

BOARD OF EDUCATION

MIAMISBURG CITY SCHOOL DISTRICT

TABLE OF CONTENTS FOR REGULAR BOARD MEETING

FEBRUARY 16, 2012

CITY OF MIAMISBURG – COUNCIL CHAMBERS

7:00 P.M.

AGENDA ITEMS

PAGE

1. Pledge Of Allegiance	
2. Roll Call	
3. Adoption Of Agenda.....	1
4. Approval Of Minutes.....	1
5. Approval Of Financial Report.....	1
6. Recognition Of Citizens/Staff/Students.....	1
7. Board Discussion	1
8. Consent Agenda	
A. Approval Of Overnight/Extended Student Trips.....	1
B. Approval For Out-Of-State Travel	1
C. Approval Of Tuition-Free Senior Enrollment	2
9. Approval Of Resolution: Personnel, Classified, Extra-Curricular – Employment.....	2
10. Approval Of Personnel Reports: Certificated/Classified.....	2
11. Employment Of Administrator – Elementary Principal	2
12. Employment Of Administrator – Middle School Assistant Principal	3
13. Acceptance Of Miamisburg Secondary Academy Board Member Resignation	3
14. Appointment Of Board Of Director Member To The Miamisburg Secondary Academy	3
15. Acceptance Of Bid And Awarding Of Contract For Two Bus Bodies And Chassis	3
16. Resolution For Issuance Of Bonds	3-11
17. Approval Of Change Order(s)	12
18. Acceptance of Donations	12
19. Approval for Amendment to the Appropriations and Certificate of Estimated Resources.....	12
20. Approval Of Superintendent’s Retirement	12
21. M.V.C.T.C. News – Board Member Joe Idzakovich	12
22. Report from Legislative Liaison Danielle Kuehnle	12
23. President Will Share District News And Information.....	12
24. Adjournment	

BOARD OF EDUCATION
MIAMISBURG CITY SCHOOL DISTRICT
PROPOSED AGENDA FOR REGULAR BOARD MEETING
FEBRUARY 16, 2012

CITY OF MIAMISBURG – COUNCIL CHAMBERS

7:00 P.M.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. ADOPTION OF AGENDA

4. APPROVAL OF MINUTES

- ◆ Regular Meeting – January 19, 2012
(See Attached Minutes)

5. APPROVAL OF FINANCIAL REPORT – January 31, 2012

(See Attached Report)

6. RECOGNITION OF CITIZENS/STAFF/STUDENTS**

7. BOARD DISCUSSION

- RttT (Race to the Top) Update
- Greg Smith from Energy Optimizers – Energy Audit Presentation
- Kent Cashell from RBC Capital and Rebecca Princehorn from Bricker & Eckler – Issuance of Bonds
- Tom Hathaway – Introduction of Steve Channell, new head football coach

8. APPROVAL OF CONSENT AGENDA – [A-C]

A. APPROVAL OF OVERNIGHT/EXTENDED STUDENT TRIPS

Swimming & Diving Team	-	Competition
Jason Shade		Canton, OH
		Feb. 23-26, 2012

PRIDE Club (MHS & MMS)	-	PRIDE Conference
Jeanne Toadvine		Toledo, OH
		April 3-6, 2012

B. APPROVAL FOR OUT-OF-STATE TRAVEL

Craig Berry	-	National At-Risk Education Network
Kristine Brown		2012 Conference
Chris House		Panama City, Florida
Greg Whitehead		February 21-23, 2012

(Funded through MSA-Miamisburg Secondary Academy)

Steven May
James Toschlog

- National At-Risk Youth Conference
Savannah, GA
March 4-7, 2012

(Funded through MSA-Miamisburg Secondary Academy)

C. APPROVAL OF TUITION-FREE SENIOR ENROLLMENT

It is recommended, by the Superintendent and High School Principal, that the Board of Education approve **Danny Rae Long** for tuition-free enrollment for her senior year. This permission is only granted to a 12th grade student who previously attended Miamisburg High School as a resident pupil during their 11th grade year.

9. APPROVAL OF RESOLUTION: PERSONNEL, CLASSIFIED, EXTRA-CURRICULAR-EMPLOYMENT

RESOLUTION

WHEREAS, the following extra-curricular position(s) has/have been offered to those employees of the district who are licensed individuals and no such employee qualified to fill the position has/have accepted it; and

WHEREAS, the school district has then advertised the position as available to any licensed individual who is qualified to fill it and who is not employed by the Board, and no such person has applied for and accepted the position;

NOW THEREFORE, BE IT RESOLVED that under the provisions of ORC 3313.53, the following position(s) is/are declared available to non-certificated persons who meet standards adopted by the state Board and may be filled for a period of not more than one school year at the same salary/wage offered to certificated persons for the pupil-activity program as indicated:

Destination Imagination Coaches (\$450 each) 13 positions
Head Football Coach (.17)
Reserve Softball Coach (.08)
Head Volleyball Coach (.11)
Varsity Asst. Volleyball Coach (.08)
7th Grade Volleyball Coach (.06)
8th Grade Volleyball Coach (.06)
9th Grade Volleyball Coach (.06)
Intramural Director (\$1,200)

10. APPROVAL OF PERSONNEL REPORTS: CERTIFICATED/CLASSIFIED (EMPLOYMENT IN THE MIAMISBURG CITY SCHOOL DISTRICT IS CONTINGENT UPON THE CANDIDATE SUBMITTING TO AND PASSING A BCII AND FBI CRIMINAL RECORD CHECK IN ACCORDANCE WITH THE OHIO REVISED CODE AND PRE-EMPLOYMENT DRUG SCREENING IN ACCORDANCE WITH ADOPTED BOARD POLICIES.)

(See attached Reports)

11. EMPLOYMENT OF ADMINISTRATOR – ELEMENTARY PRINCIPAL

It is recommended by the Superintendent that **Shannon Ruppert** be awarded a two-year administrative contract with Miamisburg City Schools, effective August 1, 2012 through July 31, 2014. Shannon Ruppert will be assigned to the position of Bear Elementary Principal. [Salary placement – Administrative Salary Schedule: File: GEB-R-1].

12. **EMPLOYMENT OF ADMINISTRATOR – MIDDLE SCHOOL ASSISTANT PRINCIPAL**

It is recommended by the Superintendent that **Nicole Johnson** be awarded a two-year administrative contract with Miamisburg City Schools, effective August 1, 2012 through July 31, 2014. Nicole Johnson will be assigned to the position of Miamisburg Middle School Assistant Principal. [Salary placement – Administrative Salary Schedule: File: GEB-R-1].

13. **ACCEPTANCE OF MIAMISBURG SECONDARY ACADEMY BOARD MEMBER RESIGNATION**

It is recommended that the Board of Education accept the resignation from the following Miamisburg Secondary Academy Board of Directors member: Shauna Brom, Miamisburg Youth Center.

14. **APPOINTMENT OF BOARD OF DIRECTOR MEMBER TO THE MIAMISBURG SECONDARY ACADEMY**

It is recommended that the Board of Education appoint **Chris Amsler** as replacement for Shauna Brom to the Miamisburg Secondary Academy Board of Directors for the remainder of the two-year term thru 07/14/13.

15. **ACCEPTANCE OF BID AND AWARDING OF CONTRACT FOR TWO BUS BODIES AND CHASSIS**

It is recommended by the Superintendent and the Director of Business Services that the Bus Body/Chassis bid conducted by the Southwestern Ohio Cooperative Purchasing Council and meeting Miamisburg City Schools specifications be awarded to Cardinal. Award is for a regular 72 passenger bus and 54 passenger special needs bus. Total award is for \$161,676.00.

16. **RESOLUTION FOR ISSUANCE OF BONDS**

The Treasurer/CFO recommends that the Board of Education approve the following resolution:

**BOARD OF EDUCATION
MIAMISBURG CITY SCHOOL DISTRICT
MONTGOMERY COUNTY, OHIO**

The Board of Education (the "Board") of the Miamisburg City School District, Montgomery County, Ohio (the "School District"), met in regular session on February 16, 2012, at 7:00 p.m., at the City Council Chambers, Miamisburg, Ohio 45342, with the following members present:

M_____. _____ introduced the following resolution and moved its passage:

BOND RESOLUTION

AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$16,100,000 FOR THE PURPOSE OF CONSTRUCTING AND

IMPROVING FACILITIES; EQUIPPING, FURNISHING, AND OTHERWISE IMPROVING THE SAME; ACQUIRING AND INSTALLING TECHNOLOGY FOR THE FOREGOING; AND ACQUIRING REAL ESTATE AND INTERESTS IN REAL ESTATE IN CONNECTION WITH THE FOREGOING; RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND AUTHORIZING AND APPROVING RELATED MATTERS.

WHEREAS, at the election held March 4, 2008, on the proposition of issuing bonds of the School District in the sum of \$78,500,000 for the purpose stated in the title of this Resolution and levying taxes outside the ten-mill limitation to pay the principal of and interest on such bonds, the requisite majority of those voting on the proposition voted in favor thereof; and

WHEREAS, pursuant to such voted authority and a resolution duly passed June 16, 2011, the School District issued its \$16,100,000 School Facilities Construction and Improvement Notes, Series 2011, dated July 19, 2011 (the "Outstanding Notes") in anticipation of the issuance of the Bonds (as defined hereinbelow), which Outstanding Notes will mature on July 19, 2012; and

WHEREAS, the Treasurer of the Board (the "Treasurer") has certified to this Board that the estimated life of the improvements described in the title of this Resolution that are to be financed with the proceeds of said bonds exceeds five years, and the maximum maturity of such bonds is 28 years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$16,100,000 of such Bonds for the purpose described in the title of this Resolution under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE MIAMISBURG CITY SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO THAT:

Section 1. It is hereby declared necessary to issue bonds of the School District for the purpose described in the title of this Resolution in the principal sum of not to exceed \$16,100,000, or such lesser amount as shall be determined by the Treasurer and certified to this Board, which bonds shall be designated as "Miamisburg City School District, Montgomery County, Ohio School Facilities Construction and Improvement Bonds, Series 2012," or as otherwise designated by the Treasurer (the "Bonds"). The Bonds may be issued in one or more series.

Section 2. The Bonds shall be issued as fully registered bonds in such denominations as shall be determined by the Treasurer, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the Treasurer; and shall have such final terms as shall be determined by the Treasurer and set forth in the Certificate of Fiscal Officer provided for in Section 3 herein.

Section 3. The Treasurer is hereby authorized and directed to execute on behalf of the School District a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Resolution, shall be as determined by the Treasurer. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Dates"), the purchase price for the Bonds (which shall be not less than 97% of the aggregate principal amount thereof), the maturity schedule for the Bonds (provided that the maximum maturity date of the Bonds shall not exceed 28 years), the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 7.00% per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Resolution as the Treasurer shall deem appropriate.

Section 4. The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the "Current Interest Bonds") or with interest compounded on each Interest Payment Date but payable only at maturity (the "Capital Appreciation Bonds") in such proportions as shall be set forth in the Certificate of Fiscal Officer. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months. Unless otherwise determined by the Treasurer and set forth in the Certificate of Fiscal Officer, the Current Interest Bonds shall be in the denominations of \$5,000 or any integral multiple thereof, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser (as defined hereinbelow), and each Interest Payment Date thereafter, will equal \$5,000 or any integral multiple thereof at maturity.

Section 5. The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Fiscal Officer. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Current Interest Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select Current Interest Bonds or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected shall be in the amount of \$5,000 or any integral multiple thereof.

The notice of the call for redemption of Current Interest Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of the Current Interest Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice or any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

Section 6. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Resolution. The Bonds shall be executed by the President of the Board (the "President") and by the Treasurer in their official capacities, provided that either or both of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Resolution and is entitled to the security and benefit of this Resolution. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of the Bond Registrar as shall be approved by the Treasurer on behalf of the School District. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

Section 7. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided

for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Treasurer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent (collectively, the "Bond Registrar") for the Bonds or to execute on behalf of the Board a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Treasurer and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Treasurer in such officer's discretion shall determine that it would be in the best interest of the School District for such functions to be performed by another party, the Treasurer may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the School District shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions hereof, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person. Neither the School District nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The School District and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the School District shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. The exchange or transfer shall be without charge to the owner; except that the School District and the Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The School District or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the School District, evidencing the same debt, and entitled to the same benefits under this Resolution, as the Bonds surrendered upon that transfer or exchange.

Section 9. For purposes of this Resolution, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds and to effect transfers of Bonds in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Resolution: (i) there shall be a single Bond of each maturity; (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the School District. Bond service charges on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Resolution.

The Bond Registrar may, with the approval of the School District, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Resolution, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the School District. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the School District. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Resolution.

If requested, the Treasurer or any other officer of this Board is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the School District, an agreement among the School District, the Bond Registrar and a Depository to be delivered in connection with the issuance of the Bonds to such Depository for use in a book entry system.

If any Depository determines not to continue to act as the Depository for the Bonds for use in a book entry system, the School District and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this Resolution. If the School District and the Bond Registrar do not or are unable to do so, the School District and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the School District or the Bond Registrar, of those persons requesting such issuance.

Section 10. There shall be and is hereby levied annually on all the taxable property in the School District, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 11. The Debt Service Levy 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 such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Bonds when and as the same fall due. Notwithstanding the foregoing, if the School District determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the School District shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 12. The Bonds shall be sold at private sale to such purchaser or purchasers (collectively, the "Original Purchaser") as the Treasurer shall designate in the Certificate of Fiscal Officer at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Bonds to the Original Purchaser. The Superintendent of the School District

(the "Superintendent"), the President and the Treasurer, or any of them individually, are authorized and directed to execute on behalf of the Board a Bond Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Bonds are to be sold and delivered, which agreement shall be in such form, not inconsistent with the terms of this Resolution, as the Treasurer shall determine.

The proceeds from the sale of the Bonds, except the premium and accrued interest thereon, shall be used for the purpose aforesaid and for no other purpose. Any accrued interest received from such sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the School District, as permitted by law. Any premium from the sale of the Bonds shall be deposited into the fund or funds specified in the Certificate of Fiscal Officer and shall be used for the proper purposes of such fund or funds.

Section 13. The Board hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Board further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Treasurer, or any other officer of this Board, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Board with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Treasurer, which action shall be in writing and signed by the Treasurer, or any other officer of this Board, on behalf of the Board; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Board as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Board, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Board pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Board regarding compliance by the Board with Sections 141 through 150 of the Code and the Regulations.

The Treasurer shall keep and maintain adequate records pertaining to the use and investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the School District to comply with any federal law or regulation now or hereafter having applicability to the Bonds that relates to the use of such proceeds, which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the School District to rebate arbitrage profits to the United States Department of the Treasury. The Treasurer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

Section 14. The Treasurer, the Superintendent and the President, or any of them individually, are each authorized to make appropriate arrangements, if such officer deems it in the best interest of the School District, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Board for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer.

Section 15. The State Department of Education is hereby requested, pursuant to Ohio Revised Code Section 3317.18, to approve an agreement among the State, the School District, and the Bond Registrar providing for the withholding of deposit of funds otherwise due to the School District under Revised Code Chapter 3317 for the payment of debt charges on the Bonds. The Superintendent, the President, and the Treasurer, or any of them individually, are hereby authorized to prepare and file with the State an application for such approval and to execute and deliver on behalf of the Board any and all documents, certificates, forms and agreements that are in their judgment necessary or appropriate in connection therewith, if such officer deems such agreement to be in the best interest of the School District.

Section 16. The distribution of an Official Statement of the School District, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized if the Treasurer determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Bonds. If the Treasurer so determines, then the Treasurer, Superintendent and President are hereby authorized and directed to negotiate, prepare and execute, on behalf of the School District and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the School District. The Treasurer, the Superintendent and the President are each authorized to execute and deliver, on behalf of the School District and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Section 17. The officer having charge of the minutes of the Board and any other officers of the Board, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Board relating to the power and authority of the School District to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Treasurer and a no-litigation certificate of the President and the Treasurer, and such certified copies and certificates shall be deemed representations of the School District as to the facts stated therein.

Section 18. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the School District have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the School District are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 19. It is hereby found and determined that all formal actions of the Board concerning and relating to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board 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 Ohio Revised Code Section 121.22.

Section 20. The Treasurer is hereby directed to forward a certified copy of this Resolution to the County Auditor of Montgomery County, Ohio.

M____ seconded the motion and, after discussion, a roll call vote was taken and the results were:

Ayes: _____

Nays: _____

The Resolution passed.

Passed: February 16, 2012

**BOARD OF EDUCATION
MIAMISBURG CITY SCHOOL DISTRICT
MONTGOMERY COUNTY, OHIO**

Attest: _____ By: _____
Treasurer President

CERTIFICATE

The undersigned Treasurer of the Board of Education of the Miamisburg City School District, Montgomery County, Ohio, hereby certifies that the foregoing is a true copy of a resolution duly passed by the Board of Education of said School District on February 16, 2012 and that a true copy thereof was certified to the County Auditor of Montgomery County, Ohio.

Treasurer, Board of Education
Miamisburg City School District
Montgomery County, Ohio

**RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS**

I, Karl L. Keith, the duly elected, qualified, and acting County Auditor in and for Montgomery County, Ohio, hereby certify that a certified copy of a resolution duly passed by the Board of Education of the Miamisburg City School District, Montgomery County, Ohio on February 16, 2012, providing for the issuance of general obligation bonds designated "Miamisburg City School District, Montgomery County, Ohio School Facilities Construction and Improvement Bonds, Series 2012," or as otherwise designated by the Treasurer, in the amount of not to exceed \$16,100,000 was filed in this office on _____, 2012.

WITNESS my hand and official seal at Dayton, Ohio _____, 2012.

[SEAL]

County Auditor
Montgomery County, Ohio

17. **APPROVAL OF CHANGE ORDER(S)**

The Treasurer/CFO recommends the Board of Education approve the following:

Kinder Elementary:

Tri-con, Inc. Change Order G-006:

This change order is a decrease of <\$21,406.00> for leaving existing steel lintels in place at the existing window openings. Based on wood lintels found elsewhere it was presumed these lintels were wood as well. Destructive testing was not done to verify these conditions prior to construction. Once found to be steel lintels during construction these lintels were examined by SSOE and its structural engineer and it was determined the lintels could remain in place.

(See Attachment)

18. **ACCEPTANCE OF DONATIONS**

It is recommended that the Board accept the following list of donations. All monies will be used through each school's 018 account unless indicated otherwise.

- \$1,000.00 from Dyer, Garofalo, Mann & Schultz to Medlar View to be used to support the Medlar View art program.
- \$118.00 from the Miamisburg Basketball Association to Medlar View to be used to support Medlar View's physical education program.
- \$1,000.00 from Dyer, Garofalo, Mann & Schultz to Mark Twain from the Tiger Safety Calendar Contest to be used for non-consumable art supplies.

19. **AUTHORIZATION FOR AMENDMENT TO THE APPROPRIATIONS AND CERTIFICATE OF ESTIMATED RESOURCES**

It is recommended by the CFO that the Appropriations and Certificate of Estimated Resources be amended as listed in the attached reports.

(See attached Reports)

20. **APPROVAL OF SUPERINTENDENT'S RETIREMENT**

It is recommended by the Board President to accept and approve the retirement of Mr. Greg Whitehead as Superintendent of Miamisburg City Schools, effective July 1, 2012.

21. **M.V.C.T.C. NEWS – BOARD MEMBER JOE IDZAKOVICH**

22. **REPORT FROM LEGISLATIVE LIAISON DANIELLE KUEHNLE**

23. **PRESIDENT WILL SHARE DISTRICT NEWS AND INFORMATION**

24. **ADJOURN**

**All visitors who may have concerns, and have not asked in advance to be placed on the agenda, may bring their concerns and/or questions to the Board of Education at this point of the meeting. Please state your name, address and what organization you represent. A maximum of 30 minutes of public participation may be permitted at each meeting.