

MONTGOMERY TOWNSHIP BOARD OF EDUCATION
Skillman, New Jersey 08558

Meeting, Tuesday, November 22, 2016
7:00 p.m. Executive Session
7:30 p.m. Public Session
Upper Middle School Media Center

DRAFT AGENDA FOR REGULAR BUSINESS MEETING

2016-2017 District Goals

- Goal 1: Growth in Achievement for All Students
- Goal 2: Cultivating a Culture that Emphasizes Student Resilience, Perseverance, Awareness, and Growth
- Goal 3: Planning for Growth While Employing Fiscal Responsibility
- Goal 4: Develop Three-to-Five Year Strategic Plan for District

OPENING OF THE MEETING

Call to Order – Board President

Statement of Open Meeting and Public Participation - In accordance with the State's Sunshine Law, adequate notice of this meeting was provided by mailing notice of meeting on January 7, 2016 and _____. Notice was provided to Board of Education Members, Montgomery Township Clerk, Rocky Hill Borough Clerk, Public Library, Township Posting, School Posting, PTSA Officers, Courier News, Princeton Packet, Trenton Times, and The Star Ledger.

The Board reserves the right to enter into Executive Session during all meetings of the Board of Education.

This meeting is being tape-recorded for the purpose of Board review and future reference and to assist in the preparation of minutes.

It is the School Board's intention to conclude this meeting no later than 10:00 p.m.

ROLL CALL

EXECUTIVE SESSION

RECONVENE IN OPEN SESSION – 7:30 p.m.

SALUTE THE FLAG

NEW BUSINESS FROM BOARD/PUBLIC

Members of the public are allotted one opportunity to bring any new/old business to the Board for a maximum of five (5) minutes per speaker. The board president may need to refer an issue to the superintendent if the particular issue has not been handled through the appropriate chain of command within the school district before coming to the board for a response. All responses will be provided at the end of this session.

APPROVAL OF MINUTES – It is recommended that the Board of Education approve the minutes of the following Board Meeting(s):

- | | |
|---------------------|-------------------------------|
| 1. October 4, 2016 | Executive Session Meeting |
| 2. October 4, 2016 | Workshop and Business Meeting |
| 3. October 18, 2016 | Executive Session Meeting |
| 4. October 18, 2016 | Business Meeting |

ACCEPTANCE OF CORRESPONDENCE – It is recommended that the Board of Education accept the correspondence as follows:

SUPERINTENDENT’S REPORT

- Public Hearing on the Refunding of Bonds Ordinance

PUBLIC COMMENTS

Members of the public are allotted one opportunity to address the Board regarding the **Superintendent’s Report** or the **Action Agenda** for a maximum of five (5) minutes during this period of the meeting. All responses will be provided at the end of this session.

ACTION AGENDA

1.0 ADMINISTRATIVE

The Superintendent recommends that the Board of Education approve the administrative items as follows:

1.1 Routine Monthly Report – Accept the following reports:

- a. Student Control Report
- b. Harassment, Intimidation and Bullying (HIB) Report
- c. Fire/Security Drill Report

1.2 Policy First Reading – Accept the following policies and regulations as a first reading:

- | | |
|-------|--|
| 3240 | Professional Development for Teachers and School Leaders |
| 3240R | Professional Development for Teachers and School Leaders |
| 3244 | In-Service Training |

3244R In-Service Training
5330.01 Administration of Medical Marijuana
5330R Administration of Medication

1.3 Policy Adoption – Accept and adopt the following policies following a second reading:

1220 Employment of Chief School Administrator
1310 Employment of School Business Administrator/Board Secretary
3125 Employment of Teaching Staff Members

1.4 Uniform Memorandum of Agreement – approve the Uniform Memorandum of Agreement between School and Law Enforcement which is on file in the superintendent’s office.

2.0 CURRICULUM & INSTRUCTION

The Superintendent recommends that the Board of Education approve the curriculum and instruction agenda as follows:

2.1 Trip Proposals – Approve the following student trip proposals:

- MHS German Exchange students travel to Gottingen, Germany. This three-week trip will take place in August 2017. In return, German partner students will attend Montgomery High School in October 2017.
- YMCA Model United Nations Trip to Hershey, Pennsylvania, from January 6-8, 2017. Students will participate in the YMCA Model United Nations Conference.
- MHS Varsity Dance Team and coaches to participate in the National Dance Championships in Orlando, Florida, from February 2-6, 2017.
- MHS Varsity cheerleading Team and coaches to participate in the National Cheerleading Championship in Orlando, Florida from February 9-13, 2017.
- Qualifying wrestlers and coaches to participate in the NJSIAA Wrestling State Championships in Atlantic City, NJ, from March 3-5, 2017, at a cost not to exceed \$962.14, inclusive of lodging, meals, and travel for athletes and coaches.
- Eligible boys and girls track team athletes and coaches to participate in the NJSIAA Boys and Girls Outdoor Track & Field State Group Championships in Egg Harbor, NJ from June 2-3, 2017, at a cost not to exceed \$1,709.00, inclusive of lodging, meals, and travel expenses for athletes and coaches.

2.2 Out-of-District Placements 2016-2017

Approve the following Out-of-District placements for the 2016/2017 school year.

Pupil ID	School	TUITION			
		Dates	ESY	RSY	Total for Year
103326	New Hope Academy	Withdrawn as of 10/17/16	\$	-\$32,720.00	-\$32,720.00
181524	Shepard Preparatory High School	Withdrawn as of 10/17/2016		-\$39,611.00	-\$39,611.00
105191	Rock Brook School	10/24/16		\$49,202.78	\$49,202.78
105165	Rock Brook School	10/24/16		\$49,202.78	\$49,202.78
181524	Collier School	10/20/16-6/20/16		\$56,520.00	\$56,520.00

2.3 Consultant Approvals 2016/2017

Approve the following consultants for the 2016/2017 school year.

CONSULTANT NAME/VENDOR	SERVICES PROVIDED	RATES OF SERVICE
Language Services Associates	Telephone Interpreting (200+ languages) 30 minute minimum @ \$37.50	\$1.25/minute
Stacey Van der Veen	School-based classroom visits and meetings regarding NGSS to K-4 faculty during 16-17 school year	\$1,750.00

2.4 Chapters 192/193 Funding 2016-17 – Approve original funding under the provisions of Chapters 192/193, Nonpublic Auxiliary and Handicapped Services, in the amount of \$30,065.00 for the 2015-16 school year to be allocated as follows:

Chapter 192 Compensatory Education	\$1,612.00
Chapter 192 E.S.L.	<u>\$5,841.00</u>
Chapter 192 Total	\$7,453.00
Chapter 193 Exam and Classification	\$9,725.00
Chapter 193 Corrective Speech	\$6,185.00
Chapter 193 Supplementary Instruction	<u>\$7,062.00</u>
Chapter 193 Total	\$22,972.00
Grand Total	\$30,065.00

2.5 Nursing Services Report – Approve the Nursing Service Report for 2016-2017 which is on file in the superintendent’s office.

3.0 FINANCE

The Superintendent recommends that the Board of Education approve the finance agenda as follows:

3.1 Financial Reports - As prepared by the School Business Administrator and Treasurer of School Moneys which are in agreement, and presented by the Superintendent, approve the following reports as of October 31, 2016:

- Board Secretary's Report
- Treasurer's Report
- Investment Report
- Food Services Report

3.2 Ratification of Transfers - ratify the transfer of funds among the general, special revenue and capital projects funds' line items as of October 31, 2016

3.3 Receipt of Certification from Board Secretary - Pursuant to NJAC 6A:23-2.12 (c) 3, I, Annette M. Wells, certify that as of October 31, 2016 no line item account has encumbrances and expenditures, which in total exceed the line item appropriation in violation of 6A:23-2.12 (a).

Board Secretary

Date

3.4 Certification of Board of Education - Pursuant to NJAC 6A:23-2-12 (c) 4, we certify that as of October 31, 2016 after review of the Board Secretary's and Treasurer's monthly financial reports, in the minutes of the board each month that no major account or fund has been over expended in violation of NJAC 6A:23-2.12 (b).

3.5 Approval of Monthly Bills for November – approve the monthly bills as follows:

General Operating
Food Services

3.6 Travel Reimbursement – 2016/2017 – approve the Board member and/or staff conference and travel expenses as per the attached list.

3.7 Approve the Following Resolution on Second and Final Reading Regarding the Refunding of all or a Portion of the Outstanding Callable School Bonds -

**REFUNDING BOND ORDINANCE OF THE BOARD OF
EDUCATION OF THE TOWNSHIP OF MONTGOMERY IN
THE COUNTY OF SOMERSET, NEW JERSEY,
PROVIDING FOR THE REFUNDING OF ALL OR A**

PORTION OF THE OUTSTANDING CALLABLE REFUNDING SCHOOL BONDS OF THE SCHOOL DISTRICT, DATED APRIL 3, 2007, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$46,200,000, APPROPRIATING NOT TO EXCEED \$37,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$37,400,000 REFUNDING BONDS TO PROVIDE FOR SUCH REFUNDING.

BE IT ORDAINED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONTGOMERY IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Board of Education of the Township of Montgomery in the County of Somerset, New Jersey (the "School District") is hereby authorized to refund all or a portion of the outstanding callable refunding school bonds of the School District issued in the original principal amount of \$46,200,000 and dated April 3, 2007 (the "2007 Bonds"). The 2007 Bonds maturing on or after April 1, 2018 may be redeemed at the option of the School District in whole or in part on any date on or after April 1, 2017 (the "Redemption Date") at a redemption price equal to the par amount of the 2007 Bonds to be redeemed plus accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$37,400,000 pursuant to N.J.S.A. 18A:24-61 et seq.

Section 3. An aggregate amount not exceeding \$275,000 for items of expense listed in and permitted under N.J.S.A. 18A:24-61.4 has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The purpose of the refunding is to incur an interest cost savings for the School District.

Section 5. A supplemental debt statement has been prepared and filed in the offices of the Township Clerk and the Business Administrator/Board Secretary and in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey as required by law. Such statement shows that the gross debt of the Township as defined in the Local Bond Law and the school debt of the School District is increased by the amount the Refunding Bond authorization exceeds the amount of the proposed refunded bonds.

Section 6. No Local Finance Board approval is required as the issuance of the Refunding Bonds will comply with the requirements of N.J.A.C. 5:30-2.5.

Section 7. The Board President, the Superintendent, the Business Administrator/Board Secretary, the Board Secretary and other appropriate representatives of the School District are hereby authorized to prepare such documents, to publish such notices and to take such other actions as are necessary or desirable to enable the School District to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the 2007 Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect immediately after final adoption.

3.8 Approve the Following Resolution on Determining the Form and other Details of not to Exceed \$37,400,000 Principal Amount of Refunding School Bonds –

**RESOLUTION DETERMINING THE FORM AND OTHER
DETAILS OF NOT TO EXCEED \$37,400,000 PRINCIPAL
AMOUNT OF REFUNDING SCHOOL BONDS OF THE
BOARD OF EDUCATION OF THE TOWNSHIP OF
MONTGOMERY IN THE COUNTY OF SOMERSET, NEW
JERSEY AND PROVIDING FOR THE SALE AND THE
DELIVERY OF SUCH BONDS**

BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONTGOMERY IN THE COUNTY OF SOMERSET, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Board of Education of the Township of Montgomery in the County of Somerset, New Jersey (referred herein as the “Board of Education” or “Board”) hereby authorizes the sale, in one or more series, of an amount not to exceed \$37,400,000 Refunding School Bonds (the “Bonds”) by virtue of its final adoption by a two-thirds majority of its full membership on November 22, 2016 of a bond ordinance entitled, “Refunding Bond Ordinance of The Board of Education of the Township of Montgomery in the County of Somerset, New Jersey, Providing for the Refunding of All or a Portion of the Outstanding Callable Refunding School Bonds of the School District, Dated April 3, 2007, Issued in the Original Principal Amount of \$46,200,000, Appropriating Not to Exceed \$37,400,000 Therefor and Authorizing the Issuance of Not to Exceed \$37,400,000 Refunding Bonds to Provide for Such Refunding” (the “Bond Ordinance”).

Section 2. The Bonds are hereby authorized to be sold to Roosevelt & Cross, Inc. (the “Underwriter”) in accordance with the purchase contract to be entered into by and between the Underwriter and the Board (the “Purchase Contract”) pursuant to this resolution. The purchase price for the Bonds shall be as set forth in the Purchase Contract, plus unpaid accrued interest, if any, from the dated date of the Bonds to, but not including, the delivery date of the Bonds. The Board President, Superintendent and/or Business Administrator/Board Secretary is hereby authorized to enter into the Purchase Contract on behalf of the Board with the Underwriter in a form satisfactory to McManimon, Scotland & Baumann, LLC, bond counsel for the Board (“Bond Counsel”) for the sale of the Bonds to the Underwriter in accordance with the provisions of this resolution. The signature of the Board President, Superintendent or Business

Administrator/Board Secretary on the Purchase Contract shall be conclusively presumed to evidence any necessary approvals.

Section 3. The Bonds are being issued to incur interest cost savings by redeeming all or a portion of the callable outstanding refunding school bonds of the Board originally issued in the principal amount of \$46,200,000 dated April 3, 2007, which bonds maturing on or after April 1, 2018 (the "Refunded Bonds") are redeemable at the option of the Board in whole or in part on any date on or after April 1, 2017 (the "Redemption Date") at par (the "Redemption Price"), plus in each case accrued interest, if any, to the Redemption Date.

Section 4. The Bonds shall be issued in accordance with the terms and the conditions set forth in the Purchase Contract within the parameters set forth herein:

(A) The Bonds shall be issued in a par amount determined to be necessary to pay costs of issuance and to provide for payment of the Redemption Price of the Refunded Bonds on the Redemption Date and the interest due on the Refunded Bonds through the Redemption Date;

(B) The Bonds shall be dated such date as established in the Purchase Contract;

(C) The Bonds shall mature in the principal amounts on or about April 1 of each year, commencing on or about April 1, 2017 and thereafter or as otherwise set forth in the Purchase Contract and shall bear interest at interest rates per annum on the unpaid principal balance on each April 1 and October 1 until maturity or earlier redemption, commencing on or about April 1, 2017 or as otherwise set forth in the Purchase Contract;

(D) The Bonds shall be issued in the form of one bond for each maturity except if all or any portion of the Bonds are issued as term bonds;

(E) The Bonds shall be numbered consecutively from R-1 upward and shall mature in such principal amounts with such mandatory call features and with such mandatory sinking fund payments as set forth below and as determined in the Purchase Contract;

(F) The Bonds may be subject to optional redemption or not as set forth in the Purchase Contract;

(G) Depending on market conditions at the time of the sale, the Bonds may be issued in one or more series as determined by the Business Administrator/Board Secretary, in consultation with Bond Counsel and with Phoenix Advisors, LLC, financial advisors for the Board (the "Financial Advisor").

Section 5. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Board to conform the Bonds to the requirements of the Purchase Contract:

**SAMPLE BOND FORM FOR INFORMATION
ONLY – DO NOT COMPLETE**

REGISTERED
NUMBER R- ____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

THE BOARD OF EDUCATION
OF THE TOWNSHIP OF MONTGOMERY
IN THE COUNTY OF SOMERSET

REFUNDING SCHOOL BOND

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
__/__/2017	04/01/20__	_____%	_____

THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONTGOMERY IN THE COUNTY OF SOMERSET, New Jersey (the "Board of Education") hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of _____ DOLLARS (\$_____) and to pay interest on such sum from the Dated Date set forth above at the Rate of Interest Per Annum specified above semiannually on the first days of April and October in each year until maturity [or earlier redemption] commencing on April 1, 2017. Interest on this bond will be paid to the Securities Depository by the Board of Education and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the March 15 and September 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Board of Education, will be paid to the Securities Depository by the Board of Education and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

[The bonds of this issue maturing prior to April 1, 20__ are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after April 1, 20__ are redeemable at the option of the Board of Education in whole or in part on any date on or after April 1, 20__ upon notice as required herein at par, plus in each case unpaid accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Board of Education or a duly appointed Bond Registrar. Any failure of the Securities Depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption

proceedings. If the Board of Education determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Board of Education. The bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with unpaid accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.]

This bond is one of an authorized issue of bonds and is issued pursuant to Title 18A, Education, Chapter 24, of the New Jersey Statutes and the refunding bond ordinance finally adopted by the Board of Education on November 22, 2016, in all respects duly approved. Payment of this obligation is secured under the provisions of the New Jersey School Bond Reserve Act, P.L. 1980, c. 72, approved July 16, 1980, as amended by P.L. 2003, c.118, approved July 1, 2003, in accordance with which an amount equal to 1% of the aggregate outstanding bonded indebtedness (but not to exceed the moneys available in the fund) of New Jersey counties, municipalities and school districts for school purposes as of September 15 of each year, is held within the State Fund for the Support of Free Public Schools as a school bond reserve pledged by law to secure payments of principal and interest due on such bonds in the event of the inability of the issuer to make payment.

The full faith and credit of the Board of Education are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Board of Education, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, THE BOARD OF EDUCATION OF THE TOWNSHIP OF MONTGOMERY IN THE COUNTY OF SOMERSET, NEW JERSEY has caused this bond to be executed in its name by the manual or facsimile signature of its President, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Secretary, and this bond to be dated the Dated Date as specified above.

THE BOARD OF EDUCATION OF THE
TOWNSHIP OF MONTGOMERY IN THE
COUNTY OF SOMERSET, NEW JERSEY

[SEAL]

ATTEST:

By: _____ (Facsimile)
President

By: _____
Secretary

[END OF SAMPLE BOND FORM]

Section 6. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Business Administrator/Board Secretary is hereby authorized and directed to file a signed duplicate of such written opinion in the Business Administrator/Board Secretary's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 7. Bond Counsel is authorized to arrange for the printing of the Bonds. The proper officials of the Board are hereby authorized and directed to execute the Bonds and to deliver them to the Purchaser in exchange for payment, including accrued interest from their date to the date of delivery, if any.

Section 8. The Business Administrator/Board Secretary is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Board of Education and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to registered bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Board shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 10. The Board hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code. The Board authorizes the Business Administrator/Board Secretary to act and determine on behalf of the Board whether the Bonds will be designated as "bank qualified" within the meaning of Section 265 of the Code.

Section 11. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the

Bonds remain outstanding (unless the Bonds have been wholly defeased), the Board of Education shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to February 1 of each year, beginning February 1, 2017, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the SEC to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Board of Education consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Board of Education and certain financial information and operating data consisting of (1) Board of Education indebtedness; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law;

(b) if any of the following material events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

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

For the purposes of the event identified in subparagraph (12) above, 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.

Notice of failure of the Board of Education to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

The Business Administrator/Board Secretary shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Board of Education prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

In the event that the Board of Education fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Board of Education shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 12. The Board hereby approves the preparation and the distribution of the Preliminary Official Statement in the form to be approved by the Business Administrator/Board Secretary. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Board by the Business Administrator/Board Secretary. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds, and the Business Administrator/Board Secretary is authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Purchaser within the earliest of seven business days following the sale of the Bonds or to accompany the Purchaser's confirmations that request payment for the Bonds. Bond Counsel, Suplee, Clooney & Company, the auditor, and/or the Financial Advisor are further authorized to arrange on behalf of the Board of Education for a rating for the Bonds from Standard & Poor's and/or Moody's Investors Service, and all such actions taken to date are hereby ratified.

Section 13. The Business Administrator/Board Secretary, with the advice of the Financial Advisor, is authorized to arrange for bond insurance if advantageous based on the advice of the Underwriter to be provided at a premium not to exceed 75 basis points of the amount of principal and interest payable in order to obtain the best possible rates and the most cost effective financing and is authorized to take all steps on behalf of the Board necessary to do so.

Section 14. The Business Administrator/Board Secretary, with the advice of Bond Counsel, shall arrange for paying agent services or redemption agent services with a banking institution if any portion of the Bonds are term bonds requiring a sinking fund.

Section 15. The Business Administrator/Board Secretary is also authorized and directed to pay the costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Business Administrator/Board Secretary to be executed upon delivery of the Bonds in an aggregate amount not to exceed the amount outlined in the Bond Ordinance.

Section 16. The Business Administrator/Board Secretary shall take all steps necessary to call the Refunded Bonds on the Redemption Date, at par, plus any unpaid accrued interest thereon and to take all steps necessary for the investment of the proceeds of the Refunded Bonds necessary to arrange for such redemption. The Financial Advisor and/or the Underwriter, on behalf of the Board of Education, are authorized to reserve and purchase open market treasury securities and/or United State Treasury—State and Local Government Series (“SLGs”) for deposit with the escrow agent if required. All of the principal amount and interest earnings on the open market treasury securities and/or SLGs, as well as cash, if necessary, will be used to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Price on the Refunded Bonds on the Redemption Date. The Board hereby authorizes TD Bank, N.A. to serve as escrow agent based upon the recommendation of the Financial Advisor and authorizes the Business Administrator/Board Secretary and/or Board President to enter into an Escrow Deposit Agreement with such escrow agent in order to provide instructions regarding the deposit of the open market treasury securities and/or SLGs and cash, if any.

Section 17. The Board hereby authorizes Causey Demgen & Moore P.C. to serve as verification agent, if necessary, to confirm the accuracy of the arithmetical and mathematical computations supporting (i) the accuracy of the interest cost savings and the sufficiency of the amount in the escrow account to pay the interest due on the Refunded Bonds through the Redemption Date and pay the Redemption Price on the Redemption Date; and (ii) the calculations of yield supporting the conclusion of Bond Counsel that the Bonds are not “arbitrage bonds” as such meaning is set forth in the Code.

Section 18. The Board President, Superintendent, Business Administrator/Board Secretary and other appropriate representatives of the Board are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the redemption of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Board and taking all steps necessary or desirable to implement the requirements of this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 19. This resolution shall take effect immediately.

4.0 PERSONNEL

The Superintendent recommends that the Board of Education approve the personnel agenda following discussion in Executive Session.

ANNOUNCEMENTS BY THE PRESIDENT

ADJOURNMENT