

**Resolution 2023-24: 38**  
**Phase 3 Cooperative Agreement**

**By Board Member Kim Jones**

WHEREAS, the Rochester School Facilities Modernization Program Act (“Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), 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 New York State Legislature amended the Act by enacting Chapter 533 of the Laws of 2014 (“Amended Act”), thereby providing alternative financing mechanisms for the reconstruction of up to 26 projects for a total cost of \$435,000,000 for Phase II; and

WHEREAS, the New York State Legislature amended the Amended Act by enacting Chapter 614 of the Laws of 2021 (“Second Amended Act”) to authorize additional oversight, transparency, and accountability by the New York State Education Department to ensure projects are completed on time and within budget, and to provide alternative financing mechanisms for the reconstruction of up to 12 projects for a total cost of \$475,000,000 for Phase III; and

WHEREAS, the Act authorizes the RJSCB to enter into an intermunicipal cooperative agreement with the City and the District to carry out the purpose of the Act including, but not limited to, authorizing the Board to enter into contracts, financing agreements and other necessary actions on behalf of the City and District in accordance with the Act and furtherance of the Rochester Schools Modernization Program (“RSMP”); and

WHEREAS, the Board Chair has negotiated the terms and conditions of an intermunicipal cooperative agreement with the District and City for Phase III of the RSMP (the “Phase III Cooperative Agreement”), subject to approval by the Board; and

WHEREAS, the City Mayor, City Council President, the District Superintendent of Schools and the District Board President executed the Phase III Cooperative Agreement in order to carry out the purposes of the Act and in furtherance of the RSMP, as set forth herein and attached hereto; and

WHEREAS, the Board discussed and considered the Phase III Cooperative Agreement at its regular Board meeting on June 10, 2024, and now acts as follows.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the Phase III Cooperative Agreement, subject to the terms and conditions of that Agreement; and
2. The RJSCB Chair is hereby authorized in the name and on behalf of the RJSCB, to execute and deliver to all the parties thereto, the Phase III Cooperative Agreement in the form attached hereto.

**Second by Board Member Jacob Scott**

**Adopted: 7-0**