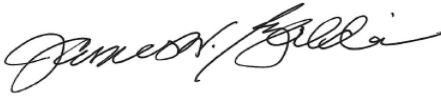





**TO:** The Honorable Members of the Board of Regents

**FROM:** James N. Baldwin 

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

**DATE:** May 4, 2023

**AUTHORIZATION(S):** 

## SUMMARY

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

Should the Board of Regents consent to allow the City School District of the City of Niagara Falls 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 issue will come before the Full Board for action at its May 2023 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, in the past, discussed 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 Niagara Falls seeking the consent of the Board of Regents to an increase in the indebtedness of the City School District of the City of Niagara Falls.

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 fewer than 125,000 inhabitants receive: (1) the approving vote of 60 percent or more of the duly qualified voters; (2) the consent of the Board of Regents; and (3) the consent of the State Comptroller.

According to the petition, the City School District of the City of Niagara Falls is located in the City of Niagara Falls, in Niagara County, New York. The documentation supporting the petition verifies that more than 60 percent of duly qualified voters approved the increase at a special meeting held on January 17, 2023. The amount requested for approval by the Board of Regents is \$29,342,500 to be used to fund the reconstruction of and improvements to school facilities including site work, equipment, furnishings, machinery, and apparatus.

Staff members from the Office of Educational Management Services have reviewed the petition and supporting documentation and recommend that the requested consent be granted.

### **Related Regents Items**

In 2018, the Board of Regents and the State Comptroller consented to and approved a prior request in the amount of \$55,000,000 from the Board of Education of the City School District of the City of Niagara Falls. See prior Regents Item:

June 2018 – [Petition of the Central School District of the City of Niagara Falls for Consent to Exceed the Constitutional Debt Limit](https://www.regents.nysed.gov/common/regents/files/618brca8.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/618brca8.pdf>)

In 2013, the Board of Regents and the State Comptroller consented to and approved a prior request in the amount of \$66,700,000 from the Board of Education of the City School District of the City of Niagara Falls. See prior Regents Item:

April 2013 – [Petition of the City School District of the City of Niagara Falls for Consent to Exceed the Constitutional Debt Limit](http://www.regents.nysed.gov/common/regents/files/413brca5.pdf)  
(<http://www.regents.nysed.gov/common/regents/files/413brca5.pdf>)

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: 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 Niagara Falls in excess of the constitutional debt limit of said school district, in an amount not to exceed \$29,342,500 to be used to fund the reconstruction of and improvements to school facilities including site work, equipment, furnishings, machinery, and apparatus.

### **Timetable for Implementation**

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