

By Legislators Delehanty and Marianetti

Intro. No. _____

RESOLUTION NO. _____ OF 2022

AUTHORIZING TO ENTER INTO SETTLEMENT AGREEMENT IN *BORGWARNER PROPULSION SYSTEMS, LLC F/K/A DELPHI POWERTRAIN SYSTEMS, LLC ET AL. v. COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY ET AL.* (SUPREME COURT, MONROE COUNTY INDEX NO. E2021010427)

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The settlement and release of the County's claims against Delphi in *Borgwarner Propulsion Systems, LLC f/k/a Delphi Powertrain Systems, LLC et al. v. County of Monroe Industrial Development Agency et al.* in exchange for \$237,520 is hereby authorized.

Section 2. The County Executive, or his designee, is hereby authorized to execute and deliver any and all documents necessary to effectuate such settlement.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Ways and Means Committee; August 23, 2022 - CV: 10-0
File No. 22-0278

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

August 5, 2022

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

OFFICIAL FILE COPY	
No.	220278
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
WAYS & MEANS	-L

Subject: Authorization to Enter into a Settlement Agreement in *Borgwarner Propulsion Systems, LLC f/k/a Delphi Powertrain Systems, LLC et al. v. County of Monroe Industrial Development Agency et al.* (Supreme Court, Monroe County Index No. E2021010427)

Honorable Legislators:

I recommend that Your Honorable Body authorize a settlement and release of claims agreement with Borgwarner Propulsion Systems, LLC (f/k/a Delphi Powertrain Systems, LLC) and Delphi Automotive Systems, LLC (collectively, "Delphi") in *Borgwarner Propulsion Systems, LLC f/k/a Delphi Powertrain Systems, LLC et al. v. County of Monroe Industrial Development Agency et al.* (Supreme Court, Monroe County Index No. E2021010427).

This litigation is in regards to a Payment in Lieu of Tax Agreement dated September 1, 2007 by and between the County of Monroe Industrial Development Agency, the Town of Henrietta, Rush-Henrietta Central School District, the County of Monroe, and Delphi Automotive Systems, LLC. Under the terms of the settlement, Monroe County will receive \$237,520 from Delphi.

The specific legislative actions required are:

1. Authorize the settlement and release of the County's claims against Delphi in *Borgwarner Propulsion Systems, LLC f/k/a Delphi Powertrain Systems, LLC et al. v. County of Monroe Industrial Development Agency et al.* in exchange for \$237,520.
2. Authorize the County Executive, or his designee, to execute and deliver any and all documents necessary to effectuate such settlement.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.

This settlement agreement is revenue generating and no net County support is required in the current Monroe County budget.

I recommend that this matter receive favorable action by Your Honorable Body. I request that this referral be considered in Executive Session, pursuant to Public Officers Law § 105(1)(d).

Sincerely,

Adam J. Bello
Monroe County Executive