



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:** Ken Slentz   
**SUBJECT:** Petition of the City School District of the City of Binghamton for Consent to Exceed the Constitutional Debt Limit  
**DATE:** May 12, 2014

**AUTHORIZATION(S):**

  
**SUMMARY**

### **Issue for Decision (Consent Agenda)**

Should the Regents consent to allow the City School District of the City of Binghamton to increase the indebtedness of the school district under the provisions of the State Constitution and the Local Finance Law?

### **Reason(s) for Consideration**

Required by Article 8, Section 4, Paragraph (h) of the State Constitution and by Local Finance Law section 104.00(c).

### **Proposed Handling**

This petition for consent will come before the Board of Regents at the May 2014 meeting for discussion and action.

### **Procedural History**

The Board of Regents is required to give consent for such petitions prior to the petition being forwarded to the State Comptroller for final consideration. The Board of Regents has discussed in the past similar requests from school districts to exceed their debt limit and is familiar with the guidelines and procedures for granting consent.

## **Background Information**

The Department received a petition from the Board of Education of the City School District of the City of Binghamton seeking consent of the Board of Regents to an increase in the indebtedness of the City School District of the City of Binghamton.

The State Constitution 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.

The School District serves the City of Binghamton, so it must obtain consent from the Board of Regents to assume this additional indebtedness. The documentation supporting the petition verifies that more than 60 percent of the duly qualified voters approved the increase at the special meeting held on April 15, 2013.

The increase in indebtedness will be used for the construction of a new MacArthur Elementary School, including demolition of the existing building, site improvements, athletic fields, original furnishings, equipment, machinery, apparatus, appurtenances and other improvements and costs incidental thereto. Staff has reviewed the petition and supporting documentation and recommends that the requested consent be granted.

## **Recommendation**

VOTED: That the Board of Regents hereby give consent to the issuance of bonds and/or bond anticipation notes by the Board of Education of the City School District of the City of Binghamton in an amount not to exceed \$77,843,000 for the construction of a new Elementary School and the issuance of such bonds and/or bond anticipation notes in excess of the constitutional debt limit of said school district.

## **Timetable for Implementation**

Upon approval by the Board of Regents, the petition will be forwarded to the State Comptroller for final consideration.