

**Resolution 2014-15: 231**  
**Municipal Cooperation Agreement**

**By Board Member Coronas**

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), a seven voting member board consisting of equal representation by the City of Rochester (“City”) and the Rochester City School District (“District”), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the legislation for Phase 2 of the RSMP states that “the RJSCB may enter into cooperative agreements with the City and the School District to “effect the purposes of this Act”; and

WHEREAS, in order to avoid a significant delay in the start of phase 2 construction at East High School, Monroe High School and School 15 (the “Early Start Projects”), the RJSCB has requested that the District advance certain funds for the RSMP (the “Interim Funding”); and

WHEREAS, the District, the City, and the RJSCB intend to enter into a certain Municipal Cooperation Agreement limited to Phase 2 of the RSMP (the “Agreement”) to provide that (i) the District will advance approximately \$2.7 million in Interim Funding, (ii) as soon as reasonably possible, the City will issue its general obligation Bond Anticipation Notes (“BAN’s”) in order to reimburse the District for the Interim Funding, (iii) the BAN’s will fund approximately \$13.3 million of additional phase 2 project expenses, and (iv) in 2016, the RJSCB will arrange for the issuance of permanent financing by either the County of Monroe Industrial Development Agency or the Dormitory Authority of the State of New York (subject to required governmental approvals) and use such funding, in part, to repay the City the entire cost of the BAN’s; and

WHEREAS, a draft of the Agreement was presented and discussed at the RJSCB Board meeting on May 4, 2015;

THEREFORE, BE IT RESOLVED

1. The RJSCB hereby approves the execution of the Agreement and authorizes the Chair, in the name and on behalf of the RJSCB, to execute and deliver the MCA, with such changes as the Chair may approve on the advice of the Executive Director and the RJSCB’s general counsel; and
2. The RJSCB hereby formally requests that the District provide the Interim Funding and that the City issue the BAN’s, all as described herein and in the Agreement.

**Second by Board Member B. Brown**  
**Approved 7-0**