

NORTON BOARD OF EDUCATION – 09-13
Special Meeting of August 10, 2009

President Farmer called the meeting to order at 6:00 p.m. in the High School Library.

Those present:

Mrs. Diane Farmer, President
Mrs. Elisa Worthington, Vice President
Mr. Jim Bennett, Member
Mrs. Laura Leonti, Member
Mrs. Cindy Webel, Member
Mr. David Dunn, Superintendent
Mrs. Stephanie Hagenbush, Treasurer

BOARD BUSINESS

09-164

Mr. Bennett moved that the Board of Education approve the following resolution of necessity for the November 2009 Bond Issue:

A RESOLUTION DECLARING THE NECESSITY OF SUBMITTING THE SINGLE QUESTION OF (A) THE ISSUANCE OF SCHOOL IMPROVEMENT BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$42,624,324 FOR THE PURPOSE OF CONSTRUCTING, FURNISHING, EQUIPPING, ADDING TO, RENOVATING, REMODELING, REHABILITATING, AND IMPROVING SCHOOL DISTRICT BUILDINGS AND FACILITIES, AND ACQUIRING CLEARING, IMPROVING AND EQUIPPING REAL ESTATE FOR SCHOOL PURPOSES, AND (B) THE LEVY OF AN ADDITIONAL TAX OF 2.0 MILLS TO PROVIDE FUNDS FOR THE ACQUISITION, CONSTRUCTION, ENLARGEMENT, RENOVATION, AND FINANCING OF GENERAL PERMANENT IMPROVEMENTS TO THE ELECTORS OF THE SCHOOL DISTRICT PURSUANT TO SECTION 5705.218 OF THE REVISED CODE.

WHEREAS, pursuant to Chapter 3318 of the Revised Code, this Board has heretofore submitted an application for the conditional approval of the Ohio School Facilities Commission (the Commission) to participate in the Classroom Facilities Assistance Program (CFAP) involving constructing, acquiring, reconstructing and/or making additions to classroom facilities as defined in Chapter 3318 of the Revised Code; and

WHEREAS, the Commission conditionally approved said application; and

WHEREAS, the aggregate master facilities plan cost of the aforesaid classroom facilities project has been determined to be \$78,552,646, of which the State's portion is \$29,850,005 and the School District's portion is \$48,702,641; and

WHEREAS, the District is working with the Commission to revise the matter facilities plan under CFAP to exclude a portion of the classroom facilities (the revised, segmented, plan being herein referred to as the OSFC Project); and

WHEREAS, the Board expects the Commission to conditionally approve the revised OSFC Project; and

WHEREAS, this Board has determined to supplement the OSFC Project by constructing, furnishing, equipping, adding to, renovating, remodeling, rehabilitating, and otherwise improving School District buildings and facilities, and acquiring, clearing, improving and equipping real estate for school purposes (the Locally Funded Initiatives of LFIs); and

WHEREAS, this Board has determined it to be necessary to levy a **2.00 mill** tax in excess of the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements, for a continuing period of time, 0.5 mills of which (or otherwise, as may be required) may be committed and pledged to the maintenance of the classroom facilities that are part of the OSFC Project for the requisite time period under Chapter 3318 of the Revised Code, if the District does not otherwise meet the CFAP maintenance requirement; and

WHEREAS, pursuant to Section 5705.218 of the Revised Code and as provided in this resolution, this Board has determined to submit to the electors of this School District, at the election to be held on November 3, 2009, a single proposal consisting of the question of (i) issuing bonds for the purpose stated in Section 1 of this resolution (in order to provide funds that are intended to pay the School District's portion of the basic project cost of the OSFC Project and the LFIs), and levying a tax to pay debt charges on such bonds and any securities issued in anticipation thereof, and (ii) levying a tax outside the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements (0.5 mills of which (or otherwise, as may be required) may be applied to the payment of costs of maintaining the classroom facilities that are a part of the OSFC Project for the requisite time period, if the District does not otherwise meet the CFAP maintenance requirement);

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Norton City School District, Summit County, Ohio, two-thirds of all members elected thereto concurring, that:

Section 1. This Board finds, determines and declares that it is necessary to issue general obligation bonds of Norton City School District in the aggregate principal amount of **\$42,624,324** for the purpose of **constructing, furnishing, equipping, adding to, renovating, remodeling, rehabilitating, and improving School District buildings and facilities, and acquiring, clearing, improving and equipping real estate for school purposes**, and to levy a tax outside of the ten-mill limitation imposed by Section 2 of Article XII of the Ohio Constitution to pay the debt charges on those bonds and any anticipatory securities. The approximate date of the bonds is January 1, 2010. The maximum number of years over which the principal of the bonds may be paid is **37**, and the bonds will bear interest at a rate now estimated at **4.5%** per year, payable semiannually.

Section 2. This Board hereby finds, determines and declares that the amount of taxes which may be raised within the ten-mill limitation by levies on the tax list and duplicate will be insufficient to provide an adequate amount for the necessary requirements of this School District, and that it is necessary to levy a tax in excess of the that limitation at the rate of **2.0 mills** for a continuing period of time to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements, commencing in tax year 2009, for the first collection in calendar year 2010.

Section 3. Pursuant to Section 5705.218 of the Revised Code, the single question of the issuance of the bonds and levy of the tax to pay debt charges and the levy of an additional tax of **2.0 mills** to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements for a continuing period of time shall be submitted to the electors of the School District at an election to be held in the School District on November 3, 2009.

Section 4. The Treasurer of this Board is directed to certify immediately a copy of this resolution to the Summit County Fiscal Officer, and, in accordance with Sections 5705.03 and 5705.218 of the Revised Code, this Board hereby requests the County Fiscal Officer to certify to it (i) the total current tax valuation of this School District, (ii) the estimated average annual property tax levy, expressed in dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, that the County Fiscal Officer estimates to be required throughout the stated maturity of the bonds to pay debt charges on the bonds, assuming that they are all issued in one series bearing interest and maturing in substantially equal principal amounts in each year over the maximum number of years over which the principal of the bonds may be paid, both as stated in Section 1, and that the amount of the tax valuation of this School District for the current year (or, if that amount is not determined, the estimated amount of that tax valuation submitted by the County Fiscal Officer to the County Budget Commission) remains the same throughout the maturity of the bonds (except as otherwise provided in Revised Code §133.18©(2), which provides that, when considering the tangible personal property component of the tax valuation of the School District, the County Fiscal Officer shall take into account the assessment percentages prescribed in Revised Code § 5711.22, and further provides that the tax commissioner may issue rules, orders, or instructions directing how the assessment percentages must be utilized), and (iii) the dollar amount of revenue that would be generated by the additional **2.0 mill** tax levy referred to in Section 2.

Section 5. If the electors of this School District approve the question referred to in Section 3 on November 3, 2009, the Board intends to earmark, apply and pledge (i) from proceeds of the voter-authorized securities the amount necessary (At the time of the execution of the initial CFAP Project Agreement) to pay the School District's portion of the basic project cost of the OSFC Project, and (ii) from the proceeds of the tax levy to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements the equivalent of one-half mill or, if that requirement should change, that which is necessary and sufficient to meet the requirements of Chapter 3318 of the Revised Code for paying costs of maintaining the classroom facilities that are part of the OSFC Project, for the requisite period of time, if the District does not otherwise meet the CFAP maintenance requirement.

Section 6. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken, and of any of its committees and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public, in compliance with the law.

Section 7. This resolution shall be in full force and effect from and immediately upon its adoption.

Mrs. Leonti seconded the motion.

ROLL CALL: AYES: Mr.Bennett,Mrs.Farmer,Mrs.Leonti,Mrs.Weibel,Mrs.Worthington
NAYS: None – Motion Carries – 5-0

REVISED DISTRICT CALENDAR

09-165 **Mrs. Worthington** moved that the Board of Education upon the recommendation of the Superintendent approve the revised district calendar for the 2009-10 school year.

Mrs. Weibel seconded the motion.

ROLL CALL: AYES: Mrs.Farmer,Mrs.Leonti,Mrs.Weibel,Mrs.Worthington,Mr.Bennett
NAYS: None – Motion Carries – 5-0

ADJOURNMENT

09-166 **Mrs. Weibel** moved that the Board of Education adjourn the Special Meeting at 8:56 p.m.

Mrs. Leonti seconded the motion.

ROLL CALL: AYES: Mrs.Leonti,Mrs.Weibel,Mrs.Worthington,Mr.Bennett,Mrs.Farmer
NAYS: None – Motion Carries – 5-0

“Notice of this meeting was given in accordance with the provisions of Policy and Regulations of the Board of Education which was adopted in accordance with §121.11 of the Ohio Revised Code and the Ohio Administrative Procedures Act.”

Diane Farmer, President

Stephanie Hagenbush, Treasurer