

**RECORD OF PROCEEDINGS**  
**Regular Meeting**  
**May 10, 2010**

The Shelby City Schools, Board of Education met in special session on Monday, May 10, 2010 at 7:00 p.m. in the David A Jones Little Theatre, 109 West Smiley Avenue, Shelby, Ohio 44875.

**1. Meeting called to Order**

1.1 The meeting was called to order by Mr. Briggs.

1.2 The following board members were present: Bruce Briggs, Doug DeVito, Joann Nelson, Steve McLaughlin and Lorie White. Administrative personnel present included Bryan Neff, Superintendent; Diane Ervin, Assistant Superintendent; and Elizabeth Anatra, Treasurer.

1.3 Those present affirmed the district's vision statement.

The Shelby City Schools will be a place:

- where all students are proud to attend
- where the staff is proud to work
- where parents are proud to send their children
- that the community is proud to support

**2. Public Concerns/Acceptance of Agenda**

Mr. Briggs advised those present that anyone wishing to address the Shelby City Board of Education on school matters may do so by being recognized by the chairperson. Persons are requested to identify themselves and give their address before speaking. A maximum of thirty minutes is established for public input. If there are several speakers, each one should be concise and limit remarks to three minutes.

2.1 Visitors were recognized. A request was made that anyone wishing to comment on any agenda item notify the president so that an opportunity to speak on the item during discussion could be given. Several of those presented indicated their wish to comment on item 3. New Business.

2.1.1 A request was also made that anyone wishing to comment or make suggestions on items not on the agenda notify the president so that a time now or later in the agenda could be assigned for discussion. No such requests were made

2.2 Additions or corrections to the agenda were requested. The board requested addition of item 2.3 below.

Clarification of the position taken by the Board at the meeting held on May 6, 2010. Mr. Briggs began by reviewing events of the May 6th meeting. He explained the decision to meet at 7:00 am was made to accommodate the schedules of board members, all of whom work. It was also pointed out the 7:00 a.m. meetings are not unprecedented, and were used last summer when the November issue was prepared for the ballot.

**RECORD OF PROCEEDINGS  
SPECIAL MEETING  
MAY 10, 2010**

It was further explained that Mr. McLaughlin was absent from the May 6<sup>th</sup> meeting due to a long standing commitment related to his work, and that his plans were known to all parties in advance. Mr. McLaughlin was asked to comment on his feelings on the issue at that time. He confirmed that on the 6<sup>th</sup> he was leaning toward the negative on the issue, but that having not heard the discussion at the meeting he could not definitively say what his vote would have been at the time.

Mr. Briggs recapped his earlier statement reminding those present that he has devoted a great deal of time to this campaign “I fought alongside all of you. You don't have to convince me of this project's value. I want to see it pass as much as anyone, but let's not forget that November 2009 wasn't the first time Shelby City Schools had a construction project rejected by voters. We've asked voters to approve several construction plan variations over the past 10 years and they keep rejecting them. I'll beg if that's what it takes, but I won't use taxpayer dollars to do it. SO... Find a way to pay for the August 2010 Special Election without using taxpayer dollars and I'll change my vote.” At the end of his remarks Mr. Briggs commented on his understanding that the necessary funds had been raised.

- Mr. McLaughlin reiterated his support of the position taken by Mr. Briggs at the May 6<sup>th</sup> meeting. He also expressed his appreciation of the work of all the board members on this issue.
- Mrs. White commented on Mr. Briggs hard work and support of the project on earlier ballots.
- Mr. DeVito noted that every board member analyses information and makes his or her best decision. He expressed his disappointment at recent personal attacks on the positions taken by board members.

**3. New Business**

**31-10**

3.1 A motion was made by Mrs.White and seconded by Mr. DeVito to approve the following resolution:

**A RESOLUTION DECLARING THE NECESSITY OF SUBMITTING TO THE ELECTORS OF THE SCHOOL DISTRICT THE SINGLE QUESTION OF THE ISSUANCE OF SCHOOL FACILITIES IMPROVEMENT BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$17,000,000 AND THE LEVY OF AN ADDITIONAL 1.0-MILL TAX TO PROVIDE FUNDS FOR THE ACQUISITION, CONSTRUCTION, ENLARGEMENT, RENOVATION, AND FINANCING OF GENERAL PERMANENT IMPROVEMENTS, PURSUANT TO SECTION 5705.218 OF THE REVISED CODE.**

Resolution for Improvement Bonds and Levy of an additional 1.0 Mill Tax

**RECORD OF PROCEEDINGS**  
**Regular Meeting**  
**May 10, 2010**

*Motion 31-10 Continued*

WHEREAS, pursuant to Chapter 3318 of the Revised Code, this Board has submitted an application for the conditional approval of the Ohio School Facilities Commission (the Commission) to participate in the Commission's Classroom Facilities Assistance Program (the CFA Program) by constructing, acquiring, reconstructing or making additions to classroom facilities (as defined in Section 3318.01(B) of the Revised Code) described in the District's master facilities plan (the Project); and

WHEREAS, at its meeting on July 23, 2009, the Commission conditionally approved this Board's application to participate in the CFA Program; and

WHEREAS, this Board subsequently determined that it is appropriate to pursue initially a discrete segment of the Project instead of the entire Project described in the master facilities plan and requested the Commission to honor that request and, consistently with its policy on segmenting plan, to make a determination in favor of proceeding with the Project and grant its conditional approval for a Scope of Project-Segment One for the District; and

WHEREAS, the Commission made a determination in favor of proceeding with that master facilities plan and conditionally approved a Scope of Project-Segment One for the District on March 22, 2010, and the State Controlling Board subsequently approved the Commission's determination and conditional approval; and

WHEREAS, the basic project cost (as defined in Section 3318.01(L) of the Revised Code) of the Project segment with which the Board now proposes to proceed (which segment is a "project" as defined in Section 3318.01(C) of the Revised Code) has been estimated by the Commission to be \$22,162,395, of which the State's portion is estimated to be \$11,081,198 and the School District's portion, as calculated in accordance with Section 3318.032 of the Revised Code, is estimated to be \$11,081,197; and

WHEREAS, the Board has determined to supplement and enhance the Project with certain improvements all of the costs of which must be funded locally by the District (the LFIs); and

WHEREAS, at an election on November 7, 2000, the voters of this School District approved an additional 2.0-mill ad valorem property tax (the Existing Levy) outside the ten-mill limitation for the purpose of general permanent improvements for a continuing period of time pursuant to Section 5705.21 of the Revised Code; and

WHEREAS, this Board has determined that if the question referred to in Section 3 of this resolution is approved by the electors of the District, it will agree to earmark, apply and pledge for the purpose of paying costs of maintaining the classroom facilities that are a part of the Project for the requisite time period that portion of the proceeds of the Existing Levy that is necessary and sufficient to meet the maintenance levy requirements of Chapter 3318 of the Revised Code; and

WHEREAS, pursuant to Section 5705.218 of the Revised Code and as provided in this resolution, this Board has determined to submit to the electors of this School District, at the election to be held on August 3, 2010, a single proposal consisting of the question of (i) issuing bonds for the purpose stated in Section 1 of this resolution (in order to provide funds that are intended to pay the local share of the basic project cost of the Project segment with which the Board now proposes to proceed and the cost of the LFIs), and levying a tax to pay debt charges on such bonds and any securities issued in anticipation thereof, and (ii) levying a tax outside the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements (which may be applied, in part, to the payment of debt service on unvoted general obligation bonds issued to pay part of the local share of the basic project cost of the Project segment with which the Board now proposes to proceed);

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Shelby City School District, Richland County, Ohio, two-thirds ( $\frac{2}{3}$ ) of all members elected thereto concurring, that:

Section 1. Declaration of Necessity of School Facilities Improvement Bonds. This Board finds, determines and declares that it is necessary to issue general obligation bonds of the School District in the aggregate principal amount of \$17,000,000 for the purpose of constructing, adding to, renovating, remodeling, furnishing, equipping and otherwise improving School District buildings and facilities and acquiring, improving and equipping real estate for school purposes (the Bonds), and to levy a tax outside of the ten-mill limitation imposed by Section 2 of Article XII of the Ohio Constitution to pay the debt charges on the Bonds and any anticipatory securities. The approximate date of the Bonds will be October 1, 2010, and it is estimated accordingly that the tax for debt charges will first be levied in 2010 and first be collected in calendar year 2011. The maximum number of years over which the principal of the Bonds may be paid is thirty-five, and the Bonds will bear interest at a rate now estimated at 4.25% per year, payable semiannually.

Section 2. Declaration of Necessity of Tax Levy for General Permanent Improvements. This Board finds, determines and declares that the amount of taxes that may be raised within the ten-mill limitation by levies on the tax list and duplicate will be insufficient to provide an adequate amount for the present and future requirements of the School District, and that it is necessary to levy, for a continuing period of time, an additional 1.0-mill ad valorem property tax outside of the ten-mill limitation to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements, commencing in tax year 2010, for first collection in

**RECORD OF PROCEEDINGS  
SPECIAL MEETING  
MAY 10, 2010**

*Motion 31-10 Continued*

calendar year 2011.

Section 3. Submission of Single Question to the Electors. Pursuant to Section 5705.218 of the Revised Code, the single question of (i) the issuance of the Bonds and levy of the tax to pay debt charges and (ii) the levy of an additional 1.0-mill tax levy to provide funds for the acquisition, construction, enlargement, renovation, and financing of general permanent improvements for a continuing period of time shall be submitted to the electors of the School District at an election to be held in the School District on August 3, 2010.

Section 4. Certification and Delivery of Resolution to County Auditor. The Treasurer of this Board is directed to certify a copy of this resolution to the Richland County Auditor, and, in accordance with Sections 5705.03(B) and 5705.218 of the Revised Code, this Board hereby requests the County Auditor to certify to it (i) the total current tax valuation of the School District, (ii) the estimated average annual property tax levy, expressed in dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, that the County Auditor estimates to be required throughout the stated maturity of the bonds to pay debt charges on the bonds, assuming that they are all issued in one series bearing interest and maturing in substantially equal principal amounts in each year over the maximum number of years over which the principal of the bonds may be paid, both as stated in Section 1, and that the amount of the tax valuation of the School District for the current year (or, if that amount is not determined, the estimated amount of that tax valuation submitted by the County Auditor to the County Budget Commission) remains the same throughout the maturity of the bonds (except as otherwise provided in Section 133.18(C)(2) of the Revised Code providing that, when considering the tangible personal property component of the tax valuation of the School District, the County Auditor shall take into account the assessment percentages prescribed in Section 5711.22 of the Revised Code, and further provides that the Tax Commissioner may issue rules, orders, or instructions directing how the assessment percentages must be utilized) and (iii) the dollar amount of revenue that would be generated annually by the additional 1.0-mill tax levy referred to in Section 2.

Section 5. Consents. This Board hereby confirms that it requested and received the consents of the State Tax Commissioner and the State Superintendent of Public Instruction to the submission of this same question for the election held in the District on May 4, 2010, because the School District's net indebtedness after the issuance of the Bonds would exceed four percent of the total value of all property in the School District as listed and assessed for taxation. In accordance with Section 133.06 of the Revised Code, as amended by H.B. 530 effective March 30, 2006, those consents are valid for the submission of this question at the special election on August 3, 2010, being the next special election following the May 4, 2010 election, and this Board determines that it will submit the question at the election on August 3, 2010 based on those consents and without submitting a request for new consents.

Section 6. Compliance with Open Meeting Requirements. 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 7. Effective Date. This resolution shall be in full force and effect from and immediately upon its adoption.

Mr. Briggs called upon those who had requested the opportunity to speak in item 2.1 as follows:

- Dane Smith, 101 Grayson Court, commented that while he understands the boards previous decision was not made lightly, Shelby Middle School has outlived its' useful life and at some point in the foreseeable future there will be no choice about replacing it. The community has an opportunity for \$11,000,000 in state support to replace the Middle School and that opportunity is now.
- Mark Friebel, Wareham Road, supported Mr. Smith's comments and asked to be the first to donate to a campaign to raise the estimated \$11,200 cost to place the issue on the ballot. Mr. Neff thanked him and all who offered donations.
- Bryan Day, 4279 Shoup Road, presented a 'check' for \$11,200 to the board representing donations received for ballot costs. Mr. Day stressed his respect for the board's earlier decision but asked that it be re-considered in light of the community's support for the issue.

**RECORD OF PROCEEDINGS**  
**Regular Meeting**  
**May 10, 2010**

*Motion 31-10 Continued*

- Kathy Emerson, Grand Boulevard, commented that the eighty-five vote margin by which the issue was defeated in May does not necessarily provide a true representation of the community's wishes. She urged the board to place the issue on the August ballot.

After some further discussion it was noted that a 2/3 majority or four votes would be necessary for passage. Mr. Briggs called for the vote as follows:

Vote Yes; Mr. DeVito, Mr. McLaughlin, Mrs. Nelson, Mrs. White and Mr. Briggs

Joe Gies, BAC Member, asked to speak and was recognized. Mr. Gies distributed a Resolution of Support for the August Ballot issue. He explained the resolution and asked that all present sign a copy and distribute a copy to ten other Shelby voters for signatures. Mrs. White commented on the importance of dedication to this campaign.

**4. Adjournment**

A motion to adjourn was made by Mrs. White at 7:27 p.m. and seconded by Mr. DeVito.

Vote Yes; Mrs. Nelson, Mrs. White, Mr. DeVito, Mr. McLaughlin and Mr. Briggs.

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Bruce Briggs, Board President

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Elizabeth Anatra, Treasurer