



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234

TO: The Honorable the Members of the Board of Regents

FROM: James A. Kadamus 

COMMITTEE: Elementary, Middle, Secondary and Continuing Education

TITLE OF ITEM: Petition of the Batavia City School District for Consent to Exceed the Constitutional Debt Limit

DATE OF SUBMISSION: January 13, 2003

PROPOSED HANDLING: Action (Consent Agenda)

RATIONALE FOR ITEM: Regents Consent Required by Law

STRATEGIC GOAL: Goal 2

AUTHORIZATION(S):  

SUMMARY:

The Department received a petition from the Board of Education of the Batavia City School District seeking consent of the Board of Regents to an increase in the indebtedness of the school district under the provisions of paragraph h, Section 4, of Article 8 of the State Constitution and subdivision c of Section 104.00 of the Local Finance Law.

Paragraph h requires that any increase in the constitutional limit on local indebtedness for a school district wholly or partly within a city of less than 125,000 inhabitants receive: (1) the approving vote of 60 percent or more of the duly qualified voters; (2) the consent of the Regents; and (3) the consent of the State Comptroller. It appears from the records of the State Education Department that the Batavia City School District lies within the City of Batavia. The proposition submitted to the voters by the board of education of the Batavia City School District did not contain the statement required pursuant to subdivision c of Section 104.00 of the Local Finance Law. Chapter 525 of the Laws of 2002 deemed the required statement to have been included in the proposition and accordingly legalized and validated the bond resolution. Should the Board of Regents consent, the petition with the consent of the Board will be forwarded to the State Comptroller for final consideration.

The increase in indebtedness will be used to construct additions and improvements to various buildings, including related site work, and to purchase furnishings and equipment for such buildings. Staff has reviewed the petition and supporting documentation and recommend that the requested consent be granted.

VOTED: That consent is hereby given to the issuance of bonds and/or bond anticipation notes by the Board of Education of the Batavia City School District in an amount not to exceed \$4,523,724 to construct additions and improvements to various buildings, including related site work, and to purchase furnishings and equipment for such buildings; and the issuance of such bonds and/or bond anticipation notes in excess of the constitutional debt limit of said school district.

ES—EXPUNGEMENT

7, 2002
 igation for an order directing the
 ate and Assembly, do enact as
 as added by chapter 737 of the

vacatur of a conviction, or of the
 ter, of an individual whose DNA
 in accordance with this article by
 all be expunged from the state
 ply to the court in which the
 rrecting the expungement of any
 relating to the DNA testing of
 tion of the crime which resulted
 ne pardon was granted. A copy
 nd an order directing expunge-
 ing to the conviction have been
 etrial has occurred, the trier of
 expungement will not adversely
 or persons for the crime. The
 ensure that the DNA record in
 , or other documents relating to
 any law enforcement or police
 icates or copies thereof, at the
 rned to such individual, or to
 iversal, vacatur or pardon, was
 egulation a procedure for the
 eords contained in the index.
 r voluntarily or pursuant to a
 testing in connection with the
 action against the individual
 ecified by section 30.10 of the
) against the individual relating
) a criminal action against the
 was subsequently reversed or
 rsuant to article two-A of this
 e court in which the judgment
 he expungement of any DNA
 g to the DNA testing of such
 of such crime. A copy of such
 r directing expungement may
 l the conditions of one of the
 ction was reversed or vacated,
 lual will not be retried, or, if a
 f complete acquittal, and that
 secution of some other person
 nt of any DNA record and any
 ng of such individual is issued,
 shall, at the discretion of the

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possessor thereof, be destroyed or returned to such individual or to the attorney who represented him or her in connection with the application for the order of expungement.
 § 2. This act shall take effect immediately.

BATAVIA CITY SCHOOL DISTRICT—GENESEE COUNTY—CAPITAL IMPROVEMENTS

CHAPTER 525

S. 7459

Approved and effective September 17, 2002.

AN ACT to ratify, legalize and validate certain acts and proceedings of the board of education of the Batavia city school district in the county of Genesee, relating to the issuance of obligations for the financing of certain capital improvements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- § 1. Legislative findings. It is hereby found and declared that:
 - a. The board of education of the Batavia city school district in the county of Genesee, held a special district meeting on May 16, 2000, for the purpose of holding a referendum to consider a proposition authorizing the issuance of obligations to finance a capital project for such school district; and
 - b. In connection with the adoption of such proposition by the voters of such school district the proposition did not contain the statement required pursuant to subdivision 2 of paragraph c of section 104.00 of the local finance law.
- § 2. Notwithstanding any other provision of law to the contrary, the statement required to be included, pursuant to subdivision 2 of paragraph c of section 104.00 of the local finance law, in the proposition, adopted by the board of education of the Batavia city school district is hereby deemed to have been included in the proposition, and, accordingly, the form of the proposition to authorize the tax to be collected in connection with the capital project of the Batavia city school district is hereby ratified, legalized, validated and confirmed. Such board of education is hereby authorized to apply to the board of regents and the state comptroller for their consents pursuant to subdivision 3 of paragraph c of section 104.00 of the local finance law, and for the purpose of obtaining such consents, the Batavia city school district shall be deemed to have complied with the provisions of subdivision 2 of paragraph c of section 104.00 of the local finance law. The board of regents and the state comptroller are hereby authorized to give their consents notwithstanding that work on the capital project has commenced and obligations have been issued to finance the capital project.
- § 3. Except as otherwise provided in this act, any obligations issued pursuant to this act shall be issued in accordance with the provisions of the local finance law.
- § 4. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the controversy in which such judgment shall have been rendered.
- § 5. This act shall take effect immediately.