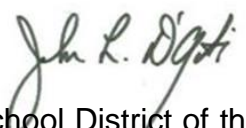






THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

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

DATE: January 2, 2020

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 Full Board at the January 2020 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.

According to the petition, the City School District of the City of Binghamton is located in Broome County. The City School District consists of the entire City of Binghamton and a small portion of the Town of Dickinson. The documentation supporting the petition verifies that more than 60 percent of duly qualified voters approved the increase at a special meeting held on December 5, 2017. The aggregate amount requested for approval by the Board of Regents is \$28,303,184, which includes (i) \$21,603,184 for capital improvements consisting of the reconstruction of and construction of improvements to various school district facilities, including site improvements, original furnishings, equipment, machinery, apparatus, appurtenances and other improvements and costs incidental thereto, and (ii) energy efficiency improvements to various school district facilities, including original furnishings, equipment, machinery, apparatus, appurtenances and other improvements and costs incidental thereto at a maximum estimated cost of \$6,700,000, required in connection therewith for such construction and school use.

Staff has reviewed the petition and supporting documentation and recommends that the requested consent be granted.

Related Regents Items

In 2014, the Board of Regents and the State Comptroller consented to and approved a prior request in the amount of \$77,843,000 from the Board of Education of the City School District of the City of Binghamton.

May 2014: [Petition of the City School District of the City of Binghamton for Consent to Exceed the Constitutional Debt Limit](#)
(<http://www.regents.nysed.gov/common/regents/files/514brca8.pdf>)

In 2015, the Board of Regents and the State Comptroller consented to and approved a prior request in the amount of \$11,100,000 from the Board of Education of the City School District of the City of Binghamton.

May 2015: [Petition of the City School District of the City of Binghamton for Consent to Exceed the Constitutional Debt Limit](#)
(<http://www.regents.nysed.gov/common/regents/files/meetings/May%202015/515brca7.pdf>)

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 Binghamton in the total amount not to exceed \$28,303,184 for the capital improvement projects consisting of the reconstruction of and construction of improvements to various school district facilities, including site improvements, original furnishings, equipment, machinery, apparatus, appurtenances and other improvements and costs incidental thereto and energy efficiency improvements necessary or appropriate in connection therewith, 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.