

**Hicksville Exempted Village Schools  
Regular Meeting of the Board of Education  
November 28, 2005**

The Hicksville Exempted Village School Board of Education met in regular session on Monday, November 28, 2005 at 7:00 p.m. at the elementary. The meeting was opened by President Mike Cleland, with the following Board members answering roll call: Karen Schmidt, David Schooley, Bob Weatherhead, Dennis Stuckey, and Mike Cleland.

Karen Schmidt moved and Bob Weatherhead seconded the motion to approve the following consent agenda:

**1. Minutes from the regular meeting of October 24, 2005.**

**2. Treasurer's Report**

a. Cash Reconciliation as of October 31, 2005.

b. Financial Statements for October, 2005

c. Accept the following donations:

\$750.00 from various contributors to the Dennis Minick Memorial  
75.00 from First Federal Bank of the Midwest to 6th Grade Camp Fund  
100.00 from Hicksville Grain Co. to HHS Baseball Program  
100.00 from Hicksville Volunteer Fireman's Assoc., Inc. to HHS Baseball Program  
100.00 from The Wholesale House Inc. to HHS Baseball Program  
100.00 from Dave Battershell Plumbing to HHS Baseball Program

**3. Consent Agenda - Superintendent**

**a. Personnel:**

1. Accept the resignation of Tina Bradbury, as bus driver, effective November 4, 2005 after her a.m. bus route.
2. Approve payment for 6.5 hours to Jeff Shaffer as Mac Attack instructor at the rate of \$20.15 per hour.
3. Approve payment for 1.5 hours to Josh Freese as Mac Attack instructor at the rate of \$20.15 per hour.
4. Approve the following as Star Chaser Program teachers and substitutes for the fall program. Funded through the Hicksville P.T.O. at \$20.15 per hour.

Sandi Brown	Melissa Greer
Connie Clinker	Deanna Wise
Nathan Ferrell	Pat Timbrook

5. Approve Janice Elliott as a substitute teacher for the 05-06 school year.
6. Approve change from 1.5 hrs. to 3.0 hrs. per day in Ilene Christner's Bus Driver contract to be effective November 7, 2005 due to the resignation of Tina Bradbury.
7. Issue a supplemental contract to Lisa Hathaway as Prom Advisor for the 2005-2006 school year.

Roll Call: Ayes-Mike Cleland, Karen Schmidt, David Schooley, Dennis Stuckey, Bob Weatherhead. Nays - none.

Dennis Stuckey moved and Karen Schmidt seconded the motion to extend the following Commendation and Appreciation:

The Hicksville Exempted Village Schools Board of Education hereby commends and extends appreciation to the voters of the Hicksville School District for their overwhelming support on November 8th of the 7.75 mill bond issue for a new school and the 2.5 mill Permanent Improvement Levy for maintenance of the new school.

Roll Call: Ayes-Mike Cleland, Karen Schmidt, David Schooley, Dennis Stuckey, Bob Weatherhead. Nays - none.

Bob Weatherhead moved and Dennis Stuckey seconded the motion to extend the following Commendation and Appreciation:

The Hicksville Exempted Village Schools Board of Education hereby commends and extends appreciation to all who were involved with the Citizens for a New School Committee for their outstanding efforts in promoting the new school bond issue and Permanent Improvement Levy. Special recognition and commendation go to honorary chairmen Leo and Gwen Headley, Alice Hook, and Pat Turnbull; fundraising chairmen Kevin Countryman, Bruce Guilford, and Jim Schmidt; signs committee chairmen Dennis and Sheryl Vetter; media committee chairmen Greg and Lisa Slattery; literature committee chairmen Kent and Sandi Brown, voter registration/door-to-door committee chairmen Tom and Zonya Battershell, and treasurer Chad Yoder.

Roll Call: Ayes-Mike Cleland, Karen Schmidt, David Schooley, Dennis Stuckey, Bob Weatherhead. Nays - none.

Dennis Stuckey moved and Karen Schmidt seconded the following resolution requesting the county auditor to levy tax:

### **RESOLUTION REQUESTING COUNTY AUDITOR TO LEVY TAX**

WHEREAS, this Board of Education placed an issue on the November 8, 2005 ballot for the purpose of authorizing bonds in the sum of \$9,930,000 for the purpose of paying the local share of school construction under the State of Ohio Classroom Facilities Assistance Program, together with, as applicable, land acquisition, new construction, renovations and other improvements to school facilities, equipment, furnishings, site improvements and all necessary appurtenances; and

WHEREAS, a majority of the electors voting on said proposition voted in favor thereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Hicksville Exempted Village School District (hereinafter called the "Board of Education"), County of Defiance, Ohio:

SECTION 1. That, pursuant to Section 133.18(H) of the Ohio Revised Code, this Board of Education hereby requests that the amount of the voted property tax levy required to pay estimated debt service charges on the bonds (and notes, if any issued in anticipation thereof) be included in the taxes levied in 2005 for collection in 2006 by the Defiance County Auditor under Section 319.30 of the Ohio Revised Code.

SECTION 2. That a copy of this resolution be delivered by the Treasurer to the Defiance County Auditor.

SECTION 3. 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.

Roll Call: Ayes-Mike Cleland, Karen Schmidt, David Schooley, Dennis Stuckey, Bob Weatherhead. Nays - none.

Dennis Stuckey moved and Bob Weatherhead seconded the following resolution authorizing issuance of bond anticipation notes not to exceed \$9,930,000 after submission to electors:

### **RESOLUTION AUTHORIZING ISSUANCE OF BOND ANTICIPATION NOTES NOT TO EXCEED \$9,930,000 AFTER SUBMISSION TO ELECTORS**

WHEREAS, pursuant to a resolution heretofore duly adopted by this board of education, an election was held on November 8, 2005 upon the question of issuing bonds in the sum of \$9,930,000 for the permanent improvement 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 at least a majority of the electors voting on said proposition voted in favor thereof; and

WHEREAS, the fiscal officer of this school district has heretofore certified to this board of education the estimated life or period of usefulness of the permanent improvements hereinafter described to be at least five (5) years and has further certified the weighted average maximum maturity of said bonds as twenty-eight (28) years and the maximum maturity of notes issued in anticipation of bonds is twenty (20) years; and

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

SECTION 1. That it is necessary to issue bonds of this board of education in the principal sum of not to exceed \$9,930,000 to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program together with other permissible costs under Chapter 133 of the Ohio Revised Code. The bonds shall be issued for the purpose aforesaid under the general laws of the State of Ohio, particularly Chapters 133 and 3318 of the Ohio Revised Code.

SECTION 2. That bonds of this board of education shall be issued in said principal sum of not to exceed \$9,930,000 for the above described permanent improvements 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 September 1, 2006, shall bear interest at a rate now estimated at six per centum (6%) 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 of not to exceed \$9,930,000, 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 the date of issuance, shall bear interest at a rate of interest not to exceed five percent (5%) per annum as determined by the treasurer after negotiation (as evidenced by a certificate of award to be executed by the president and treasurer of the board of education), payable at maturity, and shall mature not later than nine (9) months after the date of issuance, as specified in the certificate of award. The notes shall be of such number as may be requested by the purchaser thereof, provided that the notes shall be issued in denominations equal to or greater than \$100,000, unless this denomination is otherwise modified in the certificate of award. The notes may be subject to optional redemption as provided for in the certificate of award. The certificate of award may modify terms and conditions of the notes specified in this resolution without further action by this board of education, provided that such modifications are in the best interests of the school district.

The treasurer of the board of education is hereby authorized, if she determines that it would be in the best interest of the board of education, to issue the notes on a "book entry only" basis and to execute and deliver a letter of representation to the Depository Trust Company on behalf of the board of education in connection therewith.

SECTION 4. 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 "Classroom Facilities Bond Anticipation Notes," and shall be payable at such bank, financial institution or trust company as designated by the treasurer of this board of education in the certificate of award.

SECTION 5. That said notes shall be sold to Seasongood & Mayer LLC, Cincinnati, Ohio (the "Underwriter"). The treasurer is hereby authorized to execute a contract of purchase with the Underwriter upon such terms as shall be consistent with this resolution. 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 shall be deposited in the Construction Fund, which is hereby established; 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 6. 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 or discounted 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 7. 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, outside of the limitations of Section 2 of Article XII of the Constitution of Ohio, which tax shall be in an amount sufficient to provide funds to pay interest upon the notes as and when the same becomes due and also to provide a fund for the discharge of the principal of the notes at maturity or mandatory sinking fund redemption, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio, provided that, in each year

moneys from revenues or moneys from other sources are available for the payment of debt service on the notes and are appropriated for such purpose, such tax need not be levied to the extent that revenues or moneys from other sources are available and appropriated.

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 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 8. That this board of education, for and on behalf of the Hicksville Exempted Village 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.

These notes are hereby designated "qualified tax exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

SECTION 9. That it is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuance of said notes in order to make the same legal, valid and binding general obligations of this board of education, have been done, have happened and have been performed in regular and due form as required by law, and that the said issue of the notes and the tax for the payment of the principal and interest as the same fall due and are payable do not exceed any limitations in indebtedness or taxation as fixed by law.

SECTION 10. 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 11. That the treasurer is hereby authorized to apply, if he deems it appropriate, for a rating or ratings on the notes from such rating agency or agencies as he deems appropriate or for municipal bond insurance from such municipal bond insurance company as she deems appropriate. The treasurer is further authorized to pay the fee for any rating and the premium for any municipal bond insurance to the extent authorized by law and as approved by bond counsel.

SECTION 12. That the proper and appropriate officers of the board of education, to the extent authorized by law and required by the contract to purchase described herein above, are hereby authorized to execute and deliver the closing certificates, as well as the preliminary and final official statement, if any, prepared in connection with the issuance of said notes (the distribution of said preliminary and final official statement being hereby authorized), with such modifications thereto as may be required by the purchaser and approved by bond counsel as well as such other documents, certificates and statements as may be so required and so approved in connection with sale and delivery of said notes. The board of education hereby determines that any preliminary official statement shall be in final form in accordance with Securities and Exchange Commission Rule 15c2-12, evidence of which shall be manifested by execution of a closing certificate or distribution of said document.

SECTION 13. 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 the law, including Section 121.22 of the Ohio Revised Code.

Roll Call: Ayes-Mike Cleland, Karen Schmidt, David Schooley, Dennis Stuckey, Bob Weatherhead. Nays - none.

Karen Schmidt moved and Dennis Stuckey seconded the motion to issue a supplemental contract to Shelly Weatherhead as Mat Maid Advisor for the 2005-2006 school year. Roll Call: Ayes - Mike Cleland, Karen Schmidt, Dennis Stuckey. Bob Weatherhead abstained. David Schooley was absent for the vote.

Bob Weatherhead moved and Karen Schmidt seconded the motion to extend congratulations to the Lady Aces Cross Country Team: Jenna Freeman, Ellen Coplin, Tonya Burlingame, Melissa Shimko, Becky Adams, Sharisa Conkle, Lindsay Crites, and Coach Dave Cleland as 2005 Regional Qualifiers. Roll Call: Ayes-Mike Cleland, Karen Schmidt, David Schooley, Dennis Stuckey, Bob Weatherhead. Nays - none.

At 9:20 p.m., Mike Cleland moved and Dennis Stuckey seconded the motion to hold an executive session to consider the appointment, employment, dismissal, discipline, demotion, or compensation of a public employee or official, or issuing suspension, or termination of a license, or the investigation of charges or complaints against a public employee, official licensee, or regulated individual unless the public employee, official, licensee, or regulated individual requests a public hearing. Roll Call: Ayes-Mike Cleland, Karen Schmidt, David Schooley, Dennis Stuckey, Bob Weatherhead. Nays - none.

Board returned to regular session at 10:50 p.m.

Upon motion properly moved, the meeting adjourned. The next regular meeting will be on Tuesday, December 20, 2005 at 7:30 p.m. in the high school library/media center. The reorganizational meeting will be held on Monday, January 9, 2006 at 7:00 p.m. in the high school library/media center.

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President

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Treasurer



