

ZANESVILLE BOARD OF EDUCATION  
SPECIAL MEETING

May 24, 2011

Mr. Eppley called the meeting to order @ 4:30 p.m. Those answering roll Call: Mr. Bunting, Mr. Eppley, Mrs. Hoffer, Mrs. Stewart, Mr. Swope, Also present were Ms. Nye and Mr. Martin.

**Reading of Notice**

The purpose of the special board meeting is (#1) to consider refinancing the district's bonds and (#2) any other business which may lawfully be considered at this meeting.

Open session will be held to approve any resolutions.

**#11-148 APPROPRIATION CHANGES/ADDITIONAL APPROPRIATIONS**

Mrs. Stewart moved and Mr. Bunting seconded to change the following appropriation

Band Activity	300-9140	43,316.28	To order uniforms
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Those voting aye: Mr. Bunting, Mr. Eppley, Mrs. Hoffer, Mrs. Stewart, Mr. Swope. President declared motion carried.

**#11-149 MAINTENANCE PLAN APPROVAL**

Mrs. Hoffer moved and Mr. Swope seconded to approve the following resolution;

Be it Resolved that the Board of Education approve the Interim Maintenance Plan Agreement with the Ohio School Facilities Commission. As part of this agreement, the Board of Education acknowledges the following:

- 1) Allowable uses for the Maintenance Fund shall be the maintenance and repair of the facility, including preventative maintenance, periodic repairs, and the replacement of facility components as recommended in the approved plan:
  - 2) Routine janitorial and utility costs, equipment supplies and personnel associated with the day-to-day housekeeping and site upkeep per normal and customary standards are not allowable expenditures under the parameters of the Maintenance Fund;
  - 3) The actual use of the Maintenance Fund according to the terms of the approved Maintenance Plan is subject to audit;
  - 4) A five (5) year Capital Plan should be updated on an annual basis, while the complete Maintenance Plan should be updated each five (5) years and approved by the Board.
- Those voting aye: Mr. Eppley, Mrs. Hoffer, Mrs. Stewart, Mr. Swope, MR. Bunting. President declared motion carried.

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**#11-150 A RESOLUTION AMENDING A RESOLUTION ADOPTED BY THIS BOARD ON OCTOBER 28, 2010 THAT PROVIDED FOR, AMONG OTHER THINGS, THE ISSUANCE AND SALE OF BONDS IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$28,325,000, FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE SCHOOL DISTRICT'S SCHOOL IMPROVEMENT BONDS, SERIES 2002, TO PERMIT THE DEFEASANCE OF CERTAIN NON-CALLABLE BONDS OF THAT SERIES.**

Mrs. Stewart moved and Mr. Bunting seconded to approve the following resolution;

WHEREAS, on October 29, 2010, this Board of Education adopted a resolution (the "Bond Resolution") that provided for, among other things, the issuance and sale of bonds (the "Refunding Bonds") for the purpose of refunding at a lower interest cost certain of the District's outstanding School Improvement Bonds, Series 2002 (the "Series 2002 Bonds"), namely, all or a portion of the 2002 Bonds subject to optional redemption prior to their maturity; and

WHEREAS, based on the advice of Robert W. Baird & Co., this Board has determined to permit the defeasance of all or portions of certain of the non-callable Series 2002 Bonds in part through the issuance of the Refunding Bonds, which was not permitted under the Bond Resolution as adopted;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Zanesville City School District, County of Muskingum, State of Ohio, that:

Section 1. Any provision of the Bond Resolution notwithstanding, "Refunded Bonds" shall mean those Series 2002 Bonds, or portions thereof, identified by the Treasurer in the Certificate of Award.

Section 2. The first sentence of Section 9 of the Bond Resolution shall be replaced in its entirety with the following: "This Board determines that it is necessary and in the best interest of the School District to provide for the refunding of the Refunded Bonds by the payment of the principal of, premium and interest on, the Refunded Bonds pursuant to Section 133.34 of the Revised Code and as provided in this Resolution, and to redeem those Refunded Bonds that are Callable Bonds (the "Callable Refunded Bonds") on December 1, 2012 (the "Call Date")." The last paragraph of Section 9 of the Bond Resolution shall be replaced in its entirety with the following: "As provided in the Escrow Agreement, timely after the delivery of and payment for the Bonds and the crediting to the Escrow Fund created under the Escrow Agreement as provided in this Resolution, the Callable Refunded Bonds shall be called for prior redemption. The Treasurer is authorized and directed to give to The Bank of New York Mellon Trust Company, N.A., as the ultimate successor in interest to Fifth Third Bank, as the authenticating agent, bond registrar and paying agent for the Callable Refunded Bonds, on or promptly after the Closing Date, written notice of that call for redemption, and the Refunded Bonds shall be redeemed in accordance with the provisions of this Resolution, the Original Bond Legislation and the Escrow Agreement. The Board covenants, for the benefit of the holders of the Refunded Bonds and of the Bonds, that it will at no time on or after the Closing Date take actions to modify or rescind that call for prior redemption of the Callable Refunded Bonds, that it will take, and will cause the bond registrar

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for the Callable Refunded Bonds to take, all steps required by the terms of the Callable Refunded Bonds to make and perfect that call for prior redemption, and that in accordance with the Escrow

Agreement it will provide from the proceeds of the Bonds, and other available sources as may be required, moneys and securities sufficient to provide for the timely payment, in accordance with this

Resolution, of all principal of, redemption premium and interest that will be due and payable on the Refunded Bonds through and including the Call Date or the final scheduled maturity of the Refunded Bonds, whichever is later (the "Final Principal Payment Date")."

The fifth sentence of Section 10 is hereby replaced in its entirety with the following: "The funds deposited in the 2002 Escrow Fund shall be (a) held in cash to the extent that they are not needed to make the investments hereinafter described, and (b) invested in direct obligations of, or obligations guaranteed as to payment by, the United States of America (within the meaning of Section 133.34(D) of the Revised Code) that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the 2002 Escrow Fund but without further investment or reinvestment, for the (i) payment of interest on the Refunding Bonds on each June 1 and December 1 from and including the first June 1 or December 1 (if any) after the Closing Date, to and including the last June 1 or December 1 (if any) before the Final Principal Payment Date, and accrued but unpaid interest through and including the Final Principal Payment Date, (ii) payment on the Call Date of the principal amount of the Callable Refunded Bonds (at a redemption price of 101% of the principal amount redeemed), and (iii) payment of the principal amount of any Refunding Bonds that are not Callable Bonds on the date or dates that such payment is scheduled to be due, all as provided in the Escrow Agreement."

Any provision of the Bond Resolution notwithstanding, only the Callable Refunded Bonds shall be called for redemption on the Call Date, which is prior to their scheduled maturity.

Section 3. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Bond Resolution.

Section 4. All other provisions of the Bond Resolution shall remain in full force and effect.

Section 5. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken, 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 6. This Resolution shall be in full force and effect upon its adoption  
Those voting aye: Mrs. Hoffer, Mrs. Stewart, Mr. Swope, Mr. Bunting, Mr. Eppley. President declared motion carried.

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**#11-151 CLASS TRIP**

Mrs. Stewart moved and Mr. Eppley seconded to approve the fifth grade classes of John McIntire Elementary School to take an overnight trip to

The Wilds on the following dates:

May 23, 2011 – Mrs. Mahler’s class (24 students)

May 24, 2011 – Mrs. Norris’ class (23 students)

May 26, 2011 – Mrs. Omen’s class (24 students)

May 21, 2011 – Mrs. Gardner/Mrs. Thompson’s class (25 students)

Funding for this overnight trip has been provided by through fundraising and secured grants totaling \$10,500, making the cost of the trip for each student go from \$80 to \$40 per student. Funds raised also were used to pay for those students who could not pay the \$40.

Those voting aye: Mrs. Stewart, Mr. Swope, Mr. Bunting, Mr. Eppley, Mrs. Hoffer. President declared motion carried.

**#11-152 RESIGNATIONS – CLASSIFIED**

Mrs. Hoffer moved and Mr. Swope seconded to accept the resignation of Linda Sowers, Library Tech at National Road Elementary, effective August 1, 2011. Reason for resignation is retirement.

Those voting aye: Mr. Swope, Mr. Bunting, Mr. Eppley, Mrs. Hoffer, Mrs. Stewart. President declared motion carried.

**#11-153 A RESOLUTION DECLARING THAT AN URGENT NECESSITY EXISTS FOR THE PURCHASE OF PLAYGROUND EQUIPMENT AT JOHN MCINTIRE ELEMENTARY AND ZANE GREY ELEMENTARY.**

Mrs. Hoffer moved and Mrs. Stewart seconded to approve the following resolution:

WHEREAS, Section 3313.46 of the Revised Code requires boards of education to advertise for bids for a period of two weeks when they determine to make certain improvements to school buildings, the cost of which will exceed \$25,000, and to award the contract to the lowest responsible bidder, except in cases of urgent necessity; and

WHEREAS, the District is performing certain facilities improvements including the construction of a new playground areas at John McIntire Elementary and Zane4 Grey Elementary Schools; and

WHEREAS, the Board has been advised that the playground project must be purchased and installed as soon as possible so that it may be completed at the earliest possible time in order to prevent delays in the construction schedule.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Zanesville City School District, Muskingum County, Ohio, that:

Section 1. Finding of Urgent Necessity. For the aforesaid reason, this Board hereby finds, determines and declares that an urgent necessity exists with respect to the commencement of the

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playground project, that compliance with the relatively lengthy procedures prescribed by Section 3313.46 of the Revised Code could compromise the educational integrity and mission of the District.

Section 2. Bidding of Contract. The Treasurer of this Board is hereby authorized and directed to advertise this project for bid for a time period less than required by Section 3313.36 of the Revised Code.

Section 3. Prior Acts Ratified and Confirmed. Any actions previously taken by School District officials or agents of this Board in furtherance of the matters set forth in this Resolution are hereby approved, ratified and confirmed.

Section 4. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board or committees, and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 5. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

Section 6. Effective Date. This Resolution shall be in full force and effect from and immediately upon its adoption.

Those voting aye: Mr. Bunting, Mr. Eppley, Mrs. Hoffer, Mrs. Stewart, Mr. Swope. President declared motion carried.

**#11-154 MEETING ADJOURNMENT**

Mr. Swope moved and Mr. Bunting seconded that the Zanesville City Schools Board of Education meeting is adjourned @ 5:32 p.m.

Those voting aye: Mr. Eppley, Mrs. Hoffer, Mrs. Stewart, Mr. Swope, Mr. Bunting. President declared motion carried.

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*President*

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*Treasurer*