

City of Syracuse

CITY CLERK'S OFFICE

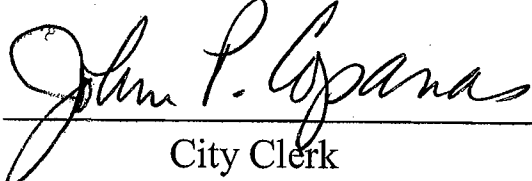
I, JOHN P. COPANAS, City Clerk of the City of Syracuse, New York do hereby certify that the attached is a true copy of an ORDINANCE:

Adopted by the Common Council on

April 12, 2004

Approved by the Mayor on

April 14, 2004



City Clerk

TO:

Mayor
Assessment Commissioner
Aviation Commissioner
Board of Elections
Bureau of Accounts
Citizen Review Board
City Auditor
City School District
Code Enforcement
Community Development Comm.
Community Services
Corporation Counsel
Development Director
Department of Engineering
Governor of New York State
New York State Senate
New York State Assembly
New York State Senator
New York State Assembly person

Management & Budget Director
Parks & Recreation Commissioner
Personnel & Labor Relations Dir.
Police Chief
Public Works Commissioner
Public Works/Bookkeeper
Purchase Department
Real Estate Division
Research Director
Water Department
Zoning Administration
United States Senator
United States Congressperson
Finance Commissioner
Finance/Treasury
Finance (Water Bureau)
Fire Chief
Grants Management Director
Onondaga County Legislature

**ORDINANCE AUTHORIZING AGREEMENT
WITH THE SYRACUSE CITY SCHOOL
DISTRICT FOR THE CREATION OF A JOINT
SCHOOL CONSTRUCTION BOARD**

BE IT ORDAINED, subject to the approval of the Mayor, that the Mayor be and he is hereby authorized to enter into an agreement with the Syracuse City School District for the creation of a Joint School Construction Board; and

BE IT FURTHER ORDAINED, that the agreement creating the Joint School Construction Board will be in substantially the same form as the agreement on file with the City Clerk; and

BE IT FURTHER ORDAINED, that said agreement shall contain such other terms and conditions as the Corporation Counsel shall deem in the best interest of the City of Syracuse.

SYRACUSE JOINT SCHOOL CONSTRUCTION AGREEMENT

This Agreement dated as of April 1, 2004 is between the City of Syracuse, a municipal corporation (the "City") and the City School District of the City of Syracuse (the "District") acting through the Board of Education of the District.

WITNESSETH:

WHEREAS, the elementary and secondary schools of the District are in extremely poor condition and such deterioration is a serious impediment to learning and teaching; and

WHEREAS, it is desirable to improve the quality of education in the District by, among other things, renovating existing public schools in the District; and

WHEREAS, by Resolution No. 17-R of 2004, the City and by Board Resolution, the District have determined that it is in the best interest of the City and District to work cooperatively to coordinate such renovation; and

WHEREAS, the City and the District desire to establish a joint cooperative board (the "JSC Board") to manage and administer the design, renovation and financing of existing public schools in the District; and

WHEREAS, the City and the District intend jointly to propose legislation (the "Syracuse Schools Act") for enactment by the State of New York (the "State") to encourage the City and the District to undertake cooperatively new and innovative ways of renovating and financing public schools within the City including without limitation to authorize the JSC Board to enter into contracts in connection therewith on behalf of the City and the District; and

WHEREAS, the City and the District desire to provide for the appointment of the members of the JSC Board and its duties;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the District agree as follows:

1. Establishment of the JSC Board.

A. There is hereby established a joint cooperative board to be known as the "Syracuse Joint School Construction Board." The JSC Board shall be composed of eleven members, one of whom shall be the New York State Regent for the City (the "Regent Member"). The Regent Member shall be an ex officio, non-voting member of the JSC Board. The other ten members of the JSC Board shall consist of:

Superintendent of the District;
Three members of the Board of Education appointed by the President of the Board of Education of the District;
President of the City Common Council;

Two Common Councilors of the City Common Council appointed by the President of the City Common Council;
Mayor of the City; and
Two members appointed by the Mayor of the City.

B. Each member shall be appointed for a period of one year. Members shall be eligible to serve an unlimited number of consecutive terms. Members of the JSC Board shall receive no compensation for their services. The membership on the JSC Board of an incumbent in the official position of Superintendent, Mayor or President of the Common Council shall terminate upon the appointment or inauguration of his or her successor in such official position, which successor in such official position shall thereupon become the member of the JSC Board. If any member of the Board of Education or any Common Councilor is no longer serving as such member or Common Councilor, then the term of such person as a JSC Board member shall terminate upon appointment of a replacement JSC Board member by the President of the Board of Education or President of the City Common Council, as the case may be.

C. The Mayor shall be the Chairperson of the JSC Board and shall vote only in the event of a tie among the members. The JSC Board shall provide for the holding of regular meetings and such special meetings at the call of the Chairperson, as may be necessary. A majority of the whole number of voting members the JSC Board members shall constitute a quorum for the transaction of business. The powers of the JSC Board shall be vested in and exercised by a majority of the whole number of voting members thereof.

2. Powers and Duties of the JSC Board.

A. The JSC Board shall utilize the resources and staff of the District and the City to the fullest extent practicable and permitted by the Syracuse Schools Act and applicable law to expedite the reconstruction of existing public schools pursuant to a plan and schedule established by the District Board of Education and to collaboratively seek funds, services and comprehensive development proposals from outside agencies and educational institutions. The JSC Board shall have access to the staff and resources of the City and District including but not limited to the Corporation Counsel's office, professional and technical assistance by planning experts, engineers, architects and any other staff as may be necessary and the premises, personnel, equipment and personal property of the City and the District.

B. The primary purpose of public school facilities shall be educational. JSC Board shall manage and administer its powers and duties in accordance with such primary purpose and with the secondary purpose that such sites may also serve multiple purposes including but not limited to education and community based services.

C. As authorized by the Syracuse Schools Act, the JSC Board shall enter into contracts on behalf of the City and the District for the renovation of the existing public schools in accordance with the Syracuse Schools Act and applicable State and local law.

D. The JSC Board shall manage and administer on behalf of the City and the District any comprehensive reconstruction program (each an "Approved Program") as authorized from time to time by the State Education Department and Syracuse Schools Act as it may be amended from time to time.

E. Promptly after appointment of the members, the JSC Board shall recommend to the District the projects for renovation of existing public schools to be included in the initial Approved Program and identified as such in the Syracuse Schools Act.

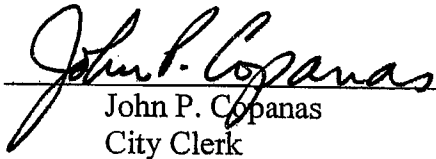
F. The JSC Board shall report to the City Common Council and the District Board of Education no less frequently than every six (6) months on the status of each reconstruction program and the projects, contracts and other activities of the JSC Board undertaken pursuant to this Agreement or the Syracuse Schools Act.

G. The JSC Board shall exercise such other and further powers and duties as may be conferred upon it by State law or by agreement of the City and the District.

3. Term. The JSC Board and this Agreement shall continue for a period of five (5) years or until completion of any renovation project undertaken by the JSC Board, whichever occurs first. The City and the District may renew this Agreement for an additional five (5) years. Upon termination or expiration of the term hereof, the JSC Board shall cease to exist and custody and control, if any, of projects and school buildings shall revert to the District and the City.

IN WITNESS WHEREOF, the City and the District have caused this Agreement to be executed on this ___ day of April, 2004.

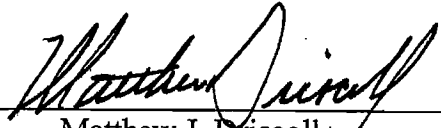
ATTEST:



John P. Copanas
City Clerk

CITY OF SYRACUSE

By:

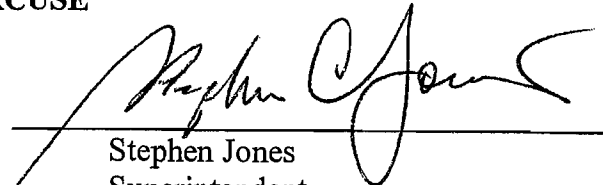


Matthew J. Driscoll
Mayor

WITNESS:

CITY SCHOOL DISTRICT OF THE CITY OF SYRACUSE

By:



Stephen Jones
Superintendent