agency as follows:

Section 1. Based upon the representations made to the Agency, the Agency makes the following findings and determinations:

- (a) The Agency has determined that the Second Phase Study will provide a unique benefit, offered at a reasonable cost; and
- (b) The Agency has the statutory authority to enter into the MOU with the City for the Second Phase Study, grant the Agency's Allocable Share and engage in the Agency's Participation; and
- (c) The Chair, Vice Chair and/or Executive Director of the Agency are each hereby authorized, on behalf of the Agency, to: (i) negotiate, execute and deliver the MOU with the City on terms acceptable to the Agency upon advice of counsel; and (ii) undertake the Agency's Participation, all as presented at this meeting. The Chair, Vice Chair and/or the Executive Director of the Agency are further authorized to do all such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution. The execution thereof by the Chair, the Vice Chair and/or the Executive Director shall constitute conclusive evidence of such approval; and
- (d) The Agency authorizes the expenditure of the Agency's Allocable Share conditioned upon: (i) the execution and delivery of the MOU by all parties providing for an amount not to exceed \$137,500 as the Agency's Allocable Share, which sum shall be paid solely from the Agency's unencumbered funds; (ii) NBD obtaining all necessary approvals from the Common Council or otherwise to allocate the City's portion of the cost of the Second Phase Study and to execute and deliver the MOU, if any; and (iii) the Agency's Allocable Share shall only be advanced after the City has obtained and advanced their portion of the costs associated with the Second Phase Study; and
- (e) The execution and delivery of the MOU and the undertaking of the Second Phase Study is in furtherance of the Agency's corporate purposes and promotes economic development and advances the general prosperity and economic welfare of the people of the City in furtherance of the purposes of the Act.

Section 2. Should any court of competent jurisdiction determine that the Agency is not authorized under the Act to advance the Agency's Allocable Share or participate in the MOU to undertake the Second Phase Study, this Resolution shall automatically become null, void and of no further force and effect with respect thereto, and the Agency shall have no liability to the Company hereunder or otherwise.

Section 3. No covenant, stipulation, obligation or agreement contained in this Resolution or any other document referred to above shall be deemed to be the covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity. None of the members or officers of the Agency shall be liable or be subject to any personal liability or accountability by reason of the execution of any document referred to above.

Section 4. The Secretary and/or staff of the Agency is hereby authorized and directed to distribute copies of this Resolution to and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 5. A copy of this Resolution shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

The question of the adoption of the foregoing Resolution was duly put to vote on a roll call, which resulted as follows:

	AYE	NAY
Kathleen Murphy	X	
Steven Thompson	X	
Kenneth Kinsey	X	
Rickey T. Brown	X	
Dirk Sonneborn	X	

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF ONONDAGA)

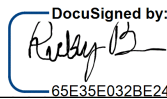
I, the undersigned Secretary of the City of Syracuse Industrial Development Agency, **DO HEREBY CERTIFY** that I have compared the annexed extract of the minutes of the meeting of the City of Syracuse Industrial Development Agency (the “**Agency**”) held on June 30, 2023, with the original thereof on file in my office, and that the same (including all exhibits) is a true and correct copy of the proceedings of the Agency and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 104, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the Agency on 7/24/2023.

City of Syracuse Industrial Development Agency

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Rickey T. Brown, Secretary

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