



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:** Jhone M. Ebert 

**SUBJECT:** Petition of the City School District of the City of Dunkirk for Consent to Exceed the Constitutional Debt Limit

**DATE:** April 27, 2017

**AUTHORIZATION(S):** 

## **SUMMARY**

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

Should the Regents consent to allow the City School District of the City of Dunkirk 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 2017 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 Dunkirk seeking consent of the Board of Regents to an increase in the indebtedness of the City School District of the City of Dunkirk.

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.

According to the petition, the City School District of the City of Dunkirk includes all of the City of Dunkirk, as well as almost the entire Town of Dunkirk, and a minor portion of the Town of Sheridan. The documentation supporting the petition verifies that more than 60 percent of duly qualified voters approved the increase at a special meeting held on October 6, 2015. The increase in indebtedness will be utilized for a capital improvement project consisting of reconstruction, renovation, and building upgrades to the currently unoccupied School 6 at a maximum estimated cost of \$8,288,500. The project will re-open the currently unoccupied School 6 (and the sites thereof) as a Western New York Pathways-technology STEM P-Tech, focused on preparing students for careers in high-technology positions. Staff has reviewed the petition and supporting documentation and recommends that the requested consent be granted.

## **Related Regent's Items**

NA

## **Recommendation**

VOTED: That the Board of Regents hereby gives 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 Dunkirk in the amount not to exceed \$8,288,500 for a capital improvement project consisting of reconstruction, renovation, and building upgrades to the currently unoccupied School 6, 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.