

## REGULAR MEETING DECEMBER 12, 2005

The Marysville Exempted Village Board of Education met on the above date with the following members present: Roy Fraker, Steve Ader, Michael Guthrie, William Hayes and Jane McClain.

The District Treasurer administered the "Oath of Office" to recently elected Board of Education members Thomas Brower, James Scott Johnson and Jeffrey Mabee.

### ADOPT THE AGENDA

Mr. Ader moved seconded by Mr. Guthrie to approve the agenda for the regular December 12, 2005 meeting with addendum.

**Roll call: Ader, aye; Guthrie, aye; Fraker, aye; Hayes, aye; McClain, aye. Motion carried.**

### NOVEMBER 2005 EMPLOYEE OF THE MONTH RESOLUTION

Mr. Ader moved seconded by Mr. Hayes to approve a resolution naming Dawn Terzis as "Employee of the Month" for November, 2005.

**Roll call: Ader, aye; Hayes, aye; Fraker, aye; Guthrie, aye; McClain, aye. Motion carried.**

### APPROVAL OF MINUTES

Mr. Guthrie moved seconded by Mrs. McClain to approve the minutes of the regular November 28, 2005, meeting as presented.

**Roll call: Guthrie, aye; McClain, aye; Fraker, aye; Ader, aye; Hayes, aye. Motion carried.**

### TREASURER'S FINANCIAL REPORT

Mrs. McClain moved seconded by Mr. Guthrie to approve the following:

- a. November Expenditures
- b. November Financial Statements
- c. Audit/Finance Committee Report
- d. FY06 Temporary Appropriations Updated and Modified **(Refer to 2005-06 Supplemental Minutes, Item #34, 12/12/05)**
- e. Authorize Issuance of Bond Anticipation Notes **(Refer to 2005-06 Supplemental Minutes, Item #35, 12/12/05) (Resolution #5-19)**

**CERTIFICATE OF MEMBERSHIP**

The undersigned, Treasurer of the Board of Education, of the Marysville Exempted Village School District, County of Union, Ohio, hereby certifies that the following were the officers and members of the Board of Education during the period proceedings were taken authorizing the issuance of not to exceed \$10,000,000 School Improvement Bond Anticipation Notes:

PRESIDENT	<u>Roy R. Fraker</u>
MEMBER	<u>Steven Ader</u>
MEMBER	<u>Michael Guthrie</u>
MEMBER	<u>William Hayes</u>
MEMBER	<u>Jane McClain</u>
TREASURER	<u>Dolores M. Cramer</u>

\_\_\_\_\_  
Treasurer

**CERTIFICATE**

The undersigned, Treasurer of said Board of Education, hereby certifies that the following constitutes a true and complete transcript of the proceedings authorizing the issuance of the above-identified obligations.

\_\_\_\_\_  
Treasurer

The Board of Education of the Marysville Exempted Village School District, County of Union, Ohio, met in Regular session at 6:30 p.m. on the 12<sup>th</sup> day of December, 2005, at 1000 Edgewood Drive, Marysville, Ohio with the following members present:

Roy R. Fraker  
Steven Ader  
Michael Guthrie  
William Hayes  
Jane McClain

Mrs. McClain introduced the following resolution and moved its adoption:

MARYSVILLE EXEMPTED VILLAGE SCHOOL DISTRICT

**RESOLUTION NO. 5-19**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED \$10,000,000 OF  
BOND ANTICIPATION NOTES AFTER SUBMISSION TO ELECTORS

WHEREAS, pursuant to a resolution heretofore duly adopted by this board of education, an election was held on the 2<sup>nd</sup> day of August, 2005 upon the question of issuing bonds in the sum of \$66,000,000 for the permanent improvements hereinafter described and of levying a tax outside of the ten-mill limitation to pay the principal of and interest on such bonds, of which election due notice was given according to law and at which election more than a majority of the electors voting on said proposition voted in favor thereof, and this board of education deems it advisable to issue notes in anticipation of the issuance of a portion of said bonds; and

WHEREAS, the fiscal officer of this school district has heretofore certified to this board of education the estimated life of the permanent improvement hereinafter described as exceeding five (5) years and has further certified the weighted average maximum maturity of said bonds as twenty-eight (28) years, pursuant to the Uniform Public Securities Law of the Ohio Revised Code; and

WHEREAS, bonds have been authorized in the principal amount not to exceed \$41,000,000; and

WHEREAS, bond anticipation notes have been issued in the principal amount of \$15,000,000; and

WHEREAS, pursuant to the Uniform Public Securities Law of the Ohio Revised Code, bond anticipation notes may be sold at not less than ninety-seven per cent of par and accrued interest thereon; and

WHEREAS, it is necessary to issue notes in the remaining authorized principal amount not to exceed \$10,000,000 in anticipation of the issuance of the remainder of the voter-approved bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Marysville Exempted Village School District, County of Union, Ohio:

SECTION 1. That it is necessary to issue bonds of this board of education in the principal sum not to exceed \$10,000,000 for the purpose of paying a portion of the cost of constructing and renovating school buildings, acquiring and installing equipment and furnishings, and land acquisition, together with all necessary appurtenances thereto.

SECTION 2. That bonds of this board of education shall be issued in said principal sum not to exceed \$25,000,000 (which includes the previously issued \$15,000,000 issue and the proposed \$10,000,000 issue) for the above-described permanent improvement under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Ohio Revised Code. Said bonds shall be dated approximately March 1, 2006, shall bear interest at the rate now estimated at four and seven-eighths per centum (4.875%) per annum, and shall mature in substantially equal semiannual or annual installments over a period not exceeding twenty-eight (28) years after their issuance.

SECTION 3. That notes of this board of education shall be issued in anticipation of the issuance of said bonds in the principal sum not to exceed \$10,000,000, which does not exceed the amount of the bonds to be issued for the purpose aforesaid, under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Ohio Revised Code. Said notes shall be dated their date of issuance, shall bear interest at a rate not to exceed four per centum (4.00%) per annum, payable at maturity and shall mature on May 25, 2006, and shall be of such number and denomination as may be requested by the purchaser thereof, provided that the minimum denomination shall be \$5,000 for any note.

SECTION 4. That for purposes of this resolution, the following terms shall have the following meanings:

“Book entry form” or “book entry system” means a form or system under which (i) the beneficial right to payment of principal of and interest on the notes may be transferred only through a book entry, and (ii) physical note certificates in fully registered form are issued only to the Depository or its nominee as registered owner, with the notes “immobilized” to the custody of the Depository, and the book entry maintained by others than this board of education is the record that identifies the owners of beneficial interests in those notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, together with its Participants or otherwise, a book entry system to record ownership of beneficial interests in notes or principal and interest, and to effect transfers of notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

“Resolution” means this resolution.

All or any portion of the notes may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply to such notes, notwithstanding any other provision of this Resolution. If and as long as a book entry system is utilized with respect to any of such notes: (i) there shall be a single note of each maturity; (ii) those notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners of notes in book entry form shall have no right to receive notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (v) the notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this board of education. Debt service charges on notes in book entry form registered in the name of a Depository or its nominee shall be payable in the manner provided in this board of education's agreement with the Depository to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of notes as provided in this Resolution.

The paying agent and registrar (the "Paying Agent and Registrar") may, with the approval of this board of education, enter into an agreement with the beneficial owner or registered owner of any note in the custody of a Depository providing for making all payments to that owner of principal and interest on that note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Resolution, without prior presentation or surrender of the note, upon any conditions which shall be satisfactory to the Paying Agent and Registrar and to this board of education. That payment in any event shall be made to the person who is the registered owner of that note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Paying Agent and Registrar shall furnish a copy of each of those agreements, certified to be correct by the Paying Agent and Registrar, to any other paying agents for the notes and to this board of education. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Resolution.

The Treasurer is authorized and directed without further action of this board of education to execute, acknowledge and deliver, in the name of and on behalf of this board of education, a blanket letter agreement between this board of education and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the notes to the Depository for use in a book entry system, and to take all other actions the Treasurer deems appropriate in issuing the notes under a book entry system.

If any Depository determines not to continue to act as Depository for the notes for use in a book entry system, this board of education and the Paying Agent and Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Resolution. If this board of education and the Paying Agent and Registrar do not or are unable to do so, this board of education and the Paying Agent and Registrar, after the Paying Agent and Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the notes from the Depository and authenticate and deliver note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive notes), if the event is not the result of action or inaction by this board of education or the Paying Agent and Registrar, of those persons requesting such issuance.

SECTION 5. That said notes shall specify on their faces the purpose for which they are issued and that they are issued in pursuance of this resolution and under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Ohio Revised Code. They shall be signed by the president and treasurer of this board of education, shall be designated "School Improvement Bond Anticipation Notes" and shall be payable at the bank or trust company designated in the certificate of award referred to in Section 6 herein.

SECTION 6. That said notes shall be sold, at not less than ninety-seven per cent of par and accrued interest, to Fifth Third Securities, Inc., Columbus, Ohio, (the "Underwriter") in accordance with their offer to purchase. The Treasurer is hereby authorized to execute a certificate awarding the notes at the interest rate stated therein subject to the limitations stated herein. The proceeds from the sale of said notes, except the premium and accrued interest, shall be used for the purpose aforesaid and for no other purpose; and any premium or accrued interest shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on said notes in the manner provided by law.

SECTION 7. That said notes shall be the full general obligations of this board of education and the full faith, credit and revenue of this board of education are hereby irrevocably pledged for the prompt payment of the principal and interest at maturity. The par value to be received from the sale of the bonds anticipated by said notes and any excess funds resulting from the issuance of said notes, shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are hereby pledged for such purpose.

SECTION 8. That for the purposes of providing the necessary funds to pay the interest on and to retire said notes promptly when and as the same fall due, during the year or years while such notes run, there shall be levied on all taxable property in this school district in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issue of said notes.

SECTION 9. That said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest on and principal of said notes, or the bonds in anticipation of which said notes are issued, when and as the same fall due.

SECTION 10. That this board of education, for and on behalf of the school district, hereby covenants that it will restrict the use of the proceeds of the notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The Treasurer or any other officer having responsibility with respect to the issuance of the notes is authorized and directed to give an appropriate certificate on behalf of the school district, on the date of delivery of the notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 11. That the Treasurer of this board of education be and is hereby directed to forward a certified copy of this resolution to the county auditor, as required by law.

SECTION 12. That it is found and determined that all formal actions of this board of education concerning and relating to the adoption of this Resolution were adopted in an open meeting of this board of education, and that all deliberations of this board of education and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Guthrie seconded the motion and the roll being called upon the question of adoption of the resolution, the vote resulted as follows:

AYE:           5  
NAY:           0

ADOPTED this 12<sup>th</sup> day of December, 2005

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Treasurer

**CERTIFICATE**

The undersigned hereby certifies that the foregoing is a true and correct copy of a resolution adopted on the 12<sup>th</sup> day of December, 2005, and a true and correct copy of excerpts from the minutes of the meeting at which said resolution was adopted, to the extent pertinent to consideration and adoption thereof.

The undersigned further certifies that a true and correct copy of said resolution was certified to the Union County Auditor on the \_\_\_\_ day of December, 2005.

\_\_\_\_\_  
Treasurer

**RECEIPT**

The undersigned hereby acknowledges receipt on this date of a certified copy of the foregoing resolution.

\_\_\_\_\_  
County Auditor, County of Union, Ohio

Dated: December \_\_\_\_, 2005

- f. Resolution Authorizing Legal Counsel to Notify Seller of Property **(Refer to 2005-06 Supplemental Minutes, Item #36, 12/12/05) (Resolution #5-20)**

The BOARD OF EDUCATION OF THE MARYSVILLE EXEMPTED VILLAGE SCHOOL DISTRICT ("**Board**"), met in Regular Session on the 12<sup>th</sup> day of December, 2005, with the following members present:

Roy R. Fraker  
Steven Ader  
Michael Guthrie  
William Hayes  
Jane McClain

Board member Mrs. McClain moved for the adoption of the following resolution:

**RESOLUTION #5-20**

**WHEREAS**, the Board passed a resolution on December 12, 2005 authorizing the Treasurer, the Superintendent and President of the Board to enter into a legally binding contract to purchase certain real estate for the possible future construction of school buildings and for related purposes; and

**WHEREAS**, this real estate consisted of 41.394 acres located in Union County, city of Marysville, containing three parcels known as Tax Parcels No. 29-0019080.000; 29-0019081.000; 29-0019082.000, currently owned by John M. MacIvor, Trustee; and

**WHEREAS**, on September 30, 2005, the Treasurer, Superintendent and Board President entered into a real estate purchase contract with the seller of said real estate (“Contract”); and

**WHEREAS**, the Contract provided for a contingency period wherein the Board had the option not to proceed with the closing of the purchase in the event certain contingencies as provided in the Contract were not met to the satisfaction of the Board; and

**WHEREAS**, the contingency period set forth in the Contract was extended to December 15, 2005, by a certain Addendum To Real Estate Purchase Contract dated November 11, 2005; and

**WHEREAS**, the Board has obtained a boundary survey of the subject property, certain title work, and the Board has further had certain testing and inspections performed at the subject property, and after consideration of the survey, title work, and such tests and inspections, and after consultation with the Board’s design team and with its legal counsel, the Board believes that it is not in the best interest of the Board to proceed with the closing of the transaction contemplated by the Contract.

**BE IT HEREBY RESOLVED**, that the Board hereby authorizes its legal counsel to notify the seller of the subject property that the Board does not wish to proceed with the closing of the subject transaction, and to prepare any documentation deemed necessary by legal counsel to terminate the Contract between the Board and the seller and to obtain the refund of the earnest money deposit, if any.

**BE IT FURTHER RESOLVED** that the Superintendent, Board President, and Treasurer are hereby authorized to sign any documents necessary for the implementation of this resolution.

Board member Mr. Guthrie seconded the motion.

Upon roll call the vote resulted as follows:

<u>Jane McClain</u>	<u>Aye</u>
<u>Michael Guthrie</u>	<u>Aye</u>
<u>Roy Fraker</u>	<u>Aye</u>
<u>Steven Ader</u>	<u>Aye</u>
<u>William Hayes</u>	<u>Aye</u>

Adopted December 12, 2005

\_\_\_\_\_  
Board President

Attest:

\_\_\_\_\_  
Dolores Cramer, Board Treasurer

g. Payment for Purchase Made Prior to Encumbrance.

**Roll call: McClain, aye; Guthrie, aye; Fraker, aye; Ader, aye; Hayes, aye. Motion carried.**

#### STAFF RESIGNATION

Mr. Ader moved seconded by Mr. McClain to accept the resignation of Ryan Young, as Intervention Specialist, effective at the end of the 2005-06 school year.

**Roll call: Ader, aye; McClain, aye; Fraker, aye; Guthrie, aye; Hayes, aye. Motion carried.**

#### EMPLOY DISTRICT SUBSTITUTES/HOME INSTRUCTORS

Mr. Ader moved seconded by Mr. Guthrie to employ district substitutes/home instructors during the 2005-06 school year, on a need basis. Employment is expressly conditioned upon receipt of the employee's BCI report and will be immediately terminated without resort to Ohio Revised Code Section 3319.16 should such report indicate a prohibited conviction.

<u>Certified:</u>	Catherine Jensen	Leslie Kinney	Ashley Robinson
	Tiffany Sohner		
<u>Home Instructor:</u>	Melissa Rofe		
<u>Classified:</u>	Pam McCracken	Gwen Murray	Cindy Priday
	Sherry Williams		

**Roll call: Ader, aye; Guthrie, aye; Fraker, aye; Hayes, aye; McClain, aye. Motion carried.**

AWARD SUPPLEMENTAL CONTRACTS

Mr. Guthrie moved seconded by Mr. Ader to award contracts to certificated and non-certificated individuals in supplemental positions. Each recommendation is being made in accordance with Section 3315.53 of the Ohio Revised Code and Chapter 3301-27 of the Ohio Administrative Code.

Employment is expressly conditioned upon receipt of the employee's BCI report and will be immediately terminated without resort to Ohio Revised Code Section 3319.16 should such report indicate a prohibited conviction. Employment is also contingent upon completion of CPR training and Sports Medicine as required by the State of Ohio.

<u>Staff</u>	<u>Position</u>
Maryann Lange	Creekview Destination Imagination Team Manager
Marcia Easton	Speech/Language District Department Chair

**Roll call: Guthrie, aye; Ader, aye; Fraker, aye; Hayes, aye; McClain, aye. Motion carried.**

APPOINT LIBRARY BOARD MEMBER

Mr. Guthrie moved seconded by Mrs. McClain to appoint Robert Buckley to a seven-year term on the Marysville Public Library Board of Trustees, effective January 2006. As you know, all library board members are appointed by the public school Board of Education as prescribed in the Ohio Revised Code.

**Roll call: Guthrie, aye; McClain, aye; Fraker, aye; Ader, aye; Hayes, aye. Motion carried.**

RAYMOND ELEMENTARY

Mr. Fraker moved seconded by Mrs. McClain to accept a donation from the Marysville United Methodist Church Women to Raymond Elementary.

**Roll call: Fraker, aye; McClain, aye; Ader, aye; Guthrie, aye; Hayes, aye. Motion carried.**

### CREEKVIEW INTERMEDIATE SCHOOL

Mrs. McClain moved seconded by Mr. Guthrie to approve the following Creekview Intermediate School items.

- a. Creekview Intermediate to sponsor the Ski & Snowboard Club
- b. The sale of CDs of the Creekview Drama Club plays "Wonderland"
- c. Accept the donation of a variety of fall decorations to Creekview from the Marysville Big Lots Store

**Roll call: McClain, aye; Guthrie, aye; Fraker, aye; Ader, aye; Hayes, aye. Motion carried.**

### MARYSVILLE MIDDLE SCHOOL

Mr. Ader moved seconded by Mrs. McClain to approve a trip to Fairfield, Ohio, by the MMS Mini-Swingers to participate in a competition on March 4, 2006.

**Roll call: Ader, aye; McClain, aye; Fraker, aye; Guthrie, aye; Hayes, aye. Motion carried.**

### MARYSVILLE HIGH SCHOOL

Mr. Ader moved seconded by Mr. Guthrie to allow the Marysville FFA to attend the Western Livestock Expo in Denver, Colorado, from January 10-16, 2006.

**Roll call: Ader, aye; Guthrie, aye; Fraker, aye; Hayes, aye; McClain, aye. Motion carried.**

### EXECUTIVE SESSION

Mr. Guthrie moved seconded by Mrs. McClain to move into Executive Session to discuss property and personnel.

**Roll call: Guthrie, aye; McClain, aye; Fraker, aye; Ader, aye; Hayes, aye. Motion carried.**

Executive Session began at 7:48 p.m. with the Board, Superintendent, Mr. Johnson, Mr. Brower, Mr. Mabee, and Treasurer Dolores M. Cramer to discuss property and personnel.

The Board, Superintendent, Mr. Johnson, Mr. Brower, Mr. Mabee, and Treasurer returned from Executive Session after having discussed property and personnel at 8:09 p.m.

ADJOURNMENT

Mr. Guthrie moved seconded by Mr. Ader to adjourn at 8:09 p.m.

**Roll call: Guthrie, aye; Ader, aye; Fraker, aye; Hayes, aye; McClain, aye. Motion carried.**

These minutes are hereby approved this 9<sup>th</sup> day of January, 2006.