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I N A S S E M B L Y

March 22, 2012

Introduced by M. of A. GANTT, MORELLE, BRONSON -- read once and referred to the Committee on Education

AN ACT to amend section 5 of chapter 416 of the laws of 2007, establishing the city of Rochester and the board of education of the city school district of the city of Rochester school facilities modernization program act, in relation to establishing that debt payments for the Rochester school facilities modernization program shall not affect the city of Rochester's maintenance of effort requirements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 5 of chapter 416 of the laws of 2007, establishing
2 the city of Rochester and the board of education of the city school
3 district of the city of Rochester school facilities modernization
4 program act, is amended to read as follows:
5 S 5. Comprehensive school facilities modernization plan. Before
6 formal selection of the projects occurs, the RSC board shall develop a
7 comprehensive school facilities modernization plan recommending and
8 outlining the projects it proposes to be potentially undertaken pursuant
9 to this act. Such plan shall include: (a) an estimate of total costs to
10 be financed, proposed financing plan, proposed method of financing,
11 terms and conditions of the financing, estimated financing costs, and,
12 if city general obligation bonds or notes are not proposed as the method
13 of financing, a comparison of financing costs between such bonds or
14 notes and the proposed method of financing. PAYMENT OF DEBT SERVICE ON
15 BONDS, NOTES OR OTHER OBLIGATIONS ISSUED TO SECURE FINANCING OF NOT MORE
16 THAN \$325,000,000 FOR PROJECTS UNDERTAKEN PURSUANT TO THIS ACT SHALL NOT
17 BE CONSIDERED WHEN DETERMINING THE "CITY AMOUNT" REQUIRED PURSUANT TO
18 SUBPARAGRAPH (II) OF PARAGRAPH A OF SUBDIVISION 5-B OF SECTION 2576 OF
19 THE EDUCATION LAW; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT
20 OTHERWISE AFFECT THE DETERMINATION OF SAID "CITY AMOUNT" WITH RESPECT TO
21 FUNDING UNRELATED TO PROJECTS UNDERTAKEN PURSUANT TO THIS ACT. The plan
22 should also address what specific options would be used to ensure that
23 sufficient resources exist to cover the local share of any such project
24 cost on an annual basis; (b) information concerning the potential

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 persons to be involved in the financing and such person's role and
2 responsibilities; (c) estimates on the design, reconstruction and reha-
3 bilitation costs by project, any administrative costs for potential
4 projects, and an outline of the timeframe expected for completion of
5 each potential project; (d) a detailed description of the request for
6 proposals process and an outline of the criteria to be used for
7 selection of the program manager, the independent compliance officer and
8 all contractors; (e) any proposed amendments to the city school
9 district's [five year] FIVE-YEAR capital facilities plan submitted in
10 accordance with subdivision 6 of section 3602 of the education law and
11 the regulations of the commissioner; and (f) a preliminary diversity
12 plan to develop diversity goals, including appropriate community input
13 and public discussion, and develop strategies that would create and
14 coordinate any efforts to ensure a more diverse workforce for the
15 projects. The preliminary diversity plan should address accountability
16 for attainment of the diversity goals, what forms of monitoring would be
17 used, and how such information would be publicly communicated.

18 Prior to the development of the comprehensive school facilities
19 modernization plan, the RSC board shall hold as many public hearings as
20 may be necessary to ensure sufficient public input and allow for signif-
21 icant public discussion on school building needs in such city, with at
22 least one hearing to be held in each neighborhood potentially impacted
23 by a proposed project.

24 All projects proposed in the comprehensive school facilities modern-
25 ization plan shall be included by the city school district as a special
26 section of the district's five-year capital facilities plan that is
27 required pursuant to subdivision 6 of section 3602 of the education law
28 and the regulations of the commissioner.

29 The [JSC] RSC board shall submit the components of such comprehensive
30 plan outlined in subdivision (a) of this section to the comptroller,
31 along with any other information requested by the comptroller, for his
32 or her review and approval.

33 S 2. This act shall take effect immediately.