

BUSINESS AND FINANCE DIVISION

Report No. 10

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: Resolution for the Propositions for School Transportation Vehicles and Capital Reserve Fund (Revised Proposition II)

DATE: March 1, 2021

REASON FOR BOARD CONSIDERATION:

The Board of Education must approve the placement of propositions to the school voting ballot of the May 18, 2021 Annual Meeting School District Election and Budget Vote.

AND ANALYSIS:

Pursuant to the attached Resolution, Propositions II and III will be placed on the May 18, 2021 school voting ballot of the Ogdensburg City School District's Annual Meeting School District Election and Budget Vote. Subject to approval by the District's qualified voters, the Board of Education hereby grants its preliminary approval for the Acquisition of the School Transportation Vehicles and the Establishment of the Capital Reserve Fund pursuant to Section 3651 of Education Law.

RECOMMENDED ACTION:

Moved by _____ and supported by _____ that, having the recommendation of the Superintendent of Schools, the Board of Education of the Ogdensburg City School District does hereby resolve that the following propositions (as per the attached Resolution) be placed on the ballot for approval by the voters at the Annual Meeting School District Election and Budget Vote to be held on May 18, 2021:

"BE IT FURTHER RESOLVED that the School District Clerk is hereby authorized and directed to publish the notice of the Propositions in accordance with the applicable provisions of Education Law.

APPROVED FOR PRESENTATION TO THE BOARD:



Superintendent

KK/alf
Attachment

**MEETING OF THE BOARD OF EDUCATION OF THE
ENLARGED OGDENSBURG CITY SCHOOL DISTRICT
IN THE COUNTY OF ST. LAWRENCE, NEW YORK
MARCH 1, 2021**

A regular meeting of the Board of Education of the Enlarged Ogdensburg City School District in the County of St. Lawrence, New York was held in the Board Room in the Enlarged Ogdensburg City School District, Ogdensburg, New York on March 1, 2021, at 6:00 o'clock P.M. (Prevailing Time).

There were Board Members present:

Mr. Ronald N. Johnson
Mr. Craig A. Lalonde
Mrs. Pamela J. Luckie
Mr. Lawrence G. Mitchell
Mr. Michael C. Myers
Mrs. Vicky May Peo
Mr. Connor G. Sutton
Mrs. Elizabeth E. Testani
Dr. Laurie J. Zwiefel

and Board Members absent:

Also Present:

Kevin K. Kendall, Superintendent of Schools
Jacquelyn L. Kelly, Assistant Superintendent of Schools
Patricia K. Smithers, Business Manager
Mariah D. Pearson, District Clerk

_____ Offered the motion.

Section 3. The following additional matters are hereby determined and declared:

- (a) Under the Local Finance Law, the period of probable usefulness of the Vehicles is five (5) years;
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. The temporary use of available funds of the District, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the District's General Fund. It is intended that the District shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the District's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the District, payable as to both principal and interest by general tax upon all the taxable real property within the District without limitation of rate or amount. The full faith and credit of the District are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the District of appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year. The bonds may be issued such that annual installments of principal and interest are substantially level, as provided by law.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the District is not authorized to expend money, or

**NOTICE OF SPECIAL SCHOOL DISTRICT MEETING
OF THE VOTERS OF THE
ENLARGED OGDENSBURG CITY SCHOOL DISTRICT**

THE BOARD OF EDUCATION OF THE ENLARGED OGDENSBURG CITY SCHOOL DISTRICT HEREBY GIVES NOTICE that pursuant to a Resolution adopted by the Board of Education of the District on the 1st day of March, 2021, a special meeting of the qualified voters of said School District, County of St. Lawrence, State of New York, will be held in said District, on May 18, 2021, between the hours of 12:00 p.m. and 9:00 p.m. prevailing time, for the purpose of voting upon the following proposition:

PROPOSITION II

Shall the Board of Education purchase twelve (12) student transport vehicles, including, for each, related furnishings and equipment incidental thereto at a total estimated cost not to exceed \$1,300,000, expend therefore a total sum not to exceed \$1,300,000 which is estimated to be the total maximum cost thereof, and pay for such buses by the levy of a tax which is hereby voted and approved in the amount of \$1,300,000 which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Board of Education and in anticipation of the collection of such tax, bonds and notes of the District are hereby authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$1,300,000, which obligations may be issued in excess of the constitutional debt limitation of the School District, and a tax is hereby voted to pay the interest on said obligations when due.

PROPOSITION III

Shall the Board of Education of the Enlarged Ogdensburg City School District, be authorized to establish a new ten-year Capital Reserve Fund pursuant to Section 3651 of the Education Law and fund such reserve in an amount not to exceed \$3,000,000, inclusive of accrued interest and other investment earnings, to be used for renovations and additions to all District facilities, including purchase of equipment, technology upgrades, classroom equipment and/or school infrastructure equipment, site development, athletic fields, storm and sanitary sewer, driveways, and parking lots, such reserve fund to be funded from (i) year-end budget surplus funds known as unassigned fund balance, as available, for the fiscal year ended June 30, 2021 and each fiscal year thereafter for the term of the reserve fund, (ii) transfers of excess monies from Board of Education designated reserves, (iii) amounts from budgetary appropriations from time to time, and (iv) New York State Aid received and made available by the Board of Education from time to time, all as permitted by law.

NOTICE IS GIVEN that voting upon the foregoing Propositions will be by voting machine or paper ballot and will take place on May 18, 2021 between the hours of 12:00 p.m. and 9:00 p.m. prevailing time at the election districts hereinafter described. A description of the boundaries of the school election district is on file and may be inspected in the Main Office of the District, Monday through Friday, 9:00 a.m. through 4:00 p.m..

NOTICE IS FURTHER GIVEN that in-person voting will be conducted in a manner consistent with NYS Department of Health guidelines intended to protect voters and school district personnel and may include the requirements that voters wear masks and maintain proper social distancing.

NOTICE IS FURTHER GIVEN that qualified voters may obtain applications for absentee ballots from the office of the Clerk of the School District. Completed applications for absentee ballots must be received by the District Clerk of the School District no later than 5:00 P.M. prevailing time, on May 17, 2021, and must be received no later than 4:00 P.M., prevailing time, on May 11, 2021 if the absentee ballot is to be mailed to the voter. Completed applications received after 4:00 P.M. on May 11, 2021, will require the voter to personally appear at the Office of the Clerk of the School District to receive an absentee ballot. A listing of all persons to whom an absentee ballot is issued will be available for inspection by any qualified voter during regular business hours in the Office of the Clerk of the School District through May 17, 2021. Qualified voters who do not want to vote in person because of concerns surrounding COVID-19 and public gatherings may also request an absentee ballot on those grounds as provided by law and Executive Order(s) then in effect. Guidance regarding absentee voting due to concerns related to COVID-19 will be published on the School District's website when available and questions may also be directed to the District Clerk at [315-393-0900, ext. 31901] or ahmadmariah@gmail.com.

NOTICE IS FURTHER GIVEN that military voters who are qualified voters of the School District may apply for a military ballot by requesting an application from the District Clerk at [315-393-0900, ext. 31901] or ahmadmariah@gmail.com]. For a military voter to be issued a military ballot, the District Clerk must have received a valid ballot application no later than 4:00 pm on April 22, 2021 [26 days prior to the vote]. In a request for a military ballot application or ballot, the military voter may indicate their preference for receiving the application or ballot by mail, facsimile transmission or electronic mail.

NOTICE IS FURTHER GIVEN that the District Clerk is authorized and directed in the name and on behalf of the District to do all acts and things necessary, following the advice and counsel of the District's School Attorney and the District's Bond Counsel, to comply with all applicable laws, regulations and executive orders relating to the Special Meeting and to do all other acts as may be necessary, or in the opinion of the District's School Attorney and the District's Bond Counsel, desirable or proper to effectuate the purposes of the foregoing Resolution and to cause compliance by the District with all applicable laws, regulations and executive orders relating to the notice of, and procedural steps to be taken in connection with such Special Meeting.

NOTICE IS FURTHER GIVEN, that the proposition set forth on the voting machine label shall appear as follows:

PROPOSITION II

Shall the Board of Education purchase twelve (12) student transport vehicles, including, for each, related furnishings and equipment incidental thereto at a total estimated cost not to exceed \$1,300,000, expend therefore a total sum not to exceed \$1,300,000 which is estimated to be the total maximum cost thereof, and pay for such buses by the levy of a tax which is hereby voted and approved in the amount of \$1,300,000 which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Board of Education and in anticipation of the collection of such tax, bonds and notes of the District are hereby authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$1,300,000, which obligations may be issued in excess of the constitutional debt limitation of the School District, and a tax is hereby voted to pay the interest on said obligations when due.

PROPOSITION III

Shall the Board of Education establish a new ten-year Capital Reserve Fund pursuant to Section 3651 of the Education Law and fund such reserve in an amount not to exceed \$3,000,000, inclusive of accrued interest and other investment earnings, to be used for renovations and additions to all District facilities, including purchase of equipment, technology upgrades, classroom equipment and/or school infrastructure equipment, site development, athletic fields, storm and sanitary sewer, driveways, and parking lots, such reserve fund to be funded from (i) year-end budget surplus funds known as unassigned fund balance, as available, for the fiscal year ended June 30, 2021 and each fiscal year thereafter for the term of the reserve fund, (ii) transfers of excess monies from Board of Education designated reserves, (iii) amounts from budgetary appropriations from time to time, and (iv) New York State Aid received and made available by the Board of Education from time to time, all as permitted by law.

NOTICE IS FURTHER GIVEN that, pursuant to Section 2606 of the Education Law, personal registration of voters is required and no person shall be entitled to vote at said special election whose name does not appear on the register of the election district in which he or she claims to be entitled to vote or who does not register.

NOTICE IS HEREBY FURTHER GIVEN that the place in each election district where said special election will be held, including a description of each Election District, is as follows:

1. At the Edgar A. Newell II, Memorial Golden Dome at Ogdensburg Free Academy, 1100 State Street, Ogdensburg, New York for all voters.

DATED: March 1, 2021

BY ORDER OF THE BOARD OF EDUCATION
Mariah D. Pearson, District Clerk

Section 13. The vote upon the proposition to be submitted to the qualified voters shall be by ballot on voting machines and the District Clerk is hereby authorized and directed to have the necessary ballot labels printed in form corresponding as nearly as may be with the requirements of the Education Law.

Section 14. This Resolution shall take effect upon the conclusion of voting, if approved, at the special meeting scheduled for May 18, 2021.

The motion having been duly moved, the resolution was acted upon by the Board of Education and there were - ____ - votes in favor of the resolution and - ____ - votes against the resolution as follows:

Mr. Ronald N. Johnson	Voting	_____
Mr. Craig A. Lalonde	Voting	_____
Mrs. Pamela J. Luckie	Voting	_____
Mr. Lawrence G. Mitchell	Voting	_____
Mr. Michael C. Myers	Voting	_____
Mrs. Vicky May Peo	Voting	_____
Mr. Connor G. Sutton	Voting	_____
Mrs. Elizabeth E. Testani	Voting	_____
Dr. Laurie J. Zwiefel	Voting	_____

The resolution was declared adopted.

On motion of _____, the meeting was adjourned at ____ p.m. to the call of the President.

State of New York :
:ss.
County of St. Lawrence :

I, the undersigned District Clerk of the Enlarged Ogdensburg City School District, in the County of St. Lawrence, State of New York, **HEREBY CERTIFY:**

That I have compared the annexed extract from the minutes of a meeting of the Board of Education of said School District, including the resolution contained therein, held on March 1, 2021, with the original thereof on file in my office, and that the same is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law) said meeting was open to the general public.

I FURTHER CERTIFY that, prior, to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or Other News Media
Ogdensburg City School District Website

Date Given
7/2/2020

I FURTHER CERTIFY that prior to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice
Superintendent's Office, 1100 State St.
Ogdensburg, New York

Date of Posting
February 26, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and seal and affixed the corporate seal of the Enlarged Ogdensburg City School District, St. Lawrence County, New York, this __ day of March, 2021.

Mariah D. Pearson, District Clerk

[SEAL]