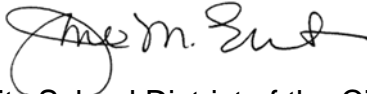





TO: The Honorable the Members of the Board of Regents

FROM: Jhone M. Ebert 

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

DATE: March 28, 2019

AUTHORIZATION(S): 

SUMMARY

Issue for Decision (Consent Agenda)

Should the Regents consent to allow the City School District of the City of Utica 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 §104.00(c).

Proposed Handling

This petition for consent will come before the Board of Regents for action at the April 2019 meeting.

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 Utica seeking consent of the Board of Regents to an increase in the indebtedness of the City School District of the City of Utica.

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 Utica is located in the County of Oneida. The documentation supporting the petition verifies that more than 60 percent of duly qualified voters approved the three increases at a special meeting held on August 14, 2018. The first increase in indebtedness will be utilized for reconstruction and improvement of Proctor High School athletic facilities, including construction of a stadium support and storage building, lower concession stand and restrooms, artificial turf replacement, track resurfacing/replacement, new scoreboard, tennis court reconstruction, building renovations, and other improvements. The second increase in indebtedness will be utilized for reconstruction and improvement of John F. Kennedy Middle School athletic facilities, including reconstruction of the track and infield, acquisition of portable bleachers, support building improvements, building renovations and other improvements, and the James Donovan Middle School athletic facilities, including reconstruction of the track and infield, acquisition of portable bleachers, support building improvements, building renovations, and other improvements. The third increase in indebtedness will be utilized for additional reconstruction and improvement of the athletic facilities at Proctor High School, John F. Kennedy Middle School and Donovan Middle School, including construction of upper concession stand, stadium lighting replacement, practice field reconstruction, construction of practice field storage/support building, and other improvements at Proctor High School, and field reconstructions and related improvements at John F. Kennedy and James Donovan Middle Schools.

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

Related Regent's Items

In 2009, the Board of Regents and the State Comptroller consented to and approved a prior request in the amount of \$187,600,000 from the Board of Education of the City School District of the City of Utica. See prior Regents Item:

[2009](http://www.regents.nysed.gov/meetings/2009Meetings/June2009/0609brca3.htm) <http://www.regents.nysed.gov/meetings/2009Meetings/June2009/0609brca3.htm>

In 2016, the Board of Regents and the State Comptroller consented to and approved a prior request in the amount of \$9,750,000 from the Board of Education of the City School District of the City of Utica. See prior Regents Item:

[2016](http://www.regents.nysed.gov/common/regents/files/216brca3.pdf) <http://www.regents.nysed.gov/common/regents/files/216brca3.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 Utica in the total amount not to exceed \$14,975,000 for the reconstruction, improvement and additional improvements of the Proctor High School, John F. Kennedy Middle School, and Donovan Middle School athletic facilities, 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.