

# PRELIMINARY OFFICIAL STATEMENT DATED AUGUST 14, 2024

## OFFICIAL STATEMENT

### SERIAL BONDS

Rating: See "Rating" herein

*In the opinion of Hodgson Russ LLP, of Buffalo, New York, Bond Counsel, under existing statutes, regulations, rulings, and court decisions, and assuming continuing compliance with certain tax certifications described herein, interest on the Bonds is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986 (the "Code"), as amended. Bond Counsel is also of the opinion that the interest on the Bonds is not treated as an item of tax preference for the purpose of the federal alternative minimum tax imposed on individuals. We observe that interest on the Bonds will be included in the adjusted financial statement income of certain corporations that are subject to the alternative minimum tax under Section 55 of the Code. Furthermore, Bond Counsel is of the opinion that, under existing statutes, interest on the Bonds is exempt from personal income taxes imposed by New York State and any political subdivision thereof. See "TAX EXEMPTION" herein.*

The Bonds **WILL NOT** be designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code.

## ORCHARD PARK CENTRAL SCHOOL DISTRICT ERIE COUNTY, NEW YORK (the "District")

### \$1,212,000 SCHOOL DISTRICT SERIAL BONDS, 2024 (the "Bonds")

**Date of Issue: September 4, 2024**

**Maturity Dates: September 1, 2025- 2029**

The Bonds will be general obligations of the District, and will contain a pledge of the faith and credit of the District for the payment of the principal of and interest on the Bonds and, unless paid from other sources, the Bonds are payable from *ad valorem* taxes which may be levied upon all the taxable real property within the District, without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York [the "Tax Levy Limitation Law"]; see "TAX INFORMATION-Tax Levy Limitation Law," herein).

The Bonds will be issued as registered bonds registered to The Depository Trust Company ("DTC" or the "Securities Depository") or may be registered in the name of the purchaser.

If the Bonds will be issued through DTC, the Bonds will be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. (see "Book-Entry-Only System" herein). Individual purchases will be made in book-entry-only form, in the principal amount of \$5,000 or integral multiples thereof, except for one necessary odd denomination maturing in 2025. Purchasers of the Bonds will not receive certificates representing their ownership interest in the Bonds. Payments of principal of and interest on the Bonds will be made by the District to DTC, which will in turn remit such principal and interest to its Participants, for subsequent distribution to the Beneficial Owners of the Bonds.

If the Bonds are registered in the name of the purchaser, principal of and interest on the Bonds will be payable in Federal Funds at such bank or trust company located and authorized to do business in the State of New York as may be selected by the successful bidder. In such case, the bonds will be issued in registered form in denomination of \$5,000 or integral multiples thereof, except for one necessary odd denomination maturing in 2025.

The Bonds are dated their date of delivery and will bear interest from that date at the annual rate or rates as specified by the purchaser of the Bonds, payable on September 1, 2025, and semi-annually hereafter on March 1 and September 1 in each year until maturity. The Bonds will mature on September 1, 2025, and on September 1 in each year thereafter, as shown on the inside cover page hereof. The Bonds will not be subject to optional redemption (See "THE BONDS – Optional Redemption") herein.

Interest on the Bonds will be calculated on a 30-day month and 360-day year basis, payable at maturity.

The Bonds are offered when, as and if issued and received by the purchaser and subject to the receipt of the final approving opinion of Hodgson Russ LLP, of Buffalo, New York, Bond Counsel. It is anticipated that the Bonds will be available for delivery on or about September 4, 2024.

THE DISTRICT DEEMS THIS OFFICIAL STATEMENT TO BE FINAL FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 (THE "RULE"), EXCEPT FOR CERTAIN INFORMATION THAT HAS BEEN OMITTED HEREFROM IN ACCORDANCE WITH THE RULE AND THAT WILL BE SUPPLIED WHEN THIS OFFICIAL STATEMENT IS UPDATED FOLLOWING THE SALE OF THE BONDS. THIS OFFICIAL STATEMENT WILL BE SO UPDATED UPON REQUEST OF THE SUCCESSFUL BIDDER AS MORE FULLY DESCRIBED IN THE NOTICE OF BOND SALE UNLESS THE BONDS ARE PURCHASED FOR THE BUYER'S OWN ACCOUNT AS PRINCIPAL FOR INVESTMENT AND NOT FOR RESALE, THE DISTRICT WILL COVENANT IN AN UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE AS REQUIRED BY THE RULE. SEE "DISCLOSURE UNDERTAKING," HEREIN.

Dated: August 14, 2024

The Bonds will mature on September 1, 2025, and September 1 in each year thereafter in the principal amounts below:

<u>Year</u>	<u>Principal Amount*</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP**</u>
2025	\$222,000			
2026	230,000			
2027	240,000			
2028	255,000			
2029	265,000			

\* The aggregate principal amount of the Bonds and the principal maturities thereof are subject to adjustment, following their sale, pursuant to the terms of the accompanying Notice of Bond Sale, to achieve substantially level or declining annual debt service and to permit the District to comply with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code").

\*\* CUSIP numbers have been assigned by an independent company not affiliated with the District and are included solely for the convenience of the holders of the Bonds. The District is not responsible for the selection or uses of these CUSIP numbers and no representation is made as to their correctness on the Bonds or as indicated above.

**ORCHARD PARK CENTRAL SCHOOL DISTRICT  
ERIE COUNTY, NEW YORK**

**BOARD OF EDUCATION**

Dr. Jennifer Rogers ..... President  
Mr. Ryan Anderson ..... Vice President  
Mr. Ty Romanello ..... Trustee  
Mr. Steve Comeau ..... Trustee  
Mr. Ed Draves ..... Trustee  
Mr. Tom Provost..... Trustee  
Mrs. Karen Sreniawski ..... Trustee

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Mr. David Lilleck ..... Superintendent of Schools  
Mr. Jeffrey Petrus ..... Asst. Superintendent for Business and Support Services  
Ms. Cheryl Connors..... District Clerk  
Ms. Tina Frisch..... District Treasurer  
Hodgson Russ LLP..... School District Attorney

**BOND COUNSEL**

**HODGSON RUSS LLP  
Buffalo, New York**

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**MUNICIPAL ADVISOR**



**Capital Markets Advisors, LLC  
Hudson Valley \* Long Island \* Southern Tier \* Western New York  
(716) 662-3910**

No dealer, broker, salesman or other person has been authorized by the District or the Municipal Advisor to give any information or to make any representations other than those contained in this Official Statement and, if given or made, such information or representations must not be relied upon as having been authorized by the foregoing. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained from the District from sources which are believed to be reliable, but it is not to be guaranteed as to accuracy or completeness. The information and expressions of opinion herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the District since the date hereof.

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**OFFICIAL STATEMENT  
RELATING TO THE ISSUANCE OF  
ORCHARD PARK CENTRAL SCHOOL DISTRICT  
ERIE COUNTY, NEW YORK  
\$1,212,000  
SCHOOL DISTRICT SERIAL BONDS, 2024  
(the "Bonds")**

This Official Statement (the "Official Statement"), which includes the cover page and appendices hereto, presents certain information relating to the Orchard Park Central School District, Erie County, New York (the "District," "County" and "State" respectively), in connection with the sale of the District's \$1,212,000 School District Serial Bonds, 2024.

All quotations from and summaries and explanations of provisions of the Constitution and Laws of the State and acts and proceedings of the District contained herein do not purport to be complete and are qualified in their entirety by reference to the official compilations thereof, and all references to the Bonds and the proceedings of the District relating thereto are qualified in their entirety by reference to the definitive form of the Bonds and such proceedings.

Statements in this Official Statement, and the documents included by specific reference, that are not historical facts are forward-looking statements, which are based on the District management's beliefs as well as assumptions made by, and information currently available to, the District's management and staff.

**THE BONDS**

***Description of the Bonds***

The Bonds will be issued as registered bonds registered to The Depository Trust Company ("DTC" or the "Securities Depository") or may be registered in the name of the purchaser.

If the Bonds will be issued through DTC, the Bonds will be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. (see "Book-Entry-Only System" herein). Individual purchases will be made in book-entry-only form, in the principal amount of \$5,000 or integral multiples thereof, except for one necessary odd denomination maturing in 2025. Purchasers of the Bonds will not receive certificates representing their ownership interest in the Bonds. Payments of principal of and interest on the Bonds will be made by the District to DTC, which will in turn remit such principal and interest to its Participants, for subsequent distribution to the Beneficial Owners of the Bonds.

If the Bonds are registered in the name of the purchaser, principal of and interest on the Bonds will be payable in Federal Funds at such bank or trust company located and authorized to do business in the State of New York as may be selected by the successful bidder. In such case, the bonds will be issued in registered form in denomination of \$5,000 or integral multiples thereof, except for one necessary odd denomination maturing in 2025.

The Bonds are dated their date of delivery and will bear interest from that date at the annual rate or rates as specified by the purchaser of the Bonds, payable on September 1, 2025, and semi-annually hereafter on March 1 and September 1 in each year until maturity. The Bonds will mature on September 1, 2025 and on September 1 in each year thereafter, as shown on the inside cover page hereof. The Bonds are not subject to optional redemption as described herein (See "THE BONDS – Optional Redemption" herein).

The record date for payment of principal of and interest on the Bonds will be the fifteenth day of the calendar month immediately preceding each interest payment date.

## ***Authority for and Purpose of the Bonds***

The Bonds are issued pursuant to the Constitution and Laws of the State, including the Local Finance Law and the Education Law and pursuant to a bond resolution that was duly adopted by the Board of Education of the District (the “Board”) July 30, 2024, following a vote of the qualified voters of the District on May 21, 2024, authorizing the issuance of obligations of the District in an aggregate maximum amount of \$1,212,000 for the purchase of various school buses (and related equipment and supplies) for use in the transportation program of the District. This is the District’s initial (and only) borrowing pursuant to such bond resolution.

## ***Optional Redemption***

The Bonds will not be subject to redemption prior to maturity.

## ***Nature of Obligation***

The Bonds, when duly issued and paid for, will constitute a contract between the District and the holder(s) thereof.

The Bonds will be general obligations of the District and will contain a pledge of the faith and credit of the District for the payment of the principal thereof and the interest thereon. For the payment of such principal and interest, the District has the power and statutory authorization to levy *ad valorem* taxes on all taxable real property in the District, without limitation as to rate or amount (subject to certain statutory limitations imposed by the Tax Levy Limitation Law); see “TAX INFORMATION-Tax Levy Limitation Law,” herein.

Under the Constitution of the State, the District is required to pledge its faith and credit for the payment of the principal of and interest on the Bonds, and the State is specifically precluded from restricting the power of the District to levy taxes on real estate therefor. On June 24, 2011, the Tax Levy Limitation Law was adopted in the State. The Tax Levy Limitation Law established certain limitations on the power of local governments and school districts to increase the property tax levy beyond certain prescribed limits (without following certain prescribed procedures). The Tax Levy Limitation Law had its first application with respect to the District’s budget for fiscal year 2012-13. The Tax Levy Limitation Law does make certain allowances for the exclusion of tax levy increases associated with capital expenses by school districts. See “TAX INFORMATION-Tax Levy Limitation Law,” herein. Also, certain special protective procedures and remedies available to holders of school district debt remain in place and are not affected by the Tax Levy Limitation Law. See “DISTRICT INDEBTEDNESS—Remedies Upon Default,” herein.

## ***Book-Entry-Only System***

If the Bonds are issued as book-entry bonds, DTC will act as Securities Depository for the Bonds. The Bonds will be issued as fully-registered bonds registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered bond certificate will be issued for each maturity of the Bonds and will be deposited with DTC. DTC, the world’s largest depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (“DTCC”). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a

Direct Participant, either directly or indirectly (“Indirect Participants”). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com) and [www.dtc.org](http://www.dtc.org).

Purchases of the Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each Bond (“Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all the Bonds deposited by Direct Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not affect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Redemption notices shall be sent to DTC. If less than all of the securities within an issue are being redeemed, DTC’s practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Bonds unless authorized by a Direct Participant in accordance with DTC’s MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the District as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.’s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC’s practice is to credit Direct Participants’ accounts upon DTC’s receipt of funds and corresponding detail information from the District, on payable date in accordance with their respective holdings shown on DTC’s records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in “street name,” and will be the responsibility of such Participant and not of DTC or the District, subject to any statutory or regulatory requirements as may be in effect from time to time.

Payment of principal and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the District, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the District. Under such circumstances, in the event that a successor depository is not obtained, bond certificates are required to be printed and delivered.

The District may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, bond certificates will be printed and delivered to DTC.

The information in this section concerning DTC and DTC’s book-entry system has been obtained from sources that the District believes to be reliable, but the District takes no responsibility for the accuracy thereof.

THE DISTRICT CANNOT AND DOES NOT GIVE ANY ASSURANCE THAT DTC DIRECT PARTICIPANTS OR INDIRECT PARTICIPANTS OF DTC WILL DISTRIBUTE TO THE BENEFICIAL OWNERS OF THE BONDS: (1) PAYMENTS OF PRINCIPAL OF OR INTEREST OR REDEMPTION PREMIUM ON THE BONDS; (2) CONFIRMATIONS OF THEIR OWNERSHIP INTERESTS IN THE BONDS; OR (3) OTHER NOTICES SENT TO DTC OR CEDE & CO., ITS PARTNERSHIP NOMINEE, AS THE REGISTERED OWNER OF THE BONDS, OR THAT THEY WILL DO SO ON A TIMELY BASIS, OR THAT DTC, DIRECT PARTICIPANTS OR INDIRECT PARTICIPANTS WILL SERVE AND ACT IN THE MANNER DESCRIBED IN THIS OFFICIAL STATEMENT.

THE DISTRICT WILL NOT HAVE ANY RESPONSIBILITY OR OBLIGATION TO DTC, THE DIRECT PARTICIPANTS, THE INDIRECT PARTICIPANTS OF DTC OR THE BENEFICIAL OWNERS WITH RESPECT TO: (1) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DIRECT PARTICIPANTS OR INDIRECT PARTICIPANTS OF DTC; (2) THE PAYMENT BY DTC OR ANY DIRECT PARTICIPANTS OR INDIRECT PARTICIPANTS OF DTC OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL AMOUNT OF OR INTEREST OR REDEMPTION PREMIUM ON THE BONDS; (3) THE DELIVERY BY DTC OR ANY DIRECT PARTICIPANTS OR INDIRECT PARTICIPANTS OF DTC OF ANY NOTICE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED TO BE GIVEN TO OWNERS; OR (4) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC AS THE REGISTERED HOLDER OF THE BONDS.

THE INFORMATION CONTAINED HEREIN CONCERNING DTC AND ITS BOOK-ENTRY SYSTEM HAS BEEN OBTAINED FROM DTC AND THE DISTRICT MAKES NO REPRESENTATION AS TO THE COMPLETENESS OR THE ACCURACY OF SUCH INFORMATION OR AS TO THE ABSENCE OF MATERIAL ADVERSE CHANGES IN SUCH INFORMATION SUBSEQUENT TO THE DATE HEREOF.

Source: The Depository Trust Company.

### **COVID-19**

The spread of COVID-19, a respiratory disease caused by a new strain of coronavirus, which was first detected in China and spread globally, including to the United States was declared a pandemic by the World Health Organization. The outbreak of the disease affected travel, commerce and financial markets globally. Efforts to contain the spread of COVID-19 have reduced the spread of the virus and the restrictions put in place following the initial outbreak have been largely rescinded. The federal coronavirus public health emergency expired in May 2023. Nevertheless, the outbreak of COVID-19 and the dramatic steps taken by the Federal government and State government to address it may negatively impact federal and local economies, including the economy of the State. The full impact of COVID-19 on the State's and District's operations and financial condition may not be known for some time. Any resurgence of COVID- 19 could have a material adverse effect on the State and municipalities and school districts located in the State, including the District. The District continues to monitor the situation and will take such proactive measures as may be required to maintain its operations and meet its obligations.

### **MARKET FACTORS**

The financial condition of the District as well as the market for the Bonds could be affected by a variety of factors, some of which are beyond the District's control. There can be no assurance that adverse events in the State, including, for example, the seeking by a municipality of remedies pursuant to the Federal Bankruptcy Act or otherwise, will not occur which might affect the market price of and the market for the Bonds. If a significant default or other financial crisis should occur in the affairs of the State or at any of its agencies or political subdivisions thereby further impairing the acceptability of obligations issued by borrowers within the State, both the ability of the District to arrange for additional borrowings and the market for and market value of outstanding debt obligations, including the Bonds, could be adversely affected.

Disease outbreaks or similar public health threats could have an adverse impact on the District's financial condition and operating results. The outbreak of COVID-19, a respiratory disease caused by a new strain of coronavirus, was declared a pandemic by the World Health Organization on March 11, 2020. See "COVID-19" herein for a further discussion of the impacts of the COVID-19 pandemic.



## **Inflation Reduction Act of 2022**

On August 16, 2022, President Biden signed into law the Inflation Reduction Act of 2022 (H.R. 5376). For tax years beginning after 2022, the legislation will impose a minimum tax of 15 percent on the “adjusted financial statement income” of certain large corporations, generally consisting of corporations (other than S corporations, regulated investment companies and real estate investment trusts) with at least \$1 billion in average annual earnings, and certain foreign-parented multinational corporations with at least \$100 million in average annual earnings, determine over a three-year period. For this purpose, adjusted financial statement income tax is not reduced for interest earned on tax-exempt obligations. Prospective holders of the Bonds that could be subject to this minimum tax should consult with their own tax advisors regarding the potential consequences of owning the Bonds.

The District is dependent to a substantial degree on financial assistance from the State in the form of State aid. No delay in payment of State aid for the remainder of the District’s current fiscal year is presently anticipated although no assurance can be given that there will not be a delay in payment thereof. If the State should experience difficulty in borrowing funds in anticipation of the receipt of State taxes in order to pay State aid to municipalities and school districts in the State, including the District, in this year or future years, the District may be affected by such a delay, until sufficient State taxes have been received by the State to make State aid payments to the District.

### **TAX EXEMPTION**

Hodgson Russ LLP, of Buffalo, New York, Bond Counsel, will deliver an opinion that, under existing law, the interest on the Bonds is excluded from gross income of the holders thereof for federal income tax purposes and is not an item of tax preference for purposes of the individual alternative minimum tax imposed by the Code. However, such opinion will note that the District, by failing to comply with certain restrictions contained in the Code, may cause interest on the Bonds to become subject to federal income taxation from the date of issuance of the Bonds. We observe that interest on the Bonds will be included in the adjusted financial statement income of certain corporations that are subject to the alternative minimum tax under Section 55 of the Code. Such opinion will state that interest on the Bonds is exempt from personal income taxes imposed by New York State or any political subdivision thereof (including the City of New York).

In rendering the foregoing opinion, Hodgson Russ LLP will note that the exclusion of the interest on the Bonds from gross income for federal income tax purposes is subject to, among other things, continuing compliance by the District with the applicable requirements of Code Sections 141, 148, and 149, and the regulations promulgated thereunder (collectively, the “Tax Requirements”). In the opinion of Hodgson Russ LLP, the tax certificate that will be executed and delivered by the District in connection with the issuance of the Bonds (the “Certificate”) establishes requirements and procedures, compliance with which will satisfy the Tax Requirements.

The Tax Requirements referred to above, which must be complied with in order that interest on the Bonds remains excluded from gross income for federal income tax purposes, include, but are not limited to:

1. The requirement that the proceeds of the Bonds be used in a manner so that the Bonds are not obligations which meet the definition of a “private activity bond” within the meaning of Code Section 141;
2. The requirements contained in Code Section 148 relating to arbitrage bonds; and
3. The requirements that payment of principal or interest on the Bonds not be directly or indirectly guaranteed (in whole or in part) by the United States (or any agency or instrumentality thereof) as provided in Code Section 149(b).

In the Certificate, the District will covenant to comply with the Tax Requirements, and to refrain from taking any action which would cause the interest on the Bonds to be includable in gross income for federal income tax purposes. Any violation of the Tax Requirements may cause the interest on the Bonds to be included in gross income for federal income tax purposes from the date of issuance of the Bonds. Hodgson Russ LLP expresses no opinion regarding other federal tax consequences arising with respect to the Bonds.

Prospective purchasers of the Bonds should be aware that ownership of, accrual or receipt of interest on, or disposition of, the Bonds may have collateral federal income tax consequences for certain taxpayers, including

financial institutions, property and casualty insurance companies, S corporations, certain foreign corporations, individual recipients of Social Security or Railroad Retirement benefits, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry such obligations. Prospective purchasers should consult their tax advisors as to any possible collateral consequences from their ownership of, or receipt of interest on, or disposition of, the Bonds. Bond Counsel expresses no opinion regarding any such collateral federal income tax consequences.

In general, information reporting requirements will apply to non-corporate holders with respect to payments of principal, payments of interest, and the proceeds of the sale of a bond or note before maturity within the United States. Backup withholding may apply to a holder of the Bonds under Code section 3406, if such holder fails to provide the information required on Internal Revenue Service (“IRS”) Form W-9, Request for Taxpayer Identification Number and Certification, or the IRS has specifically identified the holder as being subject to backup withholding because of prior underreporting. Any amounts withheld under the backup withholding rules from a payment to a beneficial owner, and which constitutes over-withholding, would be allowed as a refund or a credit against such beneficial owner’s United States federal income tax provided the required information is furnished to the IRS. Neither the information reporting requirement nor the backup withholding requirement affects the excludability of interest on the Bonds from gross income for federal income tax purposes.

Bond Counsel has not undertaken to advise in the future whether any events occurring after the date of issuance of the Bonds may affect the tax status of interest on the Bonds. The Code has been continuously subject to legislative modifications, amendments, and revisions, and proposals for further changes are regularly submitted by leaders of the legislative and executive branches of the federal government. No representation is made as to the likelihood of such proposals being enacted in their current or similar form, or if enacted, the effective date of any such legislation, and no assurances can be given that such proposals or amendments will not materially and adversely affect the economic value of the Bonds or the tax consequences of ownership of the Bonds. Prospective purchasers are encouraged to consult with their own legal and tax advisors with respect to these matters.

## **DOCUMENTS ACCOMPANYING DELIVERY OF THE BONDS**

### ***Absence of Litigation***

Upon delivery of the Bonds, the District will furnish certificates, dated the date of delivery of the Bonds, to the effect that there is no controversy or litigation of any nature pending or threatened to restrain or enjoin the issuance, sale, execution or delivery of the Bonds, or in any way contesting or affecting the validity of the Bonds or any of the proceedings taken with respect to the issuance and sale thereof or the application of moneys to the payment of the Bonds, and that there is no controversy or litigation of any nature now pending or threatened by or against the District wherein an adverse judgment or ruling could have a material adverse impact on the financial condition of the District or adversely affect the power of the District to levy, collect, and enforce the collection of taxes or other revenues for the payment of its Bonds, which has not been disclosed in this Official Statement.

### ***Legal Matters***

Legal matters incident to the authorization, issuance and sale of the Bonds will be subject to the final approving opinion of Bond Counsel. Such opinion will be available at the time of delivery of the Bonds and will be to the effect that the Bonds are valid and legally binding general obligations of the District for which the District has validly pledged its faith and credit, and all the real property within the District is subject to the levy of special *ad valorem* real property taxes to pay the Bonds and interest thereon, without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of the State). Such opinion shall also contain further statements to the effect that (a) the enforceability of rights or remedies with respect to the Bonds may be limited by bankruptcy, insolvency, or other laws affecting creditors’ rights or remedies heretofore or hereafter enacted, and (b) such law firm has not been requested to examine or review and has not examined or reviewed the accuracy or sufficiency of the Official Statement, or any additional proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relative to the District which has been or may have been furnished or disclosed to purchasers of the Bonds, and expresses no opinion with respect to such financial or other information, or the accuracy or sufficiency thereof.

## ***Closing Certificates***

Upon the delivery of the Bonds, the purchaser will be furnished with the following items: (i) a certificate of the President of the Board to the effect that as of the date of this Official Statement and at all times subsequent thereto, up to and including the time of the delivery of the Bonds, this Official Statement did not and does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements herein, in the light of the circumstances under which they were made, not misleading, and further stating that there has been no adverse material change in the financial condition of the District since the date of this Official Statement to the date of issuance of the Bonds, and having attached thereto a copy of this Official Statement; (ii) a certificate signed by an officer of the District evidencing payment for the Bonds; (iii) a closing certificate evidencing the due execution of the Bonds, including statements that (a) no litigation of any nature is pending or, to the knowledge of the signers, threatened, restraining or enjoining the issuance and delivery of the Bonds or the levy and collection of taxes to pay the principal of and interest thereon, nor in any manner questioning the proceedings and authority under which the Bonds were authorized or affecting the validity of the Bonds thereunder, (b) neither the corporate existence or boundaries of the District nor the title of the signers to their respective offices is being contested, and (c) no authority or proceedings for the issuance of the Bonds have been repealed, revoked or rescinded; and (iv) a non-arbitrage certificate and tax certificate executed by the President of the Board, as described under "TAX EXEMPTION" herein.

## **DISCLOSURE UNDERTAKING**

In accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (the "Rule"), unless the Bonds are purchased for the purchaser's own account, as principal for investment and not for resale, the District will enter into a Disclosure Undertaking at closing, the form of which is attached hereto as "APPENDIX D." A purchaser buying for its own account shall deliver a municipal securities disclosure certificate that documents its intent to purchase the Bonds as principal for investment and not for resale (in a form satisfactory to Bond Counsel) establishing that an exemption from the Rule applies.

The District is in compliance in all material respects with all previous undertakings made pursuant to Rule 15c2-12 for the past five years.

## **CONTINUING DISCLOSURE COMPLIANCE PROCEDURES**

The District has established procedures designed to ensure that future filings of continuing disclosure information will be in compliance with existing continuing disclosure obligations, including transmitting such filings to the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934 through EMMA.

## **RATINGS**

The Bonds have not be rated.

Moody's Investors Service, Inc. ("Moody's") assigned an unsecured rating of "Aa2" to the District's long-term debt obligations of the District.

With respect to the ratings, such ratings reflect only the view of such organization, and an explanation of the significance of such rating may be obtained only from such rating agency. There can be no assurance that such rating will continue for any specified period of time or that such rating will not be revised or withdrawn, if in the judgment of Moody's, circumstances so warrant. Any such change or withdrawal of such rating may have an adverse effect on the market price of the Bonds or the availability of a secondary market for the Bonds.

## **MISCELLANEOUS**

So far as any statements made in this Official Statement involve matters of opinions or estimates, whether or not so expressly stated, they are set forth as such and not as representations of fact, and no representation is made that any of the opinions or estimates will be realized. Neither this Official Statement nor any statement which may have been made orally or in writing is to be construed as a contract with the holders of the Bonds.

Statements in this Official Statement, and the documents included by specific reference, that are not historical facts are forward-looking statements, which are based on the District management's beliefs as well as assumptions made by, and information currently available to, the District's management and staff. Because the statements are based on expectations about future events and economic performance and are not statements of fact, actual results may differ materially from those projected. Important factors that could cause future results to differ include legislative and regulatory changes, changes in the economy, and other factors discussed in this and other documents that the District files with the repositories. When used in District documents or oral presentation, the words "anticipate," "estimate," "expect," "objective," "projection," "forecast," "goal," or similar words are intended to identify forward-looking statements.

Hodgson Russ LLP, of Buffalo, New York, Bond Counsel to the District, expresses no opinion as to the accuracy or completeness of information in any documents prepared by or on behalf of the District for use in connection with the offer and sale of the Bonds, including but not limited to, the financial or statistical information in this Official Statement.

References herein to the Constitution of the State and various State and federal laws are only brief outlines of certain provisions thereof and do not purport to summarize or describe all of such provisions.

Concurrently with the delivery of the Bonds, the District will furnish a certificate to the effect that as of the date of the Official Statement, the Official Statement did not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements herein, in the light of the circumstances under which they were made, not misleading, subject to a limitation as to information in the Official Statement obtained from sources other than the District.

The Official Statement is submitted only in connection with the sale of the Bonds by the District and may not be reproduced or used in whole or in part for any other purpose.

## **MUNICIPAL ADVISOR**

Capital Markets Advisors, LLC has acted as registered Municipal Advisor to the District in connection with the offer and sale of the Bonds. In preparing the Official Statement, the Municipal Advisor has relied upon governmental officials, and other sources, who have access to relevant data to provide accurate information for the Official Statement, and the Municipal Advisor has not been engaged, nor has it undertaken, to independently verify the accuracy of such information. The Municipal Advisor is not a public accounting firm and has not been engaged by the District to compile, review, examine or audit any information in the Official Statement in accordance with accounting standards. The Municipal Advisor is an independent advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities and therefore will not participate in the underwriting of the Bonds.

## **ADDITIONAL INFORMATION**

Additional information may be obtained from Mr. Jeffrey Petrus, Assistant Superintendent for Business and Support Services (716) 209-6209; Email: [jpetrus@opschools.org](mailto:jpetrus@opschools.org); Address: 2240 Southwestern Blvd., West Seneca, New York 14224 or from the District's Municipal Advisor, Capital Markets Advisors, LLC (716) 662-3910.

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of such statements will be realized. This Official Statement is not to be construed as a contract or agreement between the District and the original purchasers or holders of any of the Bonds.

Capital Markets Advisors, LLC may place a copy of this Official Statement on its website at [www.capmark.org](http://www.capmark.org). Unless this Official Statement specifically indicates otherwise, no statement on such website is included by specific reference or constitutes a part of this Official Statement. Capital Markets Advisors, LLC has prepared such website information for convenience, but no decisions should be made in reliance upon that information. Typographical or other errors may have occurred in converting original source documents to digital format, and neither the District nor Capital Markets Advisors, LLC assumes any liability or responsibility for errors or omissions on such website. Further, Capital Markets Advisors, LLC and the District disclaim any duty or obligation either to update or to maintain that information or any responsibility or liability for any damages caused by viruses in the electronic files on the website. Capital Markets Advisors, LLC and the District also assume no liability or responsibility for any errors or omissions or for any updates to dated website information.

**ORCHARD PARK CENTRAL SCHOOL DISTRICT  
Erie County, New York**

By: /s/ Dr. Jennifer Rogers  
Dr. Jennifer Rogers  
President of the Board of Education

DATED: August 14, 2024

## **APPENDIX A**

## **THE DISTRICT**

### ***General Information***

The District, which comprises an area of approximately 50 square miles and has a current estimated population of 32,000, is located in the south-central portion of Erie County about eight miles southeast of the City of Buffalo. On a valuation basis, the District includes most of the Town of Orchard Park and portions of the Towns of Aurora, Boston, Elma, Hamburg and West Seneca (collectively, the “Towns”). Portions of the District closest to Buffalo are suburban in character while outlying areas are more rural. There has been recent growth in the number of single-family residences, garden apartments and townhouses. Most residents of the District are employed in business, industry and professions in Buffalo or the Niagara Frontier. There is some light industry within the District, but plants and business represent only a modest portion of the property tax rolls. During the mid-1980’s, an industrial park in the Town of Orchard Park was established. Businesses located in Quaker Centre Industrial Park include Enidine Inc., and Buffalo Envelope.

Recreation areas and facilities abound including the recently renovated and renamed 72,000 seat Highmark Stadium, the home of the Buffalo Bills, and a large indoor tennis club. A new stadium for the Buffalo Bills is currently under construction within the District. This new stadium will replace the old stadium. The new stadium will be owned by Erie County Stadium Corporation, an agency of the State of New York. Because of this structure of ownership, the new stadium is not taxable by the District. Construction of the new stadium is anticipated to be complete in 2026. Three area parks and Chestnut Ridge, a County park, are located within the District’s boundaries.

Transportation is provided through the District on State Routes 20A, 219 and 62 including the 219 Expressway from Buffalo to the Southern Tier. Bus service is provided by the Niagara Frontier Transportation Authority on a regular, commuter basis. Major airlines operate from the Buffalo-Niagara International Airport, a 20-minute drive from the District. The New York State Thruway and several railroads also serve the area.

The majority of the District’s residents receive fire protection from four regional volunteer fire companies. Police protection is provided by the Town of Orchard Park Police Department, the County Sheriff’s Department and the State Police. Water and sewer services are provided by the County Water Authority.

The following banks have one or more offices within the District: Bank of America, Key Bank, Five Star Bank, Citizens Bank, Evans Bank, and M&T Bank.

### ***District Organization***

Subject to the provisions of the State Constitution, the District operates pursuant to the Education Law, the Local Finance Law, other laws generally applicable to the District, and any special laws applicable to the District. Under such laws, there is no authority for the District to have a charter or adopt local laws.

The legislative power of the District is vested in the Board of Education (the “Board”). Under current law, an election is held within the District boundaries on the third Tuesday of May each year to elect members of the Board. Board members are generally elected for a term of three years.

In early July of each year, the Board meets for the purposes of reorganization. At that time, the Board elects a President and Vice President, and appoints a District Clerk and District Treasurer.

The major administrative officers of the District, whose duty it is to implement the policies of the Board and who are appointed by the Board, include the Superintendent of Schools, the Assistant Superintendent for Business & Support Services, the District Treasurer and the District Clerk.

## ***Financial Organization***

Pursuant to the Local Finance Law, the President of the Board is the chief fiscal officer of the District. However, certain of the financial functions of the District are the responsibility of the Superintendent of Schools, the Assistant Superintendent for Business & Support Services and the District Treasurer.

## ***Budgetary Procedure***

The District's fiscal year begins on July 1 and ends on June 30. Starting in the fall or winter of each year, the District's financial plan and enrollment projection are reviewed and updated and the first draft of the next year's proposed budget is developed by the central office staff. During the winter and early spring, the budget is developed and refined in conjunction with the school building principals and department supervisors. Under current law, the budget is submitted to voter referendum on the third Tuesday of May each year. Summaries of the District's adopted budgets for the current and previous fiscal year may be found in Appendix B, attached hereto.

The voters approved the District's 2024-25 budget on May 21, 2024.

## ***Financial Statements and Accounting Procedures***

The financial accounts of the District are maintained in accordance with the New York State Uniform System of Accounting for School Districts. Such accounts are audited annually by independent auditors, and financial statements prepared in accordance with generally accepted accounting principles are available for public inspection upon request. A copy of the District's most recent audited financial statement is contained in Appendix C.

## ***School Enrollment Trends***

The following table presents actual and projected school enrollment trends for the District.

**TABLE 1**

<b><u>School Enrollment Trends</u></b>			
<b><u>Fiscal Year</u></b>	<b><u>Actual Enrollment</u></b>	<b><u>Fiscal Year</u></b>	<b><u>Projected Enrollment</u></b>
2021-22	4,717	2024-25	4,750
2022-23	4,748	2025-26	4,750
2023-24	4,780	2026-27	4,800

*Source: District Officials.*



***District Facilities***

The District owns or operates the following facilities:

**TABLE 2**  
**District Enrollment**

<u>Names</u>	<u>Grades</u>	<u>Enrollment For 2023-24</u>	<u>Projected Enrollment For 2024-25</u>
High School	9-12	1,389	1,400
Middle School	6-8	1,055	1,060
Eggert Elementary School	K-5	611	615
Ellicott Elementary School	K-5	717	720
South Davis Elementary School <sup>(1)</sup>	K-5	393	395
Windom Elementary	K-5	<u>615</u>	<u>610</u>
	Total:	<u>4,780</u>	<u>4,800</u>

***Employees***

The District provides services through both full-time and part-time employees, all of whom are represented by the following units of organized labor.

**TABLE 3**  
**Employees**

<u>Number of Employees</u>	<u>Organization</u>	<u>Contract Expiration Date</u>
366	Orchard Park School Related Personnel	06/30/2027
12	Orchard Park Principals Association	06/30/2026
488	Orchard Park Teachers Association	08/31/2029
9	Orchard Park COAA	06/30/2025

Source: District Officials.

***Employee Pension Benefits***

All non-teaching and non-certified administrative employees of the District eligible for pension or retirement benefits under the Retirement and Social Security Law of the State of New York are members of the New York and Local Employees’ Retirement System (“ERS”).

Teachers and certified administrators are members of the New York State Teachers’ Retirement System (“TRS” and collectively with the ERS, the “Retirement Systems”). Payments to the Retirement Systems are deducted from the District’s State aid payments.

Both the ERS and the TRS are non-contributing with respect to members hired prior to July 27, 1976. The Retirement Systems are non-contributory with respect to members working ten or more years. All members working less than ten years must contribute 3% of gross annual salary toward the cost of retirement programs.

The following table details the District’s contractually required contributions to the ERS for the preceding three audited fiscal years, and the budgeted amounts for the Systems’ fiscal years ending June 30, 2024 and 2025 (for ERS, the Comptroller annually certifies the actuarially determined rates expressly used in computing the employers’ contributions based on salaries paid during the Systems’ fiscal year ending June 30):

<b><u>Fiscal Year Ending</u></b> <b><u>3/31</u></b>	<b><u>ERS</u></b>
2025 ( <i>Budgeted</i> )	\$2,635,000
2024 ( <i>Budgeted</i> )	2,250,000
2023	1,467,918
2022	1,960,311
2021	1,795,210

*Source: Audited Financial Statements and Office of the State Comptroller.*

The following table details the District's actual required contributions to the TRS for the preceding three audited fiscal years ended June 30 and the budgeted amounts for the fiscal years ending March 31, 2024 and 2025:

<b><u>Fiscal Year Ending</u></b> <b><u>6/30</u></b>	<b><u>TRS</u></b>
2025 ( <i>Budgeted</i> )	\$5,000,000
2024 ( <i>Budgeted</i> )	4,500,000
2023	4,547,403
2022	4,147,544
2021	3,822,923

*Source: Audited Financial Statements and Office of the State Comptroller.*

On December 10, 2009, former-Governor Paterson signed into law a new Tier 5 pension program. The law was effective for new ERS and TRS employees hired after January 1, 2010 until April 1, 2012. New ERS employees will now contribute 3% of their salaries and new TRS employees will contribute 3.5% of their salaries. There is no provision for these contributions to cease after a certain period of service.

On March 16, 2012, then-Governor Cuomo signed into law the new Tier 6 pension program, effective for new ERS and TRS employees hired after April 1, 2012. The Tier 6 legislation provides for increased employee contribution rates of between 3% and 6%, an increase in the retirement age from 62 years to 63 years, a readjustment of the pension multiplier, and a change in the time period for final average salary calculation from three years to five years. Tier 6 employees will vest in the system after ten years of employment and will continue to make employee contributions throughout employment.

Pension reform legislation enacted in 2003 and 2004 changed the cycle of ERS billing to match budget cycles of the District. Under the previous method, the District was unsure of how much it paid to the system until after its budget was implemented. Under the current method the contribution for a given fiscal year will be based on the value of the pension fund on April 1 of the prior fiscal year instead of the following April 1 so that the District will be able to more accurately include the cost of the contribution into its budget. The reform legislation also (i) required the District to make a minimum contribution of 4.5% of payroll every year, including years in which the investment performance of the fund would make a lower contribution possible and (ii) moved the annual payment date for contributions from December 15th to February 1st, effective December 15, 2004.

The New York State ERS rate for 2022-23 was 11.6%. The 2023-24 ERS increased to 13.1%. The 2023-24 TRS rate is 9.8%. The 2024-25 ERS is estimated to be 15.2%. The 2024-25 TRS is estimated to be 10.0%.

Due to poor performance of the investment portfolio of the State Retirement System, New York State Comptroller Thomas DiNapoli has announced that the employer contribution rates for required pension contributions to the SRS will continue to increase. To help mitigate the impact of their ERS increases, legislation has been enacted that permits local governments and school district to amortize a portion of such contributions. Under such legislation, local governments and school district that choose to amortize a portion of their ERS contributions will be required to set aside and reserve funds with the SRS for certain future rate increases.

In Spring 2013, the State and TRS approved a Stable Contribution Option (“SCO”) that gives school districts the ability to better manage the spikes in Actuarially Required Contribution rates (“ARCs”). ERS followed suit and modified its existing SCO, which was adopted in 2010. Each plan allows school districts to pay the SCO amount in lieu of the ARC amount, which is higher, and defer the difference in payment amounts as described below. The plan, which was approved as part of then- Governor Cuomo’s 2016-17 budgets would let districts contribute 14.13% of employee costs toward pensions. The District has not opted into the pension smoothing plan.

The TRS SCO deferral plan is available to school districts for seven years after enactment. Under the TRS SCO plan, payment of the deferred amount will commence in year six of the program (2019-20) and continue for five years. School districts can elect to no longer participate in the plan at any time, resume paying the ARC and begin repayment of deferred amounts over five years. Under the ERS SCO, payment of deferred amounts begins in the year immediately following the deferral and the repayment period is 12 years. Once made, the election to participate in the ERS SCO is permanent. However, the school districts can choose not to defer payment in any given year. In both plans, interest on the deferred amounts is based on the yield of 10-year U.S. Treasury securities plus 1%.

The primary benefit of participation in the SCO plans is the elimination of the uncertainty in the volatility of future pension contribution ARCs in the near term, thereby providing school districts with significant assistance in its ability to create a stable and reliable fiscal plan.

### ***Other Post-Employment Benefits***

The State’s 2019-2020 enacted budget legislation, which was signed into law on April 12, 2019, will allow school districts in the State to establish a reserve fund for the purpose of funding/offsetting the cost of TRS contributions. School districts may pay into such fund, during any particular fiscal year, an amount not to exceed two percent of the total compensation or salaries of all district-employed teachers who are members of the TRS paid during the immediately preceding fiscal year; provided that the balance of such fund may not exceed ten percent of the total compensation or salaries of all district-employed teachers who are members of the TRS paid during the immediately preceding fiscal year. The District has not yet determined whether it will establish such a fund.

The District provides post-retirement healthcare benefits to various categories of former employees. These costs have been rising substantially, and may be expected to rise substantially in the future. School districts and Boards of Cooperative Education Services, unlike other municipal units of government in the State, have been prohibited from reducing retiree health benefits or increasing health care contributions received or paid by retirees below the level of benefits or contributions afforded to or required from active employees. This protection from unilateral reduction of benefits had been extended annually by the New York State Legislature until recently when legislation was enacted to make permanent these health insurance benefit protections for retirees. Legislative attempts to provide similar protection to retirees of other local units of government in the State have not succeeded as of the date hereof. Nevertheless, many such retirees of all varieties of municipal units in the State do presently receive such benefits.

Effective July 1, 2016, the District adopted GASB Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other than Pensions (OPEB), which supersedes GASB Statement No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions. This statement requires the District to recognize the total OPEB liability and related deferred outflows and deferred inflows of resources. The cumulative effect of implementing this required change in accounting principle resulted in a restatement of beginning net position as detailed in Note 7 to the District’s financial statements. This statement addresses accounting and financial reporting for other postemployment benefits offered by the District and requires various note disclosures and required supplementary information.

Under GASB Statement No. 75, the total OPEB liability represents the sum of expected future benefit payments which may be attributed to past service (or “earned”), discounted to the end of the fiscal year using the current discount rate. The total OPEB liability is analogous to the Unfunded Actuarial Accrued Liability (“AAL”) under GASB Statement No. 45.

The District is in compliance with the requirements of GASB 75, and a summary of the actuarial valuation is included in the District’s Audited Financial Statement dated June 30, 2023 attached hereto as Appendix C. The following table summarizes the District’s annual OPEB statements for the year ended June 30, 2023:

(Information on beginning of year deferred outflows and deferred inflows of resources, and all information for the prior year, is not available and therefore such amounts have not been restated.)

<b>Changes in the Total OPEB Liability</b>	<b>Total OPEB Liability</b>
Balance as of June 30, 2022	<u>\$6,842,824</u>
Changes for the year:	
Service cost	232,864
Interest	193,903
Differences between expected and actual experience	(1,127,837)
Change of assumptions	(316,368)
Benefit payments	<u>(223,997)</u>
Net changes	<u>(1,124,435)</u>
Balance as of June 30, 2023	<u>\$5,601,389</u>

*Source: Audited Financial Statements of the District.*

### ***Investment Policy/Permitted Investments***

Pursuant to State law, including Sections 10 and 11 of the General Municipal Law (the “GML”), the District is generally permitted to deposit moneys in banks and trust companies located and authorized to do business in the State. All such deposits, including special time deposit accounts and certificates of deposit, in excess of the amount insured under the Federal Deposit Insurance Act, are required to be secured in accordance with the provisions of and subject to the limitations of Section 10 of the GML.

The District may also temporarily invest moneys in: (1) obligations of the United States of America; (2) obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America; (3) obligations of the State of New York; (4) with the approval of the New York State Comptroller, tax anticipation notes or revenue anticipation notes issued by any municipality, school district, or district corporation, other than those bonds issued by the District; (5) certificates of participation issued by political subdivisions of the State pursuant to Section 109-b(10) of the GML; (6) obligations of a New York public benefit corporation which are made lawful investments for municipalities pursuant to the enabling statute of such public benefit corporation; or (7) in the case of moneys held in certain reserve funds established by the District pursuant to law, obligations of the District.

All of the foregoing instruments and investments are required to be payable or redeemable at the option of the owner within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of instruments and investments purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event, at the option of the owner, within two years of the date of purchase. Unless registered or inscribed in the name of the District, such instruments and investments must be purchased through, delivered to and held in custody of a bank or trust company in the State pursuant to a written custodial agreement as provided in Section 10 of the GML.

The Board has adopted an investment policy and such policy conforms with applicable laws of the State governing the deposit and investment of public moneys. All deposits and investments of the District are made in accordance with such policy.

## **FINANCIAL FACTORS**

District finances are operated primarily through its General Fund. All taxes and most other revenues are paid into this fund and all current operating expenditures are made from it. A Statement of Revenues and Expenditures for each of the last five fiscal years ending June 30 is contained in Appendix B. As reflected in Appendix B, the District derives the majority of its annual revenues from a tax on real property. Capital improvements are generally financed by the issuance of bonds and bond anticipation notes.

## ***Real Property Taxes***

The District derives a major portion of its revenues from a tax on real property (see “Statement of Revenues, Expenditures and Changes in Fund Balance-General Fund” in Appendix B, herein). Property taxes accounted for 59.3% of total general fund revenues for the fiscal year ended June 30, 2023, while State aid accounted for 27.7%.

The following table sets forth total general fund revenues and real property tax revenues during the last five fiscal years and the amounts budgeted for the prior and current fiscal years.

**TABLE 4**  
**Property Taxes**

<b>Fiscal Year</b>	<b>Total</b>	<b>Real Property</b>	<b>Real Property Taxes</b>
<b><u>Ending June 30:</u></b>	<b><u>Revenues</u></b> <sup>(1)</sup>	<b><u>Taxes</u></b>	<b><u>To Revenues</u></b>
2019	\$100,527,583	\$58,483,274	58.2%
2020	101,593,232	61,027,426	60.1%
2021	104,190,434	65,288,503	60.7%
2022	107,445,181	62,251,632	60.7%
2023	110,703,870	65,604,322	59.3%
2024 Budgeted	113,335,269	65,726,734	58.0%
2025 Budgeted	115,026,680	68,548,709	59.6%

<sup>(1)</sup> General Fund only.

Source: Audited Financial Statements and Adopted Budget of the District.

## ***State Aid***

The District receives State aid for operating and other purposes at various times throughout its fiscal year, pursuant to formulas and payment schedules set forth by statute.

The following table sets forth total general fund revenues and State aid revenues during the last five fiscal years and the amounts budgeted for the prior and current fiscal years.

**TABLE 5**  
**State Aid**

<b>Fiscal Year</b>	<b>Total</b>	<b>Total</b>	<b>Total Revenues</b>
<b><u>Ending June 30:</u></b>	<b><u>Revenues</u></b> <sup>(1)</sup>	<b><u>State Aid</u></b>	<b><u>Consisting of State Aid</u></b>
2019	\$100,527,583	\$27,777,313	27.6%
2020	101,593,232	27,615,261	27.2%
2021	104,190,434	27,595,730	26.5%
2022	107,445,181	27,445,698	25.5%
2023	110,703,870	30,624,771	27.7%
2024 Budgeted	113,335,269	35,025,535	30.9%
2025 Budgeted	115,026,680	33,714,971	29.3%

<sup>(1)</sup> General Fund only.

Source: Audited Financial Statements and Adopted Budget of the District.

In addition to the amount of State Aid budgeted by the District in its 2024-25 fiscal year, the State is expected to make payments of STAR aid representing tax savings provided by school districts to their taxpayers under the STAR (see “STAR-School Tax Exemption” herein.) Program. The District expects to receive timely receipt of STAR aid for the current fiscal year.

In January 2001, the State Supreme Court issued a decision in *Campaign for Fiscal Equity v. New York* mandating that the current system of apportionment of state aid to school districts within the State be restructured by the Governor and the State Legislature. On June 25, 2002, the Appellate Division of the State Supreme Court reversed that decision. On June 26, 2003, the State Court of Appeals, the highest court in the State, reversed the Appellate Division, holding that the State must, by July 30, 2004, ascertain the actual cost of providing a sound basic education, enact reforms to the system of school funding and ensure a system of

accountability for such reforms. The Court of Appeals further modified the decision of the Appellate Division by deciding against a Statewide remedy and instead limited its ruling solely to the New York City school system.

A case related to the Campaign for Fiscal Equity, Inc. v. State of New York was heard on appeal on May 30, 2017 in *New Yorkers for Students' Educational Rights ("NYSER") v. State of New York*. The NYSER lawsuit asserted that the State failed to comply with the original decision in the Court of Appeals in *Campaign for Fiscal Equity*, and asked the Court of Appeals to require the State to develop new methodologies, formulas and mechanisms for determining State aid, to fully fund the "foundation aid" formula, to eliminate the supermajority requirement for voter approval of budgets which increase school district property tax levies above the property tax cap limitation, and related matters. On June 27, 2017, the Court of Appeals held that the plaintiff's causes of action were properly dismissed except for two causes of action regarding accountability mechanisms and sufficient state funding for a "sound basic education" limited solely to the New York City and Syracuse school districts.

While certain increases in State aid following this case have been targeted to high-needs schools and other schools did share in the overall increase of State aid, the District is unable to predict whether this pattern of distribution will continue beyond that which is included in later legislation dealing with foundation aid. Increased State aid for New York City schools and other high-needs schools may result in reductions in the future of State aid to certain other school districts, including the District.

In any event, the outcome of this matter will not affect the validity of any obligations issued by the District, including the Bonds, nor the ability of the District to levy taxes on the taxable real property in the District to pay the Bonds and the interest thereon as the same shall become due and payable.

The Smart Schools Bond Act was approved by the State's voters in 2014. The Smart Schools Bond Act authorized the issuance of \$2 billion of general obligation bonds to finance improved educational technology and infrastructure to improve learning and opportunity for students throughout the State. The District's estimated allocation of such funds is \$2,333,018.

There can be no assurance that the State appropriation for State aid to school districts will be continued in future years, either pursuant to existing formulas or in any form whatsoever. The availability of such monies and the timeliness of such payment could be affected by a delay in the adoption of the State budget. In any event, State aid appropriated and apportioned to the District can be paid only if the State has such monies available therefor.

On December 22, 2017, former President Trump signed into law the significant tax reform legislation that is generally referred to as the "Tax Cuts and Jobs Act of 2017" (the "TCJA"). The TCJA made significant changes to the Code, most of which became effective for the 2018 tax year. The TCJA made extensive changes to the deductibility of various taxes, including placing a cap of \$10,000 on a taxpayer's deduction of state and local taxes (the "SALT Deduction Limitation"). While it cannot yet be predicted what precise effects the SALT Deduction Limitation will have for the State, it is possible that government officials at both the State and local level may find it politically more difficult to raise new revenues via tax increases, since the deduction thereof, for taxpayers who itemize deductions, is now limited.

### ***Recent Events Affecting New York State School Districts***

School district fiscal year (2020-21): Due to the below-described decrease in State revenues as a result of the COVID-19 pandemic, the State budget included an increase of only \$95 million in State Aid (0.035% increase from the prior budget year), and Foundation Aid the same as the 2019-2020 fiscal year. While the budget actually included a decrease in State Aid (referred to as a "Pandemic Adjustment"), the decrease in State aid would be fully offset by the State's allocation of federal stimulus funds. Absent the federal stimulus funds, there would have been a \$1.127 billion decrease in State Aid from the 2019-2020 year.

School district fiscal year (2021-22): The State budget includes large-scale increases in State aid to school districts, including a \$105 million expansion of full-day prekindergarten that will provide funding to 200

school districts that didn't previously receive State funding for such full-day prekindergarten programs. In contrast to the 2020-21 budget, this budget provides that additional federal aid would supplement, not supplant, State funding. Most notably, Foundation Aid is increased by \$1.4 billion (7.6%), and the State has committed to a three-year phase-in of the restoration of the full Foundation Aid formula to finally fulfill the State's commitments from the Campaign for Fiscal Equity case from the early 2000s.

The City of New York was an early epicenter of the COVID-19 pandemic in the United States, and as a result the State suffered significant revenue shortfalls and unanticipated expenses beginning at the end of the State's 2019-2020 fiscal year, and continuing during the State's 2020-2021 fiscal year.

In response, the enacted State budget for the 2020-21 fiscal year allowed the State to reduce expenditures (including aid to local school districts and municipalities) if tax receipts were lower than anticipated. Accordingly, in June, 2020 the State Division of the Budget ("DOB") began withholding 20 percent of most local aid payments, although such aid was restored in full later in that same fiscal year.

Many of the State's 2020-21 budget decisions were based on the uncertainty of future federal aid. In the period of time since such decisions were made, the \$1.9 trillion American Rescue Plan Act was signed into law (on March 11, 2021), which legislation includes almost \$24 billion in funding for various levels of government in the State, including approximately \$12.5 billion for the State, \$6 billion for New York City, and \$4 billion to be divided among counties in the State; another \$12 billion was intended to be used toward the safe reopening of K-12 schools as well as colleges and universities.

Accordingly, the State enacted budget for the 2021-22 fiscal year was more expansive (about 10% higher) than the prior budget, including significantly increased funding for schools and local governments. School districts benefitted from a \$1.4 billion increase in Foundation Aid and will benefit from a three-year Foundation Aid full restoration phase-in that will allow all school districts to receive, by the 2023-24 State fiscal year, the increased level of Foundation Aid that was originally promised in 2007, along with a \$105 million expansion of full-day prekindergarten. Local governments received a full restoration of proposed cuts to Aid and Incentives for Municipalities (AIM) funding. Further, municipalities that host Video Lottery Terminal ("VLT") facilities received a full restoration of \$10.3 million in proposed VLT aid cuts.

Although the State's 2021-22 and 2022-23 budgets contained additional aid for school districts and municipalities, it is uncertain whether the State will have future budget shortfalls necessitating cuts to State aid. Reductions in the payment of State aid could adversely affect the financial condition of school districts in the State, including the District. See "COVID-19," herein, for further details on the COVID-19 pandemic and its effects on the State.

See "COVID-19," herein, for further details on such pandemic and its effects on the State.

School district fiscal year (2022-23): The Governor's Enacted budget provides \$31.5 billion in School Aid for the 2022-23 fiscal year, an increase of \$2.1 billion (7.2 percent) from \$29.1 billion 2021-22. Foundation Aid is increased by \$1.5 billion (7.7% increase), This is the second year of the Foundation Aid Formulation, a three-year phase-in of the restoration of the full Foundation Aid formula to finally fulfill the State's commitments from the Campaign for Fiscal Equity case from the early 2000s. The budget continues the expansion of full-day prekindergarten that will provide funding to 200 school districts with an increase of \$125 million from the 2022-23 fiscal year, and increase of 13%. The Budget also includes \$451 million increase in all other School Aid programs.

School district fiscal year (2023-24): The Governor's Enacted State budget provides \$34.5 billion in School Aid for the 2023-24 fiscal year, an increase of \$3.1 billion (10.0 percent). Foundation Aid is increased by \$2.7 billion (12.8 percent), This is the third year of the Foundation Aid Formulation, a three-year phase-in of the restoration of the full Foundation Aid formula to finally fulfill the State's commitments from the Campaign for Fiscal Equity case from the early 2000s. The budget continues the expansion of full-day prekindergarten that will provide funding to 200 school districts with an increase of \$1.2 million from the

2022-23 fiscal year. The total funding for the Universal Pre-Kindergarten includes \$25 million in expansion grants supported by the American Rescue Plan Act.

School district fiscal year (2024-25): The Governor's Enacted State budget provides \$35.9 billion in School Aid, an increase of \$1.3 billion, including \$24.9 billion in Foundation Aid for the 2024-25 fiscal year. Governor Hochul is lowering the inflation factor from 3.4 percent to 2.8 percent in the formula to right-size funding for the 2024-25 school year. The Budget also commissions a Rockefeller Institute study to examine the Foundation

The School District presently anticipates a decrease in its State Aid related to Foundation aid for its 2024-25 fiscal year in an amount of \$1,142,761.

The State budget for the 2024-25 fiscal year provides \$35.16 million of State Aid to the District, a 3.15% decrease from the District's 2023-24.

It should also be noted that the District receives federal aid for certain programs. In its last audited fiscal year, the District received \$156,679 in such direct federal aid. It is not possible to predict whether such aid will continue in the future, or if continued, whether it will be funded at present levels.

The District cannot predict at this time whether there will be any reductions in and/or delays in the receipt of State aid during the District's 2023-24 fiscal year. The District believes that it would mitigate the impact of any delays or the reduction in State aid by reducing expenditures, increasing revenues, appropriating other available funds on hand, and/or by any combination of the foregoing.

### ***Other Revenues***

In addition to property taxes and State aid, the District receives other revenues from miscellaneous sources as shown in Appendix B.

## **TAX INFORMATION**

### ***Real Property Tax Assessments and Rates***

The District derives its power to levy an *ad valorem* real property tax from the State Constitution; methods and procedures to levy, collect and enforce this tax are governed by the Real Property Tax Law. Real property assessment rolls used by the District are prepared by the towns listed in Table 6 below. Assessment valuations are determined by the town assessor and the State Board of Real Property Services, which is responsible for certain utility and railroad property. In addition, the State Board of Real Property Services annually establishes State Equalization Rates for all localities in the State, which are determined by statistical sampling of market sales/assessment studies. The equalization rates are used in the calculation and distribution of certain State aids and are used by many localities in the calculation of debt contracting and real property taxing limitations. The District is not subject to constitutional real property taxing limitations.



**TABLE 6**  
**Real Property Tax Assessments and Rates**

Fiscal Year:	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
<b>Town of Aurora</b>					
Assessed Value	\$28,581,576	\$28,704,608	\$28,622,133	\$28,751,503	\$28,701,427
Equalization Rate <sup>(2)</sup>	32.50%	30.25%	29.00%	26.50%	24.00%
Full Value	\$87,943,311	\$94,891,266	\$98,697,010	\$108,496,238	\$119,589,279
Tax Rate <sup>(1)</sup>	\$54.08	\$56.97	\$56.09	\$54.80	\$52.40
<b>Town of Boston</b>					
Assessed Value	\$113,563,427	\$114,777,651	\$116,671,102	\$119,793,511	\$122,353,190
Equalization Rate <sup>(2)</sup>	79.00%	78.00%	73.00%	66.00%	59.50%
Full Value	\$143,751,173	\$147,150,835	\$159,823,427	\$181,505,320	\$205,635,613
Tax Rate <sup>(1)</sup>	\$22.25	\$22.09	\$22.28	\$22.00	\$21.13
<b>Town of Elma</b>					
Assessed Value	\$1,292,934	\$1,295,359	\$1,277,618	\$1,286,214	\$1,296,960
Equalization Rate <sup>(2)</sup>	4.10%	3.67%	3.61%	3.22%	2.80%
Full Value	\$31,534,976	\$35,295,886	\$35,391,080	\$39,944,534	\$46,320,000
Tax Rate <sup>(1)</sup>	\$437.57	\$428.67	\$469.58	\$450.60	\$451.01
<b>Town of Hamburg</b>					
Assessed Value	\$102,896,882	\$103,473,532	\$103,564,059	\$104,137,084	\$103,614,263
Equalization Rate <sup>(2)</sup>	47.00%	44.50%	41.00%	37.00%	32.00%
Full Value	\$218,929,536	\$232,524,791	\$252,595,266	\$281,451,578	\$323,794,572
Tax Rate <sup>(1)</sup>	\$37.39	\$38.73	\$39.68	\$39.25	\$39.30
<b>Town of Orchard Park</b>					
Assessed Value	\$1,463,353,031	\$1,472,728,988	\$1,482,970,086	\$1,503,206,496	\$1,514,693,459
Equalization Rate <sup>(2)</sup>	48.50%	46.50%	43.00%	39.00%	34.00%
Full Value	\$3,017,222,744	\$3,167,159,114	\$3,448,767,642	\$3,854,375,631	\$4,454,980,762
Tax Rate <sup>(1)</sup>	\$36.24	\$37.06	\$37.83	\$37.24	\$36.99
<b>Town of West Seneca</b>					
Assessed Value	\$99,758,270	\$99,964,361	\$101,088,127	\$102,715,352	\$104,644,684
Equalization Rate <sup>(2)</sup>	37.00%	36.00%	34.00%	30.00%	26.00%
Full Value	\$269,616,946	\$277,678,781	\$297,318,021	\$342,384,507	\$402,479,554
Tax Rate <sup>(1)</sup>	\$47.50	\$47.87	\$47.84	\$48.41	\$48.37
<b>Total:</b>					
Assessed Value	\$1,809,446,120	\$1,820,944,499	\$1,834,193,125	\$1,859,890,160	\$1,875,303,983
Full Value	\$3,768,998,686	\$3,954,700,672	\$4,292,592,446	\$4,808,157,807	\$5,552,799,780
Tax Levy	\$66,242,431	\$68,153,068	\$69,826,734	\$69,826,734	\$69,826,734

(1) Per \$1,000

(2) The equalization rates shown here were used to apportion the school tax levies and may not be the same as those required for debt limit purposes.

Source: District Officials.

## ***The State Comptroller's Fiscal Stress Monitoring System***

The New York State Comptroller has reported that certain State school districts and municipalities are facing significant fiscal challenges. As a result, the Office of the State Comptroller has developed a Fiscal Stress Monitoring System ("FSMS") to provide independent, objectively measured and quantifiable information to school district and municipal officials, taxpayers and policy makers regarding the various levels of fiscal stress under which the State's school districts and municipalities are operating.

The fiscal stress scores are based on financial information submitted as part of each school district's ST-3 report filed with the State Education Department annually, and each municipality's annual report filed with the State Comptroller. Using financial indicators that include year-end fund balance, cash position and patterns of operating deficits, the system creates an overall fiscal stress score which classifies whether a school district or municipality is in "significant fiscal stress", in "moderate fiscal stress," as "susceptible to fiscal stress" or "no designation". Entities that do not accumulate the number of points that would place them in a stress category will receive a financial score but will be classified in a category of "no designation." This classification should not be interpreted to imply that the entity is completely free of fiscal stress conditions. Rather, it means that the entity's financial information, when objectively scored according to the FSMS criteria, did not generate sufficient points to place them in one of the three established stress categories.

The most current applicable report of the State Comptroller designates the District as "No Designation" (see <https://wwe1.osc.state.ny.us/localgov/fiscalmonitoring/fsms.cfm>).

## ***New York State Comptroller's Audit***

Many school districts throughout the state can be subject to an audit of the New York State Office of the Comptroller ("OSC") pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law.

On August 17, 2018, OSC, Division of Local Government and School Accountability released an audit of the District to determine if the Board and District officials properly managed District finances by ensuring budget estimates, unrestricted fund balance and reserve fund balances were reasonable and the District accurately compensated employees. The audit found that the Board underestimated revenues, overestimated appropriations and appropriated fund balance that was not used, Despite budgetary surpluses and excess fund balance, the Board increased the tax levy, and three teachers were paid stipends at rates not established by a collective bargaining agreement (CBA), employment contract or Board resolution. The OSC recommended the District develop and adopt budgets that include realistic estimates for revenues, appropriations and fund balance that will be used to fund operations, adopt a more comprehensive reserve policy and review reserve fund balances to determine whether the amounts are necessary and reasonable, and ensure that all payments, pay rates and stipends are paid at rates established by a CBA, employment contract or Board resolution. District officials disagreed with certain aspects of OSC findings and recommendations, but indicated they planned to initiate some corrective action.

(See <https://osc.state.ny.us/localgov/audits/schools/2018/orchard-park.pdf>.)

The OSC has not conducted any other audits of the District in the past five years.

## ***Tax Limit***

The State Constitution does not limit the amount that may be raised by the District-wide tax levy on real property in any fiscal year. See, however, the discussion immediately below under the sub-heading "Tax Levy Limitation Law."

## ***Tax Levy Limitation Law***

On June 24, 2011, Chapter 97 of the Laws of 2011 was signed into law by the Governor (the “Tax Levy Limitation Law”). The Tax Levy Limitation Law applies to all local governments, including school districts (with the exception of New York City, and the counties comprising New York City). The discussion herein does not include school districts in New York City, Buffalo, Rochester, Syracuse, or Yonkers.

On June 25, 2015, Chapter 20 of the 2015 Laws of New York (“Chapter 20”) amended the Tax Levy Limitation Law to extend its expiration from June 15, 2016 to June 15, 2020. Chapter 20 also affects the calculation of tax base growth factor and exclusions available to school districts, and introduces a new real property tax rebate, as outlined below. On April 12, 2019, the enacted budget legislation made the Tax Levy Limitation Law permanent.

Prior to the enactment of the Tax Levy Limitation Law, there was no statutory limitation on the amount of real property taxes that a school district could levy as part of its budget if its budget had been approved by a simple majority of its voters. In the event the budget had been defeated by the voters, the school district was required to adopt a contingency budget. Under a contingency budget, school budget increases were limited to the lesser of four percent (4%) of the prior year’s budget or one hundred twenty percent (120%) of the consumer price index (“CPI”).

The Tax Levy Limitation Law restricts, among other things, the amount of real property taxes that may be levied by or on behalf of a school district in a particular year. Pursuant to the Tax Levy Limitation Law, the tax levy of a school district cannot increase by more than the lesser of (i) two percent (2%) or (ii) the annual increase in the CPI, over the amount of the prior year’s tax levy. Certain adjustments are permitted for taxable real property full valuation increases or changes in physical or quantity growth in the real property base as defined in Section 1220 of the Real Property Tax Law. Chapter 20 additionally allows the State Commissioner of Taxation and Finance to adjust for changes in the real property base to reflect development on tax exempt real property.

Beginning with the 2012-13 fiscal year, school districts have had to submit their proposed tax levies to the voters each year. A school district could exceed the tax levy limitation for the coming fiscal year only if the voters of such school district first approve a budget by at least 60% affirmative vote of those voting to override such limitation for such coming fiscal year only. Tax levies that do not exceed the limitation only require approval by at least a simple majority of those voting. In the event that a budget is defeated and not re-proposed, or in the event of two budget vote defeats in the same year, a school district may not levy taxes in an amount greater than the amount levied in the most recent year when a budget was approved.

There are exceptions for school districts to the tax levy limitation provided in the Tax Levy Limitation Law, including expenditures made on account of certain tort settlements and certain increases in the average actuarial contribution rates of the New York State and Local Employees’ Retirement System, and the Teachers’ Retirement System. School districts are also permitted to carry forward a certain portion of their unused levy limitation from a prior year.

There is also an exception for school districts for “Capital Local Expenditures” subject to voter approval where required by law. “Capital Local Expenditures” do not include certain items for which a school district may issue debt including the payment of judgments or settled claims, including tax certiorari payments, and cashflow borrowings including tax anticipation notes, revenue anticipation notes, budget notes and deficiency notes. “Capital Local Expenditures” are defined as “the taxes associated with budgeted expenditures resulting from the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of or otherwise providing for school district capital facilities or school district capital equipment, including debt service and lease expenditures, and transportation capital debt service, subject to the approval of the qualified voters where required by law”. The State Commissioner of Taxation and Finance has promulgated a regulation that will allow school districts, beginning in the 2020-21 school year, to adjust the exclusion to reflect a school district’s share of capital expenditures related to projects funded through a board of cooperative educational services

(“BOCES”). The portion of the tax levy necessary to support “Capital Local Expenditures” is defined as the “Capital Tax Levy”, and this is an exclusion from the tax levy limitation (except in a case when the District would be prohibited from raising the tax levy amount at all due budget vote results, as explained above).

***Tax Collection Procedure***

The real property taxes of the District are collected by the Town of Orchard Park (the “Town”). Such taxes are due on September 15, and may be paid without penalty through October 15. The Town pays to the District the amounts collected on a periodic basis. The penalty on unpaid taxes is 5% from October 16 to October 31 and additional 1% for each month thereafter. On or about December 1, the Town files a report of any uncollected District taxes with the County. The County thereafter on or before April pays to the District the full amount of its uncollected taxes. Thus, the full amount of the District’s real property tax levy is collected by the District in the fiscal year of the levy. The County has the power to issue and sell tax anticipation notes to fund the reimbursement of uncollected taxes due to the District.

The District is not responsible for the collection of taxes of any other unit of government.

***STAR - School Tax Exemption***

The School Tax Relief (“STAR”) program provides State-funded exemptions from school property taxes to homeowners for their primary residences. School districts are reimbursed by the State for real property taxes exempted pursuant to the STAR Program.

For the 2024-25 school levy year, homeowners subject to certain household income limitations are eligible for an enhanced exemption and basic exemption as follows:

<u>Municipality</u>	<u>Enhanced Exemption</u>	<u>Basic Exemption</u>
Town of Aurora	\$20,160	\$7,200
Town of Boston	49,980	17,850
Town of Elma	2,350	860
Town of Hamburg	26,880	9,880
Town of Orchard Park	28,560	10,410
Town of West Seneca	21,840	8,080

*As of: 04/09/2024*

The enhanced or basic STAR exemption is the amount that an assessment will be reduced prior to the levy of school taxes. For example, if a home is assessed at \$150,000 and the enhanced STAR exemption for a municipality is \$50,000, the school taxes on the property would be paid on a taxable assessment of \$100,000 (\$150,000 - \$50,000 = \$100,000).

Since the 2011-12 school tax bills, there has been a 2% limit on STAR savings increases, the savings results from the Basic or Enhanced STAR exemptions are limited to a 2% increase over the prior year. When school districts initially calculate their tax bills, for each municipal segment they will compare the amount of STAR savings to the maximum. If the STAR savings exceeded the maximum, the school district will use the maximum when calculating tax bills for the segment.

The maximum savings for each of the municipalities for the 2024-25 fiscal year are as follows:

<u>Municipality</u>	<u>Basic Maximum Savings</u>	<u>Enhanced Maximum Savings</u>
Town of Aurora	\$417	\$1,130
Town of Boston	418	1,135
Town of Elma	436	1,167
Town of Hamburg	436	1,180
Town of Orchard Park	433	1,174
Town of West Seneca	439	1,181

As of: 03/28/2024

The District expects to receive full reimbursement of such exempt taxes from the State during the 2024-25 fiscal year.

### ***Ten Largest Taxpayers***

The following table presents the taxable valuations of the District's ten largest taxpayers on the 2023 Assessment Roll of the Town of Orchard Park used to levy 2023-24 taxes.

**TABLE 7**  
**Taxable Assessments**

<u>Taxpayer</u>	<u>Nature of Business</u>	<u>Taxable Valuation</u> <sup>(1)</sup>	<u>% of Assessed Valuation</u>
Quaker Crossing LLC	Commercial/Retail	\$13,477,000	0.72%
Young Reidman LLC	Apartments	9,683,098	0.52%
Orchard Park TK Owner LLC	Commercial/Retail	9,219,000	0.49%
New York State Electric & Gas Corp.	Utility	8,217,296	0.44%
Orchard Park Residential Partners	Apartments	7,767,300	0.41%
National Fuel Gas Dist. Corp.	Utility	7,388,299	0.39%
Armor Road Properties	Nursing Homes	7,300,000	0.39%
Orchard Park 5959 Medical	Commercial/Retail	7,295,254	0.39%
Target Corporation T-1057	Commercial/Retail	5,000,000	0.27%
Lowes Home Centers Inc.	Commercial/Retail	<u>4,627,000</u>	<u>0.25%</u>
	Totals	<u>\$79,974,247</u>	<u>4.26%</u>

(1) Represents 4.26% of the District's 2023 Assessed Valuation of \$1,875,303,983 used to levy 2023-24 taxes.

Source: District Officials.

## **DISTRICT INDEBTEDNESS**

### ***Constitutional Requirements***

The State Constitution limits the power of the District (and other municipalities and school districts of the State) to issue obligations and to otherwise contract indebtedness. Such constitutional and statutory limitations include the following, in summary form, and are generally applicable to the District and the Bonds.

***Purpose and Pledge.*** The District shall not give or loan any money or property to or in aid of any individual or private corporation or private undertaking or give or loan its credit to or in aid of any of the foregoing or any public corporation.

The District may contract indebtedness only for a District purpose and shall pledge its faith and credit for the payment of principal of and interest thereon.

***Payment and Maturity.*** Except for certain short-term indebtedness contracted in anticipation of taxes or to be paid within three fiscal year periods, indebtedness shall be paid in annual installments commencing no

later than two years after the date such indebtedness shall have been contracted and ending no later than the period of probable usefulness of the object or purpose determined by statute; no installment may be more than fifty per centum in excess of the smallest prior installment, unless the District has authorized the issuance of indebtedness having substantially level or declining annual debt service. The District is required to provide an annual appropriation for the payment of interest due during the year on its indebtedness and for the amounts required in such year for amortization and redemption of its serial bonds, bond anticipation notes and capital notes.

**General.** The District is further subject to constitutional limitation by the general constitutionally imposed duty on the State Legislature to restrict the power of taxation and contracting indebtedness to prevent abuses in the exercise of such power; however, as has been noted under “THE BONDS -- Nature of Obligation”, the State Legislature is prohibited by a specific constitutional provision from restricting the power of the District to levy taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted.

### ***Statutory Procedure***

In general, the State Legislature has, by the enactment of the Local Finance Law, authorized the powers and procedure for the District to borrow and incur indebtedness subject, of course, to the constitutional provisions set forth above. The power to spend money, however, generally derives from other law, including the Education Law.

The District is generally required by such laws to submit propositions for the expenditure of money for capital purposes to the qualified electors of the District. Upon approval thereby, the Board of Education may adopt a bond resolution authorizing the issuance of bonds and notes in anticipation of the bonds. With respect to certain school building construction projects, the District is not permitted to spend in excess of \$100,000 until the plans and specification for such project have been approved by the Commissioner of Education of the State.

The Local Finance Law also provides a 20-day statute of limitations after publication of a bond resolution, together with a statutory form of notice which, in effect, stops legal challenges to the validity of obligations authorized by such bond resolution, except for alleged constitutional violations. The District typically complies with the estoppel procedure. It is a procedure that is recommended by Bond Counsel, but it is not an absolute legal requirement.

The Board, as the finance board of the District, has the power to enact tax anticipation note resolutions. Such resolutions may authorize the issuance of tax anticipation notes in an aggregate principal amount necessary to fund anticipated cash flow deficits but in no event exceeding the amount of real property taxes levied or to be levied by the District, less any tax anticipation notes previously issued and less the amount of such taxes previously received by the District.

**Debt Limit.** Pursuant to the Local Finance Law, the District has the power to contract indebtedness for any District purpose authorized by the Legislature of the State of New York provided the aggregate amount thereof shall not exceed ten per centum of the full valuation of taxable real estate of the District and subject to certain enumerated exclusions and deductions such as State aid for building purposes. The constitutional and statutory method for determining full valuation consists of taking the assessed valuation of taxable real estate for the last completed assessment roll and applying thereto the ratio (equalization rate) which such assessed valuation bears to the full valuation; such ratio is determined by the State Board of Real Property Services. The State Legislature is required to prescribe the manner by which such ratio shall be determined by such authority.

## ***Statutory Debt Limit and Net Indebtedness***

The debt limit of the District is \$555,279,978. This is calculated by taking 10% of the current full value of the taxable real property of the District.

**TABLE 8**  
**Statutory Debt Limit and Net Indebtedness**  
(As of August 14, 2024)

	<b><u>Assessed</u></b>	<b><u>Equalization Rate</u></b>	<b><u>Full Valuation</u></b>
	<b><u>Town</u></b>		
	<b><u>Valuation</u></b>		
Aurora	\$28,701,427	24.00%	\$119,589,279
Boston	122,353,190	59.50%	205,635,613
Elma	1,296,960	2.80%	46,320,000
Hamburg	103,614,263	32.00%	323,794,572
Orchard Park	1,514,693,459	34.00%	4,454,980,762
West Seneca	104,644,684	26.00%	<u>402,479,554</u>
Total Full Valuation of Taxable Real Property			\$5,552,799,780
Debt Limit (10% of Full Valuation)			\$555,279,978
Outstanding Indebtedness (Principal Only):			
Bonds			\$44,330,000
BANs			<u>9,000,000</u>
Gross Indebtedness			\$53,330,000
Less: Exclusions <sup>(1)</sup>			<u>0</u>
Total Net Indebtedness			<u>\$53,330,000</u>
Net Debt-Contracting Margin			<u>\$501,949,978</u>
Percentage of Debt-Contracting Margin Exhausted			<u>9.60%</u>

<sup>(1)</sup> In prior years the District received State debt service building aid in a calculated amount of approximately 70.0% of its outstanding bonded indebtedness. Given the "assumed amortization" of State building aid as provided in Chapter 383 of the Laws of 2001, no assurance can be given regarding the direct or indirect effect that "assumed amortization" will have on the net indebtedness of the District, or the timing or amount of such building aid in connection with school facilities financed with the proceeds of the issuance of bonds or notes. See also "State Aid" herein.

Source: District Officials.

## ***Remedies Upon Default***

Section 99-b of the State Finance Law (the "SFL") provides for a covenant between the State and the purchasers and the holders and owners from time to time of the bonds and notes issued by school districts in the State for school purposes that it will not repeal, revoke or rescind the provisions of Section 99-b of the SFL, or amend or modify the same so as to limit, impair or impede the rights and remedies granted thereby.

Such section provides that in the event a holder or owner of any bond or note issued by a school district for school purposes shall file with the State Comptroller a verified statement describing such bond or note and alleging default in the payment thereof or the interest thereon or both, it shall be the duty of the State Comptroller to immediately investigate the circumstances of the alleged default and prepare and file in his office a certificate setting forth his determinations with respect thereto and to serve a copy thereof by registered mail upon the chief fiscal officer of the school district which issued the bond or note. Such investigation by the State Comptroller shall set forth a description of all such bonds and notes of the school district found to be in default and the amount of principal and interest thereon past due.

Upon the filing of such a certificate in the Office of the State Comptroller, he shall thereafter deduct and withhold from the next succeeding allotment, apportionment or payment of such State aid or assistance due to such school district such amount thereof as may be required to pay (a) the school district's contribution to the State Teachers' Retirement System, and (b) the principal of and interest on such bonds and notes of such school district then in default. In the event such State aid or assistance initially so withheld shall be insufficient to pay such amounts in full, the State Comptroller shall similarly deduct and withhold from each

succeeding allotment, apportionment or payment of such State aid or assistance due such school district such amount or amounts thereof as may be required to cure such default. Allotments, apportionments and payments of such State aid so deducted or withheld by the State Comptroller for the payment of principal and interest on the bonds and notes shall be forwarded promptly to the paying agent or agents for the bonds and notes in default of such school district for the sole purpose of the payment of defaulted principal of and interest on such bonds or notes. If any such successive allotments, apportionments or payment of such State aid so deducted or withheld shall be less than the amount of all principal and interest on the bonds and notes in default with respect to which the same was so deducted or withheld, then the State Comptroller shall promptly forward to each paying agent an amount in the proportion that the amount of such bonds and notes in default payable to such paying agent bears to the total amount of the principal and interest then in default on such bonds and notes of such school district. The State Comptroller shall promptly notify the chief fiscal officer of such school district of any payment or payments made to any paying agent or agents of defaulted bonds or notes pursuant to such section of the SFL.

Under current law, provision is made for contract creditors (including the holders of the Bonds) of the District to enforce payments upon such contracts, if necessary, through court action, although the present statute limits interest on the amount adjudged due to creditors to nine per centum per annum from the date due to the date of payment. As a general rule, property and funds of a municipal corporation servicing the public welfare and interest have not been judicially subjected to execution or attachment to satisfy a judgment, although judicial mandates have been issued to officials to appropriate and pay judgments out of current funds or the proceeds of a tax levy.

In recent times, certain events and legislation affecting remedies on default have resulted in litigation. While courts of final jurisdiction have upheld and sustained the rights of bondholders and/or noteholders, such courts might hold that future events including financial crises as they may occur in the State and in municipalities of the State require the exercise by the State of its emergency and police powers to assure the continuation of essential public services.

There is in the State Constitution, Article VIII, Section 2, the following provision relating to the annual appropriation of monies for the payment of due principal of and interest on indebtedness of every county, city, town, village and school district in the State: "If at any time the respective appropriating authorities shall fail to make such appropriations, a sufficient sum shall be set apart from the first revenues thereafter received and shall be applied to such purposes. The fiscal officer of any county, city, town, village or school district may be required to set aside and apply such revenues as aforesaid at the suit of any holder of obligations issued for such indebtedness."

The constitutional provision providing for first revenue set asides does not apply to tax anticipation notes, revenue anticipation notes, or bond anticipation notes.

No principal or interest payment on District indebtedness is past due. The District has never defaulted in the payment of the principal of and interest on any indebtedness.

### ***Short-Term Note Indebtedness***

The District has \$9,000,000 bond anticipation notes maturing on May 2, 2025.



## ***Outstanding Long-Term Bond Indebtedness***

The following table provides information relating to long-term bond indebtedness outstanding at year-end for the last five audited fiscal years:

**TABLE 9**  
**Outstanding Long-Term Bond Indebtedness**

Fiscal Year	
<u>Ending June 30:</u>	<u>Total Bonded Debt</u>
2019	\$44,757,999
2020	41,047,000
2021	45,759,000
2022	40,243,000
2023	51,000,000

*Source: Audited Financial Statements and District Officials.*

## ***Overlapping and Underlying Debt***

In addition to the District, other political subdivisions have the power to issue bonds and to levy taxes or cause taxes to be levied on taxable real property in the District. The real property taxpayers of the District are responsible for a proportionate share of outstanding debt obligations of these subdivisions. Such taxpayers' share of overlapping and underlying debt is based on the amount of the District's equalized property values taken as a percentage of each separate unit's total values. The following table presents the amount of overlapping and underlying debt and the District's share of this debt. Authorized but unissued debt has not been included.

**TABLE 10**  
**Statement of Direct and Overlapping Indebtedness**

<u>Issuer</u>	<u>Net Debt</u> <u>Outstanding</u>	<u>As of</u>	<u>District</u> <u>Share</u>	<u>Amount Applicable</u> <u>To District</u>
Erie County	\$268,267,674	05/31/2024	5.73%	\$15,371,738
Town of Aurora	6,370,000	12/31/2023	5.06%	322,322
Town of Boston	590,000	09/06/2023	20.13%	118,767
Town of Elma	3,430,000	12/31/2022	2.16%	74,088
Town of Hamburg	9,655,000	06/24/2024	4.52%	436,406
Town of Orchard Park	38,822,000	06/24/2024	90.52%	35,141,674
Town of West Seneca	38,087,000	06/27/2024	8.04%	<u>3,062,195</u>
Total Net Overlapping Debt				\$54,527,190
Total Net Direct Debt				<u>\$53,330,000</u>
Net Direct and Overlapping Debt				<u>\$107,857,190</u>

*Source: Official Statements and Annual Reports on file with the State of New York Office of the State Comptroller.*

## ***Debt Ratios***

The following table presents certain debt ratios relating to the District's direct and overlapping indebtedness.

**TABLE 11**  
**Debt Ratios**

	<u>Amount</u>	<u>Debt Per</u> <u>Capita</u> <sup>(1)</sup>	<u>Debt to</u> <u>Full Value</u> <sup>(2)</sup>
Net Direct Debt	\$46,820,000	\$1,667	0.96%
Net Direct and Overlapping Debt	\$101,919,425	\$3,371	1.94%

(1) The population of the District is currently estimated by District officials to be 32,000.

(2) The District's full value of taxable real property for fiscal year 2023-24 is \$5,552,799,780.

***Authorized but Unissued Indebtedness***

The District has \$83,750,000 of authorized but unissued debt to undertake an approved "Educational Facilities Improvement Project, 2022," consisting of the reconstruction, rehabilitation and renovation, in part, and the construction of improvements, additions and upgrades to, various District buildings and facilities (and the sites thereof) (the "Project") authorized in an aggregate principal amount of \$110,000,000.

***Debt Service Schedule***

The following table shows the debt service requirements to maturity on the District's outstanding bonded indebtedness as of August 14, 2024.

**TABLE 12**  
**Bond Principal and Interest Maturity Table**

2024-25	\$3,020,000	\$1,553,413	\$4,573,413
2025-26	4,715,000	1,480,731	6,195,731
2026-27	4,705,000	1,284,606	5,989,606
2027-28	4,695,000	1,100,413	5,795,413
2028-29	4,125,000	927,388	5,052,388
2029-30	3,560,000	775,113	4,335,113
2030-31	3,670,000	655,356	4,325,356
2031-32	3,785,000	538,294	4,323,294
2032-33	1,710,000	422,000	2,132,000
2033-34	1,765,000	368,200	2,133,200
2034-35	1,820,000	312,500	2,132,500
2035-36	1,880,000	254,900	2,134,900
2036-37	1,150,000	195,200	1,345,200
2037-38	1,195,000	149,200	1,344,200
2038-39	1,245,000	101,400	1,346,400
2039-40	1,290,000	51,600	1,341,600
	<u>\$44,330,000</u>	<u>\$10,170,314</u>	<u>\$54,500,314</u>

**ECONOMIC AND DEMOGRAPHIC DATA**

***Population***

The District estimates its population to be approximately 32,000. The following table presents population trends for the Town, County and State, based upon recent census data. Data provided in the following table is not necessarily representative of the District.

**TABLE 13**  
**Population Trend**

	<u>2010</u>	<u>2020</u>	<u>% Change</u>
Town	29,054	29,686	2.2%
County	919,040	954,236	3.8%
State	19,378,102	20,201,249	4.3%

Source: US Census Bureau.

## ***Income***

The following table presents median household income for the Town, County and State. Data provided in the following table is not necessarily representative of the District.

**TABLE 14**

	<b><u>Per Capita Income</u></b>			<b><u>Median Family Income</u></b>		
	<u>2010</u>	<u>2020</u>	<u>% Change</u>	<u>2010</u>	<u>2020</u>	<u>% Change</u>
Town	\$37,932	49,152	29.6%	\$95,562	88,868	(7.4%)
County	26,378	35,050	32.9%	63,404	59,464	(6.6%)
State	30,948	40,898	32.2%	67,405	71,117	5.5%

Source: US Census Bureau.

## ***Employment and Unemployment***

Employment and unemployment data are not compiled for the District or the Town. The following tables provide information concerning employment and unemployment in the County and State. Data provided in the following tables is not necessarily representative of the District.

**TABLE 15**

**Civilian Labor Force**

(Thousands)

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Town	15.1	14.2	14.6	15.0	15.1
County	434.7	406.8	418.6	428.6	432.7
State	9,470.4	8,628.0	8,857.0	9,178.6	9,307.0

Source: New York State Department of Labor, Bureau of Labor Statistics.

**TABLE 16**

**Yearly Average Unemployment Rates**

<u>Year</u>	<u>Town</u>	<u>County</u>	<u>State</u>
2019	3.2%	4.1%	3.9%
2020	6.5%	9.1%	9.8%
2021	4.0%	5.4%	7.1%
2022	2.7%	3.6%	4.3%
2023	2.9%	3.8%	4.2%

Source: New York State Department of Labor, Bureau of Labor Statistics. Information not seasonally adjusted.

**TABLE 17**

**Monthly Unemployment Rates**

<u>Month</u>	<u>Town</u>	<u>County</u>	<u>State</u>
July 2023	2.8%	3.7%	4.2%
August	3.0%	4.1%	4.5%
September	3.0%	3.8%	4.2%
October	3.2%	4.0%	4.4%
November	3.1%	4.0%	4.2%
December	3.3%	4.4%	4.4%
January 2024	3.5%	4.6%	4.3%
February	3.6%	4.7%	4.5%
March	3.4%	4.4%	4.2%
April	3.0%	3.9%	3.9%
May	3.2%	4.0%	4.2%
June	3.1%	3.9%	4.3%

Source: New York State Department Labor, Bureau of Labor Statistics. % Information not seasonally adjusted.

\*Note that figures in this section are historical and do not speak as to current or projected employment rates.

**TABLE 18**  
**Ten Largest Employers**

<b><u>Name</u></b>	<b><u>Type of Product or Service</u></b>	<b><u>Approximate Number of Employees</u></b>
Orchard Park Central Schools	Education	756
Erie Community College South	Education	628
McGard	Auto Part Manufacturer	413
Towne Automotive Group	Auto Retail	394
West-Herr Automotive Group	Auto Retail	393
Father Baker Manor	Long Term Health Care Facility	285
Cobham Mission Systems Division	Manufacturing	276
ITT Enidine, Inc.	Manufacturing	275
Absolut Care at Orchard Park	Long Term Health Care Facility	265
Azerty	Data Processing	260

*Source: Orchard Park Chamber of Commerce.*

### **LITIGATION**

In common with other school districts, the District from time to time receives notices of claim and is party to litigation. In the opinion of the District after consultations with its attorneys, unless otherwise set forth herein and apart from matters provided for by applicable insurance coverage, there are no claims or action pending which, if determined against the District, would have an adverse material effect on the financial condition of the District.

**END OF APPENDIX A**

**APPENDIX B**

**SUMMARY OF FINANCIAL  
STATEMENTS AND BUDGETS**

**Orchard Park Central School District**  
**Statement of Budgeted Appropriations and Estimated Revenues**  
**General Fund**  
**Fiscal Year Ending June 30:**

	<u>Adopted</u> <u>2023-24</u>	<u>Adopted</u> <u>2024-25</u>
<u>Revenues:</u>		
Real Property Taxes	\$65,726,734	\$68,548,709
STAR	4,100,000	3,500,000
Other Tax Items	575,000	600,000
Interest and Penalty	5,000	5,000
Non-Property Taxes	7,000,000	7,300,000
Charges For Services	346,000	311,000
Use of Money & Property	97,000	717,000
Miscellaneous	460,000	330,000
State Aid	35,025,535	33,714,971
Subtotal	<u>113,335,269</u>	<u>115,026,680</u>
Reserves	605,840	3,200,000
Appropriated Fund Balance	5,900,000	5,900,000
Total Est. Revenue and Fund Balance	<u><u>\$119,841,109</u></u>	<u><u>\$124,126,680</u></u>
<u>Appropriations:</u>		
Administrative	\$11,496,871	\$12,208,280
Program	89,181,989	92,018,730
Capital	19,162,249	18,399,670
Total Appropriations	<u><u>\$119,841,109</u></u>	<u><u>\$122,626,680</u></u>

Source: Adopted Budgets of the District.

**Orchard Park Central School District  
Comparative Balance Sheet  
General Fund  
Fiscal Year Ending June 30:**

	<u>2022</u>	<u>2023</u>
<u>Assets:</u>		
Cash and Cash Equivalent	\$15,251,179	\$13,660,511
Restricted Cash	11,297,515	9,343,198
Receivables	156,254	60,410
Due From Other Governments	3,989,134	4,186,020
Due from Other Funds	1,133,906	2,333,955
Deposits	<u>69,874</u>	<u>69,874</u>
 Total Assets:	 <u><u>\$31,897,862</u></u>	 <u><u>\$29,653,968</u></u>
 <u>Liabilities:</u>		
Accounts Payable	\$473,547	\$790,041
Accrued Liabilities	2,537,530	2,398,850
Unearned Revenue	40,385	42,201
Due to Retirement Systems	<u>4,736,566</u>	<u>5,265,852</u>
	<u>7,788,028</u>	<u>8,496,944</u>
 <u>Fund Balances (Deficit):</u>		
Nonspendable	69,874	69,874
Restricted	11,257,130	9,300,997
Assigned	5,822,604	6,029,366
Unassigned	<u>6,960,226</u>	<u>5,756,787</u>
Total Fund Balances	<u>24,109,834</u>	<u>21,157,024</u>
 Total Liabilities and Fund Equity	 <u><u>\$31,897,862</u></u>	 <u><u>\$29,653,968</u></u>

Source: Audited Financial Statements of the District (although this summary table itself has not been audited).

**Orchard Park Central School District**  
**Statement of Revenues, Expenditures and Changes in Fund Balance**  
**General Fund**  
**Fiscal Year Ending June 30:**

Revenues:	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Real Property Taxes	\$58,483,274	\$61,027,426	\$63,288,503	\$65,251,632	\$65,604,322
Real Property Tax Items	6,461,681	5,954,365	5,608,330	5,391,202	4,835,388
Non-Property Tax Items	5,804,223	5,778,383	6,208,148	7,201,856	7,533,412
Charges for Services	387,414	434,290	266,418	340,563	376,491
Use of Money and Property	308,522	223,936	75,719	66,591	936,496
Miscellaneous	920,935	371,033	451,140	1,409,164	636,311
State Sources	27,777,313	27,615,261	27,595,730	27,445,698	30,624,771
Federal Sources	384,221	188,538	696,446	338,475	156,679
<b>Total Revenues</b>	<u>\$100,527,583</u>	<u>\$101,593,232</u>	<u>\$104,190,434</u>	<u>\$107,445,181</u>	<u>\$110,703,870</u>
<b>Expenditures:</b>					
General Support	\$8,508,622	\$8,273,704	\$9,530,025	\$9,596,268	\$10,204,261
Instruction	56,616,366	56,865,897	58,076,882	61,016,206	62,895,521
Pupil Transportation	4,497,118	3,724,076	3,734,809	4,321,280	4,467,508
Employee Benefits	22,629,105	21,411,618	21,791,683	22,126,140	24,866,047
Debt Service	7,373,971	7,292,406	7,510,001	8,456,816	7,855,805
<b>Total Expenditures</b>	<u>\$99,625,182</u>	<u>\$97,567,701</u>	<u>\$100,643,400</u>	<u>\$105,516,710</u>	<u>\$110,289,142</u>
<b>Excess Revenues (Expenditures)</b>	902,401	4,025,531	3,547,034	1,928,471	414,728
<b>Other Sources and (Uses):</b>					
Operating Transfers - In	0	0	21,118	0	0
Operating Transfers - Out	(1,792,239)	(299,319)	(1,412,947)	(201,558)	(4,196,761)
Premium on serial bonds	157,667	175,308	1,281,455	157,392	0
Leases (as lessee)	0	0	0	0	829,223
<b>Net Change in fund balances</b>	<u>(1,634,572)</u>	<u>(124,011)</u>	<u>(110,374)</u>	<u>(44,166)</u>	<u>(3,367,538)</u>
<b>Excess Revenues (Expenditures) and other sources (uses)</b>	(732,171)	3,901,520	3,436,660	1,884,305	(2,952,810)
<b>Fund Balance - Beg. of Fiscal Year</b>	<u>15,619,520</u>	<u>14,887,349</u>	<u>18,788,869</u>	<u>22,225,529</u>	<u>24,109,834</u>
<b>Fund Balance - End of Fiscal Year</b>	<u>\$14,887,349</u>	<u>\$18,788,869</u>	<u>\$22,225,529</u>	<u>\$24,109,834</u>	<u>\$21,157,024</u>

Source: Audited Financial Statements of the District (although this summary table itself has not been audited).



**APPENDIX C**

**INDEPENDENT AUDITORS' REPORT  
FOR THE FISCAL YEAR ENDED  
JUNE 30, 2023**

**Can be accessed on the Electronic Municipal Market Access (“EMMA”) website  
of the Municipal Securities Rulemaking Board (“MSRB”)  
at the following link:**

**<https://emma.msrb.org/P21740302-P21336528-P21770784.pdf>**

**The audited financial statements referenced above are hereby incorporated into the  
attached Official Statement.**

**\* Such Financial Statements and opinion are intended to be representative only as  
of the date thereof. Drescher & Malecki LLP has not been requested by the District  
to further review and/or update such Financial Statements or opinion in connection  
with the preparation and dissemination of this Official Statement.**

## DISCLOSURE UNDERTAKING

This continuing disclosure undertaking (the “Disclosure Undertaking”) is executed and delivered by the Orchard Park Central School District, Erie County, New York (the “Issuer”) in connection with the issuance of its [\$1,212,000] School District Serial Bonds, 2024 (such Bonds, including any interests therein, being collectively referred to herein as the “Security”). The Issuer hereby covenants and agrees as follows:

Section 1. Obligation to Provide Continuing Disclosure. (a) The Issuer hereby undertakes (for the benefit of Security Holders) to provide (or cause to be provided either directly or through a dissemination agent) to EMMA (or any successor thereto) in an electronic format (as prescribed by the MSRB):

- (i) no later than the following March 31 after the end of each fiscal year, commencing with the fiscal year ending June 30, 2025, the Annual Financial Information relating to such fiscal year, unless Audited Financial Statements are prepared, in which case the Annual Financial Information will be provided on or prior to the following March 31 after the end of each fiscal year or within 60 days following receipt by the Issuer of Audited Financial Statements (whichever is later) (the “Report Date”), but in no event later than one year after the end of each fiscal year;
- (ii) if not provided as part of the Annual Financial Information, Audited Financial Statements within 60 days of their receipt, but in no event later than one year after the end of each fiscal year;
- (iii) in a timely manner (not in excess of ten business days after the occurrence of any such event), notice of any of the following events with respect to the Security:
  - (1) Principal and interest payment delinquencies;
  - (2) Non-payment related defaults, if material;
  - (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
  - (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) Substitution of credit or liquidity providers, or their failure to perform;
  - (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Security, or other material events affecting the tax status of the Security;
  - (7) Modifications to rights of Security Holders, if material;

- (8) Bond (or Note) calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Security, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;

Note to paragraph (12): For the purposes of the event identified in paragraph (12) of this Section 1, the event is considered to occur when any of the following occur: The appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
  - (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
  - (15) Incurrence of a Financial Obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the obligated person, any of which affect Security Holders, if material; and
  - (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the obligated person, any of which reflect financial difficulties.
- (iv) in a timely manner (not in excess of ten business days after the occurrence of such event), notice of a failure to provide by the date set forth in Section 1(a)(i) hereof any Annual Financial Information required by Section 3 hereof.

(b) The Issuer may choose to disseminate other information in addition to the information required as part of this Disclosure Undertaking. Such other information may be disseminated in any manner chosen by the Issuer. If the Issuer disseminates any such additional information, the Issuer shall have no obligation to update such information or include it in any future materials disseminated pursuant to this Disclosure Undertaking.

(c) The Issuer may choose to provide notice of the occurrence of certain other events, in addition to those listed in Section 1(a)(ii) above, if the Issuer determines that any such other event is material with respect to the Security; but the Issuer does not undertake to commit to provide any such notice of the occurrence of any material event except those events listed above.

## Section 2. Definitions

“Annual Financial Information” means the information specified in Section 3 hereof.

“Audited Financial Statements” means the Issuer’s annual financial statements, prepared in accordance with GAAP for governmental units as prescribed by GASB, which financial statements shall have been audited by such auditor as shall be then required or permitted by the laws of the State of New York.

“EMMA” means the Electronic Municipal Market Access System implemented by the MSRB.

“Financial Obligation” means a (A) debt obligation; (B) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (C) guarantee of (A) or (B). Financial Obligation shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with Rule 15c2-12.

“GAAP” means generally accepted accounting principles as in effect from time to time in the United States.

“GASB” means the Governmental Accounting Standards Board, or any successor thereto.

“MSRB” means the Municipal Securities Rulemaking Board established in accordance with the provisions of Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of the MSRB contemplated by this Disclosure Undertaking.

“Purchaser” means the financial institution referred to in a certain Certificate of Determination that is being delivered by the Issuer in connection with the issuance of the Security.

“Rule 15c2-12” means Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended through the date of this Disclosure Undertaking, including any official interpretations thereof issued either before or after the effective date of this Disclosure Undertaking which are applicable to this Disclosure Undertaking.

“Security Holder” means any registered owner of the Security and any beneficial owner of the Security within the meaning of Rule 13d-3 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

Section 3. Annual Financial Information. (a) The required Annual Financial Information shall consist of the financial information and operating data for the preceding fiscal year, in a form generally consistent with the information contained or cross-referenced in Appendix A and Appendix B of the Issuer’s final official statement relating to the Security; which Annual Financial Information may, but it is not required to, include audited financial statements.

(b) All or any portion of the Annual Financial Information may be incorporated in the Annual Financial Information by cross reference to any other documents which are (i) available to the public on EMMA or (ii) filed with the Securities and Exchange Commission. If such a document is a final official statement, it must be available on EMMA.

(c) Annual Financial Information for any fiscal year containing any modified operating data or financial information (as contemplated by Section 6(f) hereof) for such fiscal year shall explain, in narrative form, the reasons for such modification and the effect of such modification on the Annual Financial Information being provided for such fiscal year. If a change in accounting principles is included in any such modification, such Annual Financial Information shall present a comparison between the financial statements or information prepared on the basis of the modified accounting principles and those prepared on the basis of the former accounting principles.

Section 4. Remedies. If the Issuer fails to comply with any provision of this Disclosure Undertaking, then any Security Holder may enforce, for the equal benefit and protection of all Security Holders similarly situated, by mandamus or other suit or proceeding at law or in equity, this Disclosure Undertaking against the Issuer and any of the officers, agents and employees of the Issuer, and may compel the Issuer or any such officers, agents or employees to perform and carry out their duties under this Disclosure Undertaking; provided that the sole and exclusive remedy for breach of this Disclosure Undertaking shall be an action to compel specific performance of the obligations of the Issuer hereunder and no person or entity shall be entitled to recover monetary damages hereunder under any circumstances. Failure to comply with any provision of this Disclosure Undertaking shall not constitute an event of default on the Security.

Section 5. Parties in Interest. This Disclosure Undertaking is executed to assist the Purchaser to comply with paragraph (b)(5) of Rule 15c2-12 and is delivered for the benefit of the Security Holders. No other person has any right to enforce the provisions hereof or any other rights hereunder.

Section 6. Amendments. Without the consent of any Security Holders, at any time while this Disclosure Undertaking is outstanding, the Issuer may enter into any amendments or changes to this Disclosure Undertaking for any of the following purposes:

(a) to comply with or conform to any changes to Rule 15c2-12 (whether required or optional);

(b) to add a dissemination agent for the information required to be provided as part of this Disclosure Undertaking and to make any necessary or desirable provisions with respect thereto;

(c) to evidence the succession of another person to the Issuer and the assumption of any such successor of the duties of the Issuer hereunder;

(d) to add to the duties of the Issuer for the benefit of the Security Holders, or to surrender any right or power herein conferred upon the Issuer;

(e) to adjust the Report Date if the Issuer changes its fiscal year; provided that such new date shall be within nine months after the end of the new fiscal year and provided further that the period between the final Report Date relating to the former fiscal year and the initial Report Date relating to the new fiscal year shall not exceed one year in duration;

(f) to modify the contents, presentation and format of the Annual Financial Information from time to time to conform to changes in accounting or disclosure principles or practices and legal requirements followed by or applicable to the Issuer or to reflect changes in the identity, nature or status of the Issuer or in the business, structure or operations of the Issuer or any mergers, consolidations, acquisitions or dispositions made by or affecting any such person; provided that any such modifications shall comply with the requirements of Rule 15c2-12 or Rule 15c2-12 as in effect at the time of such modification; or

(g) to cure any ambiguity, to correct or supplement any provision hereof which may be inconsistent with any other provision hereof, or to make any other provisions with respect to matters or questions arising under this Disclosure Undertaking which, in each case, comply with Rule 15c2-12 or Rule 15c2-12 as in effect at the time of such amendment or change;

provided that no such action pursuant to this Section 6 shall adversely affect the interests of the Security Holders in any material respect. In making such determination, the Issuer shall rely upon an opinion of nationally recognized bond counsel.

Section 7. Termination. (a) This Disclosure Undertaking shall remain in full force and effect until such time as all principal, redemption premiums, if any, and interest on the Security shall have been paid in full or the Security shall have otherwise been paid or legally defeased in accordance with their terms. Upon any such legal defeasance, the Issuer shall provide notice of such defeasance to EMMA. Such notice shall state whether the Security has been defeased to maturity or to redemption and the timing of such maturity or redemption.

(b) In addition, this Disclosure Undertaking, or any provision hereof, shall be null and void in the event that those portions of Rule 15c2-12 which require this Disclosure Undertaking, or such provision, as the case may be, do not or no longer apply to the Security, whether because such portions of Rule 15c2-12 are invalid, have been repealed, or otherwise.

