

Regular Meeting 10/14/2024

Board President Debbie Drummond called this regular meeting to order at 5:00 P.M.

Ms. Drummond led the reciting of the Pledge of Allegiance.

The following members answered roll call: Ms. Debbie Drummond, Ms. Becky Gannon, and Mr. Brady Harrison.

Ms. Jessica Bryant and Mr. Bryan Mulkey, Board Members, were not present.

No motion or second were given as the opening roll call is not commonly a resolution.

At this time, Ms. Shelley James and Mr. Tyson Marlowe, with Enrollment Management Services (EMS), presented the Board with an alternate health insurance opt-out plan to consider. Ms. James was physically present at the meeting, while Mr. Marlowe joined virtually. Ms. James and Mr. Marlowe spoke and fielded questions from the Board from 5:01 – 6:15 P.M.

At this time, Ms. Ellen Adkins, Superintendent, updated the Board on the following items:

- Updated Job Descriptions (district-wide).
- Advertising/donations pledged towards the purchase of new high school gymnasium scoreboards.
- Roof replacement RFP submittals received.
- Possible purchase of a new wheelchair-accessible school bus.
- Invitation to an upcoming District Leadership Team (DLT) meeting.
- Senate Bill 313 regarding a wearable panic alert system and the possible purchase of said system.
- Possible administrative retreat (July 22-25, 2025).
- Invitation to participate in the upcoming Village of Coal Grove “Trunk or Treat” at Paul Porter Park.

2024-215 ON THE RECOMMENDATION OF THE SUPERINTENDENT, RESOLUTION TO ADOPT JOB DESCRIPTIONS FOR ALL POSITIONS DISTRICT-WIDE. COPIES OF THE NEWLY ADOPTED JOB DESCRIPTIONS SHALL REMAIN ON FILE IN THE OFFICE OF THE SUPERINTENDENT.

Ms. Gannon moved to adopt resolution 2024-215. Mr. Harrison seconded the motion. All members voted yes.

2024-216 ON THE RECOMMENDATION OF THE SUPERINTENDENT, RESOLUTION TO ACCEPT DONATIONS FROM THE FOLLOWING INDIVIDUALS/BUSINESSES:

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|------------------------|-----------------------|------------|
| SHAWN/DEANNA HOLLIDAY | HOLLIDAY FAMILY GROUP | \$5,000.00 |
| CLINTON/LAURYN MEADOWS | SKYOX | \$5,000.00 |
| CODY GOOL | GENERATIONS PROPANE | \$5,000.00 |

SAID DONATIONS SHALL BE DEPOSITED BY THE TREASURER INTO THE PERMANENT IMPROVEMENT FUND (003-9003) AND WILL BE USED TO PARTIALLY COVER THE COST OF THE CAPITAL IMPROVEMENTS AS DETAILED BELOW.

RESOLUTION ALSO APPROVES AN AGREEMENT BETWEEN THE DAWSON-BRYANT LOCAL SCHOOL DISTRICT BOARD OF EDUCATION AND THE INDIVIDUALS/BUSINESSES LISTED ABOVE. THE PURPOSE OF THE AGREEMENT IS TO DEFINE THE OBLIGATIONS OF ALL PARTIES WITH RESPECT TO THE PROPOSED CAPITAL PROJECT TO IMPROVE AND ENHANCE THE HIGH SCHOOL GYMNASIUM SCOREBOARDS AS DETAILED BELOW. EXECUTED COPIES OF SAID AGREEMENT SHALL REMAIN ON FILE IN THE OFFICE OF THE TREASURER.

THE BOARD AGREES TO PROFESSIONALLY DESIGN AND CONSTRUCT NEW SCOREBOARDS AT THE DAWSON-BRYANT HIGH SCHOOL GYMNASIUM LOCATED AT #1 HORNET LANE IN COAL GROVE, OHIO. SAID SCOREBOARDS WILL RECOGNIZE THE INDIVIDUALS/BUSINESSES FOR THEIR FINANCIAL SUPPORT BY INCORPORATING THE INDIVIDUAL/BUSINESS NAME INTO THE DESIGN. THE INDIVIDUALS/BUSINESSES WILL HAVE INPUT ON HOW THIS WILL BE DONE. THIS WORK IS ANTICIPATED TO BE COMPLETED IN THE FALL OF 2024, BARRING ANY UNFORESEEN CIRCUMSTANCES.

SAID SCOREBOARDS SHALL BE PURCHASED FROM DAKTRONICS, INC. AND INSTALLED BY MATT WESTERFIELD, AT AN APPROXIMATE TOTAL COST OF \$37,046.00 (\$29,746.00 SCOREBOARDS/\$7,300.00 LABOR AND INSTALLATION). SAID EXPENSE SHALL BE CHARGED BY THE TREASURER TO THE PERMANENT IMPROVEMENT FUND (003-9003). THE ABOVEMENTIONED EXPENSE WAS NOT COMPETITIVELY BID AS IT IS NOT SUBJECT TO OHIO REVISED CODE (ORC) 3313.46 OR APPLICABLE TO BOARD POLICY 6320.

Mr. Harrison moved to adopt resolution 2024-216. Ms. Drummond seconded the motion. All members voted yes.

2024-217 THE SUPERINTENDENT REQUESTS THE BOARD RATIFY THE AGREEMENT WITH THOROUGHbred CONSTRUCTION GROUP, LLC (THE "CONTRACTOR") FOR THE 2024 ROOF REPAIR AND REPLACEMENT PROJECT (THE "PROJECT").

RATIONALE:

1. THE DISTRICT IDENTIFIED A NEED FOR THE PROJECT AND DETERMINED THAT COMPETITIVE BIDDING WAS IMPRACTICAL FOR PROCUREMENT OF THE WORK.
2. THE DISTRICT IS A MEMBER OF THE INCOMPLIANCE CONSULTING NATIONAL PURCHASING CONSORTIUM ("ICNPC"), WHICH IS A NATIONAL ASSOCIATION OF POLITICAL SUBDIVISIONS.

3. OHIO REVISED CODE SECTION 9.48 AUTHORIZES BOARDS OF EDUCATION, AS POLITICAL SUBDIVISIONS, TO PARTICIPATE IN JOINT PURCHASING PROGRAMS OPERATED BY OR THROUGH A NATIONAL OR STATE ASSOCIATION OF POLITICAL SUBDIVISIONS IN WHICH THE PURCHASING POLITICAL SUBDIVISION IS ELIGIBLE FOR MEMBERSHIP.
4. PURSUANT TO ATTORNEY GENERAL OPINION 2024-003, OHIO REVISED CODE SECTION 9.48 ALLOWS A BOARD OF EDUCATION TO PROCURE INSTALLATION, MAINTENANCE, AND REPAIR SERVICES THROUGH A JOINT PURCHASING PROGRAM WITH THE PROCUREMENT BEING EXEMPT FROM ANY COMPETITIVE BIDDING REQUIREMENTS.
5. THE PROJECT IS FOR INSTALLATION, MAINTENANCE, AND REPAIR SERVICES.
6. THE CONTRACTOR SUBMITTED A PRICING PROPOSAL IN ACCORDANCE WITH ITS CONSORTIUM AGREEMENT WITH ICNPC FOR THE PROJECT IN THE AMOUNT OF \$1,898,964. ("PROPOSAL").
7. IN ORDER TO MOVE THE PROJECT FORWARD, AN AGREEMENT WAS NEGOTIATED WITH THE CONTRACTOR IN THE AMOUNT OF \$1,898,964 AND EXECUTED BY THE SUPERINTENDENT, TREASURER, AND BOARD PRESIDENT (THE "AGREEMENT").
8. THE SUPERINTENDENT RECOMMENDS RATIFYING THE AGREEMENT WITH THE CONTRACTOR FOR THE PROJECT IN THE AMOUNT OF \$1,898,964 ("CONTRACT SUM").
9. THE SUPERINTENDENT ALSO REQUESTS AUTHORITY FOR THE SUPERINTENDENT AND TREASURER TO ENTER CHANGE ORDERS ON BEHALF OF THE BOARD IN A TOTAL AMOUNT NOT TO EXCEED 10% OF THE CONTRACT SUM. CHANGE ORDERS IN EXCESS OF THAT AGGREGATE AMOUNT WILL BE BROUGHT TO THE BOARD FOR ITS APPROVAL.

THE BOARD OF EDUCATION RESOLVES AS FOLLOWS:

1. THE BOARD ACKNOWLEDGES THAT COMPETITIVE BIDDING WAS IMPRACTICAL FOR PROCUREMENT OF THE WORK AND THAT THE PROPOSAL IS EXEMPT FROM COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO OHIO REVISED CODE SECTION 9.48.
2. THE BOARD RATIFIES THE SELECTION OF CONTRACTOR FOR THE PROJECT AND RATIFIES THE AGREEMENT EXECUTED BY THE SUPERINTENDENT, TREASURER, AND BOARD PRESIDENT WITH THE CONTRACTOR.

3. THE BOARD ALSO AUTHORIZES THE SUPERINTENDENT AND TREASURER TO ENTER CHANGE ORDERS ON BEHALF OF THE BOARD IN A TOTAL AMOUNT NOT TO EXCEED 10% OF THE CONTRACT SUM. CHANGE ORDERS IN EXCESS OF THAT AGGREGATE AMOUNT WILL BE BROUGHT TO THE BOARD FOR ITS APPROVAL.

Ms. Drummond moved to adopt resolution 2024-217. Ms. Gannon seconded the motion. All members voted yes.

2024-218 ON THE RECOMMENDATION OF THE SUPERINTENDENT, RESOLUTION AUTHORIZING THE TREASURER TO FORMALLY ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE NEW WHEELCHAIR-ACCESSIBLE SCHOOL BUS. ALL BID DOCUMENTS SHALL BE KEPT ON FILE IN THE OFFICE OF THE TREASURER.

Mr. Harrison moved to adopt resolution 2024-218. Ms. Drummond seconded the motion. All members voted yes.

2024-219 ON THE RECOMMENDATION OF THE SUPERINTENDENT, RESOLUTION AUTHORIZING THE PURCHASE OF A WEARABLE PANIC ALERT SYSTEM (DISTRICT-WIDE) FROM CENTEGIX OF ATLANTA, GA. THE COST OF SAID SYSTEM IS \$25,350.00/YEAR, WITH AN ADDITIONAL ONE-TIME SETUP FEE OF \$28,950.00.

Mr. Harrison moved to adopt 2024-219. Ms. Drummond seconded the motion. All members voted yes.

2024-220 ON THE RECOMMENDATION OF THE SUPERINTENDENT, RESOLUTION AUTHORIZING THE SUPERINTENDENT TO HOLD AND DIRECT A FUTURE ADMINISTRATIVE RETREAT. SAID RETREAT IS ANTICIPATED TO TAKE PLACE JULY 22-25, 2025.

Ms. Gannon moved to adopt resolution 2024-220. Mr. Harrison seconded the motion. All members voted yes.

At this time, Mr. Bradley Miller, Treasurer, updated the Board on the following items:

- September 2024 month-end financial reports.
- Potential financing of roof and HVAC replacement projects at all three school district buildings.
- Potential new Funds/Special Cost Centers needed to account for both the lease purchase debt service and the capital project expenses, as they relate to the potential roof and HVAC replacement projects at all three school district buildings.
- Request for Proposal (RFP) for electric service through the META Solutions purchasing consortium.
- High School classroom addition construction progress.

2024-221 ON THE RECOMMENDATION OF THE TREASURER, RESOLUTION APPROVING THE FOLLOWING FINANCIAL STATEMENTS FROM THE TREASURER FOR SEPTEMBER 2024: CASH RECONCILIATION AS OF 9/30/24, SUMMARY OF ALL FUND/SPECIAL

COST CENTER BALANCES, ACCOUNTS PAYABLE CHECKS, RECEIPTS, BANK STATEMENTS, COMPARISONS OF GENERAL AND GRANT FUNDS BUDGET VERSUS ACTUAL, AND A DETAILED LISTING OF ALL CURRENT INVESTMENTS. IT IS UNDERSTOOD THAT ADDITIONAL DETAILED FINANCIAL DOCUMENTS ARE ON FILE FOR PUBLIC INSPECTION IN THE OFFICE OF THE TREASURER.

Mr. Harrison moved to adopt resolution 2024-221. Ms. Gannon seconded the motion. All members voted yes.

2024-222 ON THE RECOMMENDATION OF THE TREASURER, RESOLUTION AUTHORIZING THE BOARD OF EDUCATION OF THE DAWSON-BRYANT LOCAL SCHOOL DISTRICT TO ENTER INTO A BASE LEASE OF SCHOOL DISTRICT LAND AND FACILITIES, AND A LEASE OF THE SAME BACK TO THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT, FOR THE PURPOSE OF CONSTRUCTING, IMPROVING, FURNISHING AND EQUIPPING SCHOOL FACILITIES WITH, INCLUDING WITHOUT LIMITATION, ROOF REPLACEMENTS, HVAC SYSTEM UPGRADES, AND OTHER ENERGY CONSERVATION IMPROVEMENTS; AND APPROVING THE EXECUTION OF A BASE LEASE AND LEASE-PURCHASE AGREEMENT AND OTHER DOCUMENTS RELATING THERETO; AND APPROVING RELATED MATTERS.

WHEREAS, OHIO REVISED CODE (THE "REVISED CODE") SECTION 3313.375 PROVIDES THAT THE BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY ENTER INTO A LEASE-PURCHASE AGREEMENT PROVIDING FOR THE CONSTRUCTION, ENLARGING OR OTHER IMPROVEMENT, FURNISHING, AND EQUIPPING OF FACILITIES OR IMPROVEMENTS TO FACILITIES FOR ANY SCHOOL DISTRICT PURPOSE, AND, IN CONJUNCTION THEREWITH, MAY GRANT A LEASE FOR LAND OR FACILITIES UNDER THE BOARD'S CONTROL FOR A SERIES OF ONE-YEAR RENEWABLE LEASE TERMS TOTALING NOT MORE THAN THE NUMBER OF YEARS EQUIVALENT TO THE USEFUL LIFE OF THE ASSET AND IN NO EVENT MORE THAN 30 YEARS; AND

WHEREAS, REVISED CODE SECTION 3313.375 FURTHER PROVIDES THAT THE OBLIGATIONS OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT UNDER SUCH A LEASE-PURCHASE TRANSACTION SHALL NOT BE CONSTRUED AS NET INDEBTEDNESS OF THAT SCHOOL DISTRICT PURSUANT TO REVISED CODE SECTION 133.06; AND

WHEREAS, THE BOARD HAS DETERMINED THAT IT IS ADVISABLE AND IN THE BEST INTEREST OF THE SCHOOL DISTRICT TO CONSTRUCT, IMPROVE, FURNISH AND EQUIP SCHOOL FACILITIES WITH, INCLUDING WITHOUT LIMITATION, ROOF REPLACEMENTS, HVAC SYSTEM UPGRADES, AND OTHER ENERGY CONSERVATION IMPROVEMENTS (COLLECTIVELY, THE "PROJECT"); AND

WHEREAS, IT WILL BE NECESSARY FOR THE BOARD TO ENTER INTO A LEASE-PURCHASE TRANSACTION IN ACCORDANCE WITH THE PROVISIONS OF REVISED CODE SECTION 3313.375 IN ORDER TO PROVIDE FINANCING FOR THE PROJECT,

AND THE BOARD HAS DETERMINED THAT IT IS ADVISABLE TO ENTER INTO A BASE LEASE AND LEASE-PURCHASE AGREEMENT (THE "AGREEMENT") AND SUCH OTHER DOCUMENTS AS ARE NECESSARY TO EFFECTUATE THIS LEASE-PURCHASE TRANSACTION IN ACCORDANCE WITH REVISED CODE SECTION 3313.375 AND THE LAWS OF THE STATE OF OHIO; AND

WHEREAS, THE ESTIMATED COST OF THE PROJECT WILL NOT EXCEED \$3,100,000;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE DAWSON-BRYANT LOCAL SCHOOL DISTRICT, LAWRENCE COUNTY, OHIO, THAT:

1. IT IS HEREBY DETERMINED TO BE NECESSARY AND IN THE BEST INTEREST OF THE INHABITANTS OF THE SCHOOL DISTRICT, AND THE BOARD HEREBY AGREES TO ENTER INTO A LEASE-PURCHASE ARRANGEMENT WITH SUCH LESSOR (THE "LESSOR") AS SHALL PROVIDE THE MOST ADVANTAGEOUS TERMS FOR FINANCING THE PROJECT AS SHALL BE DETERMINED BY THE TREASURER OF THE BOARD (THE "TREASURER") ON BEHALF OF THE BOARD.
2. THE BOARD SHALL CONVEY TO THE LESSOR A BASE LEASEHOLD INTEREST IN CERTAIN REAL PROPERTY AND EXISTING IMPROVEMENTS THEREON (THE "PROJECT SITE") PURSUANT TO THE AGREEMENT, WHICH CONVEYANCE SHALL CONFORM TO THE REQUIREMENTS OF REVISED CODE SECTION 3313.375. THE TERM OF THE BASE LEASEHOLD INTEREST SHALL BE FOR SUCH LENGTH AS DETERMINED BY THE TREASURER AND REPORTED TO THIS BOARD, BUT SUCH TERM SHALL NOT EXCEED THE DATE THAT IS FIVE YEARS BEYOND THE FINAL RENEWAL TERM OF THE LEASEHOLD INTEREST IN THE PROJECT FACILITIES (AS DEFINED HEREINBELOW) GRANTED BY THE LESSOR TO THE BOARD AS DESCRIBED IN SECTION 3 BELOW. RENTAL PAYMENTS, IF ANY, DUE UNDER THE AGREEMENT FOR THE BASE LEASEHOLD INTEREST SHALL BE IN SUCH AMOUNT AS DETERMINED BY THE TREASURER.
3. THE BOARD SHALL LEASE THE FACILITIES LOCATED ON THE PROJECT SITE, AS SUCH FACILITIES WILL BE IMPROVED BY THE PROJECT PURSUANT TO THE AGREEMENT (THE "PROJECT FACILITIES," AS SUCH PROJECT FACILITIES SHALL BE FURTHER DESCRIBED AND DEFINED IN THE AGREEMENT), FROM THE LESSOR PURSUANT TO THE AGREEMENT. UNLESS OTHERWISE DETERMINED BY THE TREASURER, A PORTION OF THE PROJECT FINANCED PURSUANT TO THE PLAN OF LEASE-PURCHASE FINANCING DESCRIBED IN THIS RESOLUTION WILL BE INSTALLED AND EQUIPPED ON OTHER PROPERTIES AND BUILDINGS OWNED BY THE SCHOOL DISTRICT THAT WILL NOT BE INCLUDED WITHIN THE PROJECT SITE AND/OR THE PROJECT FACILITIES DESCRIBED IN THE AGREEMENT BUT THAT WILL NONETHELESS BE FINANCED WITH PROCEEDS FROM THE AGREEMENT.

THE AGREEMENT SHALL PROVIDE, AMONG OTHER THINGS, FOR PAYMENTS (THE "RENT") FROM THE BOARD TO THE LESSOR. RENT SHALL BE PAYABLE IN PERIODIC INSTALLMENTS OVER THE TERM OF THE AGREEMENT, IN SUCH AMOUNTS AND AT SUCH TIMES AS SHALL BE DETERMINED BY THE TREASURER AND REPORTED TO THIS BOARD, PROVIDED THAT THE PRINCIPAL COMPONENT OF ALL RENT PAYMENTS DUE UNDER THE AGREEMENT SHALL NOT EXCEED \$3,100,000. THE TERM OF THE AGREEMENT SHALL BE FOR AN INITIAL TERM AND SUCH ONE-YEAR (OR PARTIAL-YEAR FOR THE FINAL RENEWAL TERM, IF APPLICABLE) RENEWAL TERMS AS SHALL BE DETERMINED BY THE TREASURER AND REPORTED TO THIS BOARD; PROVIDED, HOWEVER, THAT THE SUM OF THE INITIAL TERM AND ALL RENEWAL TERMS MAY NOT EXCEED THE NUMBER OF YEARS EQUIVALENT TO THE USEFUL LIFE OF THE PROJECT AS DETERMINED BY THE TREASURER AND IN NO EVENT MORE THAN 30 YEARS. THE AGREEMENT SHALL PROVIDE FOR TERMINATION IN THE EVENT THE BOARD FAILS TO APPROPRIATE FUNDS ADEQUATE TO PAY RENT DUE WITH RESPECT TO ANY RENEWAL TERM.

4. THE PRESIDENT OF THE BOARD (THE "PRESIDENT"), THE TREASURER, THE SUPERINTENDENT OF THE SCHOOL DISTRICT, AND ANY OTHER OFFICER OF THIS BOARD ARE HEREBY AUTHORIZED AND DIRECTED TO TAKE SUCH ACTION AS MAY BE IN THEIR DISCRETION NECESSARY OR APPROPRIATE IN ORDER TO CARRY OUT THE INTENT OF THIS RESOLUTION, INCLUDING WITHOUT LIMITATION: (I) HIRING SUCH PROFESSIONALS AND/OR CONSULTANTS AS MAY BE NEEDED TO FACILITATE ENTERING INTO THE AGREEMENT AND THE FINANCING AND COMPLETION OF THE PROJECT; (II) EXECUTING AND DELIVERING ON BEHALF OF THE BOARD THE AGREEMENT AND SUCH ADDITIONAL INSTRUMENTS, AGREEMENTS, CERTIFICATES, AND OTHER DOCUMENTS AS MAY BE IN THEIR DISCRETION NECESSARY OR APPROPRIATE TO CARRY OUT THE INTENT OF THIS RESOLUTION. SUCH DOCUMENTS, INCLUDING THE AGREEMENT, SHALL BE IN A FORM SUBSTANTIALLY CONSISTENT WITH THE TERMS OF THIS RESOLUTION, AS SUCH OFFICERS IN THEIR DISCRETION SHALL DEEM NECESSARY OR APPROPRIATE. NOTWITHSTANDING ANY OTHER PROVISION CONTAINED HEREIN, THE LEASEHOLD INTERESTS DESCRIBED IN SECTIONS 2 AND 3 OF THIS RESOLUTION MAY BE SEPARATELY CONVEYED THROUGH TWO DIFFERENT LEASES IF THE TREASURER DETERMINES THAT IT WOULD BE ADVANTAGEOUS IN ORDER TO CARRY OUT THE INTENT OF THIS RESOLUTION, AND, IN SUCH SITUATION, REFERENCES TO THE AGREEMENT IN THIS RESOLUTION SHALL BE INTERPRETED ACCORDINGLY.
5. THE BOARD AGREES TO EXECUTE AND PERFORM THE AGREEMENT IN ACCORDANCE WITH ITS TERMS. THE BOARD AGREES TO COMPLY WITH THE TERMS AND CONDITIONS OF ANY ADDITIONAL INSTRUMENTS, AGREEMENTS, CERTIFICATES, AND OTHER DOCUMENTS RELATING TO THE

AGREEMENT AS SHALL BE DEEMED, BY THE TREASURER OR THE PRESIDENT, IN THEIR DISCRETION, NECESSARY OR APPROPRIATE IN CONNECTION WITH THE FINANCING DESCRIBED IN THIS RESOLUTION.

6. NOTHING IN THE AGREEMENT OR ANY RELATED INSTRUMENTS, AGREEMENTS, CERTIFICATES, AND OTHER DOCUMENTS SHALL CONSTITUTE OR BE CONSTRUED OR DEEMED TO CONSTITUTE A DEBT OR BONDED INDEBTEDNESS OR A GENERAL OBLIGATION OF THE SCHOOL DISTRICT, THE BOARD, OR ANY AGENCY OF THE SCHOOL DISTRICT. NEITHER THE TAXING POWER NOR THE FULL FAITH AND CREDIT OF THE SCHOOL DISTRICT ARE PLEDGED OR SHALL BE PLEDGED FOR THE PAYMENT OR SECURITY OF THE AGREEMENT OR ANY OTHER RELATED INSTRUMENTS, AGREEMENTS, CERTIFICATES, AND OTHER DOCUMENTS.
7. THE TREASURER MAY DETERMINE TO ISSUE ANY PORTION OF THE AGREEMENT AS OBLIGATIONS THAT THE INTEREST THEREON IS EXCLUDED FROM THE HOLDERS' GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES, AND THE FOLLOWING PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH PORTION OF THE AGREEMENT AND THE INTEREST PORTION OF THE RENT THEREON:

THE BOARD HEREBY COVENANTS THAT IT WILL COMPLY WITH ALL EXISTING AND FUTURE LAWS APPLICABLE TO THE EXEMPTION OF INTEREST PORTION OF THE RENT DUE ON THE AGREEMENT FROM FEDERAL INCOME TAXATION. THE BOARD FURTHER COVENANTS THAT IT WILL RESTRICT THE USE OF THE PROCEEDS OF THE AGREEMENT IN SUCH MANNER AND TO SUCH EXTENT, IF ANY, AS MAY BE NECESSARY, AFTER TAKING INTO ACCOUNT REASONABLE EXPECTATIONS AT THE TIME THE AGREEMENT IS EXECUTED, SO THAT IT WILL NOT CONSTITUTE AN ARBITRAGE BOND UNDER SECTION 148 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), AND THE REGULATIONS PRESCRIBED THEREUNDER (THE "REGULATIONS").

THE TREASURER 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 AGREEMENT 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 AGREEMENT 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, 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 AND THE SCHOOL DISTRICT, AS MAY BE APPROPRIATE TO ASSURE THE STATUS OF THE AGREEMENT AS TAX-EXEMPT OBLIGATIONS; 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, AS APPLICABLE.

THE TREASURER SHALL CAUSE TO BE KEPT AND MAINTAINED ADEQUATE RECORDS PERTAINING TO INVESTMENT OF ALL PROCEEDS OF THE AGREEMENT SUFFICIENT TO PERMIT, TO THE MAXIMUM EXTENT POSSIBLE AND PRESENTLY FORESEEABLE, THE BOARD AND THE SCHOOL DISTRICT TO COMPLY WITH ANY FEDERAL LAW OR REGULATION NOW OR HEREAFTER HAVING APPLICABILITY TO THE AGREEMENT WHICH LIMITS THE AMOUNT OF AGREEMENT PROCEEDS WHICH MAY BE INVESTED AT AN UNRESTRICTED YIELD OR REQUIRES THE BOARD AND 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 AGREEMENT REQUIRES ANY SUCH REPORTS OR REBATES.

8. THE BOARD HEREBY APPROVES OF THE APPOINTMENT OF THE LAW FIRM OF BRICKER GRAYDON LLP TO SERVE AS LEGAL COUNSEL TO THE SCHOOL DISTRICT WITH RESPECT TO THE LEASE-PURCHASE TRANSACTION DESCRIBED HEREIN. THE FEE TO BE PAID TO SUCH FIRM SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE TREASURER AND SHALL NOT EXCEED THE FEE CUSTOMARILY CHARGED FOR SUCH SERVICES.
9. ALL PROCEEDS RECEIVED BY THE SCHOOL DISTRICT FROM THE LESSOR ARE HEREBY APPROPRIATED FOR THE PAYMENT OF THE COSTS OF THE PROJECT AND FOR THE PAYMENT OF FEES RELATED TO THE FINANCING OF THE PROJECT PURSUANT TO THE AGREEMENT AND AS SET FORTH IN THIS RESOLUTION, WHICH FEES MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FEES OF BRICKER GRAYDON LLP, AS LEGAL COUNSEL, ANY FEES OF THE

LESSOR (INCLUDING LEGAL FEES OF COUNSEL TO THE LESSOR), LIEN SEARCHING FEES, AND RECORDING FEES.

THERE IS FURTHER APPROPRIATED, FROM UNAPPROPRIATED FUNDS TO BE DEPOSITED OR CURRENTLY ON DEPOSIT IN THE GENERAL FUND AND/OR THE PERMANENT IMPROVEMENT FUND OF THE SCHOOL DISTRICT, A SUM NOT TO EXCEED \$350,000 TO PAY THE COST OF RENT DUE OR COMING DUE UNDER THE AGREEMENT FOR ITS INITIAL LEASE TERM ENDING ON JUNE 30, 2025.

10. IT IS HEREBY FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS 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 REVISED CODE SECTION 121.22.

Ms. Gannon moved to adopt resolution 2024-222. Ms. Drummond seconded the motion. All members voted yes.

2024-223 ON THE RECOMMENDATION OF THE TREASURER, RESOLUTION AUTHORIZING THE TREASURER TO CREATE FUNDS/SPECIAL COST CENTERS "LEASE PURCHASE 2024 DEBT SERVICE FUND" (002-9924) AND "HVAC/ROOF REPLACEMENT FUND" (003-9924) TO ACCOUNT FOR BOTH THE LEASE PURCHASE DEBT SERVICE AND THE CAPITAL PROJECT EXPENSES RELATED TO THE POTENTIAL ROOF AND HVAC REPLACEMENT PROJECTS AT ALL THREE SCHOOL DISTRICT BUILDINGS.

Ms. Drummond moved to adopt resolution 2024-223. Mr. Harrison seconded the motion. All members voted yes.

2024-224 ON THE RECOMMENDATION OF THE TREASURER, RESOLUTION AUTHORIZING META (METROPOLITAN EDUCATIONAL TECHNOLOGY ASSOCIATION), ACTING JOINTLY AS A MEMBER OF THE OHIO SCHOOL CONSORTIUM ("CONSORTIUM")¹, TO ISSUE A REQUEST FOR PROPOSAL FOR THE PURCHASE OF COMPETITIVE RETAIL ELECTRIC SERVICE FROM THE LOWEST AND BEST BIDDER SUBMITTED TO THE CONSORTIUM AND AUTHORIZING THE BOARD TO PURCHASE COMPETITIVE RETAIL ELECTRIC SERVICE FROM SUCH BIDDER.

WHEREAS, THE SCHOOL DISTRICT IS A MEMBER OF META (METROPOLITAN EDUCATIONAL TECHNOLOGY ASSOCIATION), A BODY AUTHORIZED BY STATE STATUTE TO AGGREGATE THE PURCHASING NEEDS OF SCHOOLS AND OF RELATED NONPROFIT EDUCATIONAL ENTITIES SO AS TO TAKE ADVANTAGE OF

¹ The members of the Consortium for retail electric service procurement are the Metropolitan Educational Technology Association, the Ohio Mid-Eastern Regional Education Service Agency, the Stark County Schools Council of Governments, Columbus City Schools, and South-Western City Schools.

ECONOMIES OF SCALE WHEN PURCHASING ESSENTIAL PRODUCTS AND SERVICES;

WHEREAS, IN PRIOR YEARS, META (METROPOLITAN EDUCATIONAL TECHNOLOGY ASSOCIATION) HAS JOINED WITH OTHER SCHOOL DISTRICTS AND EDUCATIONAL PURCHASING COUNCILS, ACTING JOINTLY AS A MEMBER OF THE CONSORTIUM, TO CONDUCT A REQUEST FOR PROPOSAL ("RFP") FOR COMPETITIVE ELECTRIC SERVICE;

WHEREAS, THROUGH PRIOR RFP PROCESSES, THE CONSORTIUM HAS SELECTED THE LOWEST AND BEST BIDS SUBMITTED IN RESPONSE TO RFPS; AND THE SCHOOL DISTRICT HAS PREVIOUSLY ELECTED TO ENTER INTO A MASTER SUPPLY AGREEMENT WITH THE LOWEST AND BEST BIDDER FOR COMPETITIVE RETAIL ELECTRIC SERVICE FOR ALL OF THE SCHOOL DISTRICT'S ELECTRIC SUPPLY;

WHEREAS, THE CONSORTIUM INTENDS TO ISSUE A NEW RFP FOR COMPETITIVE RETAIL ELECTRIC SERVICE COMMENCING ON OR ABOUT THE METER READ DATE OF THE JULY 2025 BILLING CYCLE WITH AN INITIAL CONTRACT TERM OF TWO (2) OR THREE (3) YEARS, AND THE OPTION TO EXTEND THE CONTRACT FOR ADDITIONAL PERIODS AGREED TO BY THE PARTIES FOR A TOTAL CONTRACT TERM NOT TO EXCEED FIVE (5) YEARS;

WHEREAS, THE SCHOOL DISTRICT WISHES TO PARTICIPATE IN THIS UPCOMING RFP PROCESS AND POTENTIALLY EXECUTE A MASTER SERVICE AGREEMENT WITH THE LOWEST AND BEST RFP BIDDER; AND

WHEREAS, THE SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE WILL REVIEW THE LOWEST AND BEST BID AND CORRESPONDING TERMS WHEN THE RFP IS CONCLUDED AND DETERMINE WHETHER THE RFP RESULTED IN THE LOWEST AND BEST BID FOR COMPETITIVE RETAIL ELECTRIC SERVICE FOR ALL OF THE SCHOOL DISTRICT'S ELECTRIC SUPPLY.

NOW, THEREFORE, BE IT RESOLVED BY DAWSON-BRYANT LOCAL SCHOOL DISTRICT, COUNTY OF LAWRENCE, STATE OF OHIO, AS FOLLOWS:

SECTION 1. THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT DOES HEREBY CONSENT, AS A MEMBER OF THE META (METROPOLITAN EDUCATIONAL TECHNOLOGY ASSOCIATION), TO THE CONDUCTING OF AN RFP PROCESS BY THE CONSORTIUM FOR COMPETITIVE RETAIL ELECTRIC SERVICE COMMENCING ON OR ABOUT THE METER READ DATE OF THE JULY 2025 BILLING CYCLE WITH AN INITIAL CONTRACT TERM OF TWO (2) OR THREE (3) YEARS, AND THE OPTION TO EXTEND THE CONTRACT FOR ADDITIONAL PERIODS AGREED TO BY THE PARTIES FOR A TOTAL CONTRACT TERM NOT TO EXCEED FIVE (5) YEARS.

SECTION 2. THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT DOES HEREBY AUTHORIZE THE SUPERINTENDENT OR THE SUPERINTENDENT'S

DESIGNEE TO EXECUTE A MASTER SUPPLY AGREEMENT BETWEEN THE SCHOOL DISTRICT AND THE LOWEST AND BEST BIDDER IN THE RFP SO LONG AS THE SUPERINTENDENT OR THEIR APPOINTEE FINDS THAT THE PRICE REFLECTS THE RESULTS OF A PUBLIC AND COMPETITIVE RFP PROCESS.

SECTION 3. THE BOARD OF EDUCATION HEREBY DIRECTS THE TREASURER TO DETERMINE IF THE SCHOOL DISTRICT HAS SUFFICIENT FUNDS TO CERTIFY THIS RESOLUTION AND, IF THE TREASURER SO FINDS, TO CERTIFY THIS RESOLUTION.

Mr. Harrison moved to adopt resolution 2024-224. Ms. Drummond seconded the motion. All members voted yes.

2024-225 RESOLUTION TO ENTER INTO AN EXECUTIVE SESSION TO CONSIDER THE EMPLOYMENT AND COMPENSATION OF PUBLIC EMPLOYEES, AS WELL AS TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES.

Mr. Harrison moved to adopt resolution 2024-225. Ms. Gannon seconded the motion. All members voted yes.

The time was 7:02 P.M.

Ms. Ellen Adkins, Superintendent, and Mr. Bradley Miller, Treasurer, were invited into executive session at 7:02 P.M.

The Board came out of executive session at 7:40 P.M. with all members present.

2024-226 ON THE RECOMMENDATION OF THE SUPERINTENDENT, RESOLUTION TO EMPLOY ALICIA FRALEY AS A LONG-TERM SUBSTITUTE TEACHER, AT A RATE OF \$130.00/DAY, FOR THE 2024-2025 SCHOOL YEAR. THE JOB DESCRIPTION FOR THIS NEWLY CREATED POSITION SHALL REMAIN ON FILE IN THE OFFICE OF THE SUPERINTENDENT. THIS PORTION OF THE RESOLUTION IS RETROACTIVE TO OCTOBER 7, 2024.

ON THE RECOMMENDATION OF THE SUPERINTENDENT, RESOLUTION ALSO EMPLOYS GINA SEXTON AS A SUBSTITUTE TEACHER, AT A RATE OF \$90.00/DAY, FOR THE 2024-2025 SCHOOL YEAR.

ON THE RECOMMENDATION OF THE SUPERINTENDENT, RESOLUTION ALSO EMPLOYS BARB MOORE EICHER AS A SUBSTITUTE/PART-TIME/AS-NEEDED AIDE, AT A RATE OF \$12.50/HOUR, FOR THE 2024-2025 SCHOOL YEAR, PENDING COMPLETION AND SUBMISSION OF ALL NECESSARY PAPERWORK.

Ms. Gannon moved to adopt resolution 2024-226. Mr. Harrison seconded the motion. All members voted yes.

Ms. Drummond moved to adjourn. Ms. Gannon seconded the motion. All members voted yes.

The time was 7:45 P.M.

The next meeting is scheduled for Thursday, November 7, 2024, at 5:00 P.M., at the Dawson-Bryant Board of Education office.