

**EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF EDUCATION OF
UNIFIED SCHOOL DISTRICT NO. 407,
RUSSELL COUNTY, KANSAS (RUSSELL)
HELD ON DECEMBER 10, 2018**

The Board of Education (the "Board") met in regular session at 5:00 P.M. The President presided, and the following members of the Board were present:

Raeleen Reinhardt, Kevin Ochs, Char Sohm, Matt Nichols, Andrea Krug Krauss, Duane Adams

The following members of the Board were absent: Jon Quinday

A Resolution was presented entitled:

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A BOND ELECTION IN UNIFIED SCHOOL DISTRICT NO. 407, RUSSELL COUNTY, KANSAS (RUSSELL) FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS OF THE DISTRICT; AUTHORIZING APPLICATION TO THE STATE BOARD OF EDUCATION FOR THE AUTHORITY TO CALL THE BOND ELECTION AND FOR CAPITAL IMPROVEMENT STATE AID; AND PROVIDING FOR THE GIVING OF NOTICE OF THE BOND ELECTION.

Member Matt Nichols moved that the Resolution be adopted. The motion was seconded by Member Andrea Krug Krauss. The Resolution was read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the Board as follows:

Yea: 6 _____.

Nay: 0 _____.

The President declared the Resolution duly adopted and the Resolution was then numbered Resolution No. 51-074 and was signed by the President and attested by the Clerk. The Clerk was further directed to take all action necessary to proceed with calling the bond election in the manner prescribed by law.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Board of Education of Unified School District No. 407, Russell County, Kansas (Russell) held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

/s/ Jane Cline, Clerk

RESOLUTION NO. 51-074

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CALLING OF A BOND ELECTION IN UNIFIED SCHOOL DISTRICT NO. 407, RUSSELL COUNTY, KANSAS (RUSSELL) FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS OF THE DISTRICT; AUTHORIZING APPLICATION TO THE STATE BOARD OF EDUCATION FOR THE AUTHORITY TO CALL THE BOND ELECTION AND FOR CAPITAL IMPROVEMENT STATE AID; AND PROVIDING FOR THE GIVING OF NOTICE OF THE BOND ELECTION.

WHEREAS, K.S.A. 72-5457 authorizes the board of education of any unified school district to determine it necessary to purchase or improve a site or sites, or to acquire, construct, equip, furnish, repair, remodel or make additions to any building or buildings used for school district purposes and to issue general obligation bonds of the district to pay the costs thereof provided that the question of issuing such general obligation bonds is submitted to the electors of the district and a majority of the electors voting on such proposition authorizes the issuance of the general obligation bonds; and

WHEREAS, the Board of Education (the "Board") of Unified School District No. 407, Russell County, Kansas (Russell) (the "District"), deems it advisable to authorize and provide for the calling of a bond election in the District for the purpose of submitting to the qualified electors of the District the question of issuing general obligation bonds of the District to pay the costs of certain school building improvements; and

WHEREAS, it is deemed advisable to hold such election in accordance with the mail ballot election law (K.S.A. 25-431 *et seq.*); and

WHEREAS, K.S.A. 72-5458 *et seq.*, as amended, provides in substance that the District may apply to the State Board of Education for authority to call and hold an election to authorize the issuance of bonds of the District in excess of the amount which the District may issue under the provisions of K.S.A. 72-5457, for the purposes set forth therein; and

WHEREAS, K.S.A. 72-5462 provides that prior to such bond election the District shall apply to the State Board of Education in order to be eligible for future potential capital improvement state aid payments on such bonds, and the Board deems it advisable to make such application; and

WHEREAS, in order to authorize such general obligation bonds, it is deemed advisable to call a bond election in the District to be held on April 23, 2019.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF UNIFIED SCHOOL DISTRICT NO. 407, RUSSELL COUNTY, KANSAS (RUSSELL):

Section 1. It is hereby deemed necessary and advisable to: (a) construct, furnish and equip electrical and HVAC improvements, updates and upgrades, (b) construct, furnish and equip new classrooms at Simpson Elementary School, (c) construct, furnish and equip improvements, updates and

upgrades related to ADA accessibility, and (d) make all other necessary improvements appurtenant thereto (the “Project”), at an estimated cost of \$17,500,000.

Section 2. In order to pay the costs of the Project, it is necessary to issue general obligation bonds (the “Bonds”) of the District in an amount not to exceed \$17,500,000. The Bonds shall be issued if a majority of the qualified electors of the District voting on the proposition shall vote in favor thereof at a bond election to be held in the District for that purpose.

Section 3. It is hereby authorized, ordered and directed that a bond election shall be and is hereby called to be held in the District on April 23, 2019, and will be established by action of the Board after approval thereof by the State Board of Education (the “Election”), at which time there shall be submitted to the qualified electors of the District the following proposition:

Shall the following be adopted?

Shall Unified School District No. 407, Russell County, Kansas (Russell), issue general obligation bonds in an amount not to exceed \$17,500,000, to pay the costs to: (a) construct, furnish and equip electrical and HVAC improvements, updates and upgrades, (b) construct, furnish and equip new classrooms at Simpson Elementary School, (c) construct, furnish and equip improvements, updates and upgrades related to ADA accessibility, and (d) make all other necessary improvements appurtenant thereto; all pursuant to the provisions of K.S.A. 10-101 *et seq.*, K.S.A. 25-431 *et seq.*, K.S.A. 25-2018(f), and K.S.A. 72-5457, and K.S.A. 72-5458 *et seq.*?

Section 4. The vote at the Election, if approved by the State Board of Education, shall be by mail ballot, and the proposition stated above shall be printed on the ballot, together with voting instructions as provided by law. The Bonds authorized by the Election may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

Section 5. The County Clerk shall give notice of the Election as provided by law by publishing a Notice of Bond Election in substantially the form attached hereto as **Exhibit A** once each week for two (2) consecutive weeks in a newspaper of general circulation in the District, with the first publication to be not less than twenty-one (21) days prior to the date of the bond election, and the last publication being not more than forty-five (45) days prior to the date of the Election.

Section 6. Prior to submitting the proposition to the electors of the District, the Board shall apply to the State Board of Education for authority to issue the Bonds in excess of the statutory limitation on bonded debt applicable to the District (the “Debt Limit”) and to call and hold an election to issue the Bonds in excess of the Debt Limit. The Board shall also apply to the State Board of Education for future potential capital improvement state aid payments on the Bonds. Notice of filing the application with the State Board of Education shall be given to the electors of the District by publication one time in a newspaper of general circulation in the District as provided by law.

Section 7. The Board hereby elects to omit the mandatory contract provisions prescribed by the Kansas Department of Administration in form DA-146a, as amended, from any contract relating to services rendered in connection with the authorization and issuance of the Bonds, from any contract for the sale of any of the Bonds, and from any contracts for or related to the investment of the proceeds of the Bonds, provided, however that this election does not authorize the omission from any such contract the provisions of K.S.A. 72-1146 or 72-1147, as amended.

Section 8. This Resolution shall take effect and be in full force from and after its adoption by the Board.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED AND APPROVED by the Board of Education of Unified School District No. 407, Russell County, Kansas (Russell), on December 10, 2018.

(Seal)
ATTEST:

/s/ Raeleen Reinhardt, President

/s/ Jane Cline, Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 51-074 of Unified School District No. 407, Russell County, Kansas (Russell) adopted by the Board of Education on December 10, 2018 as the same appears of record in my office.

DATED: December 10, 2018.

/s/ Jane Cline, Clerk

BEFORE THE KANSAS STATE BOARD OF EDUCATION

IN THE MATTER OF THE ISSUANCE OF BONDS IN EXCESS OF THE GENERAL BOND DEBT LIMITATION BY UNIFIED SCHOOL DISTRICT NO. 407, RUSSELL COUNTY, KANSAS (RUSSELL) AND REQUESTING CAPITAL IMPROVEMENT STATE AID PAYMENTS FOR SUCH BONDS

APPLICATION UNDER K.S.A. 72-5458 *ET SEQ.*, AS AMENDED, FOR PERMISSION TO VOTE AND ISSUE BONDS IN AN AGGREGATE AMOUNT EXCEEDING THE DISTRICT'S GENERAL BOND DEBT LIMITATION UNDER K.S.A. 72-5457 AND REQUESTING CAPITAL IMPROVEMENT STATE AID PAYMENTS FOR SUCH BONDS.

The Board of Education (the "Board") of Unified School District No. 407, Russell County, Kansas (Russell) (the "District"), pursuant to K.S.A. 72-5458 *et seq.*, as amended, hereby makes application for permission to call an election for the purpose of permitting the electors of such District to vote on the question of issuing general obligation bonds (the "Bonds") in an aggregate amount exceeding the limitation prescribed in K.S.A. 72-5457, for the purpose or purposes stated herein, and authorizing capital improvement State aid payments for such Bonds.

The aggregate amount of bonds which the District can issue without authority from the State Board of Education (the "State Board") is approximately \$11,026,586, calculated by multiplying the District's 2018 Assessed Valuation (\$78,761,329) by 14%. The District has no existing bonded indebtedness. The amount of Bonds proposed to be issued is \$17,500,000. Therefore, if the Bonds are issued, the District's bond indebtedness will be approximately \$17,500,000. This exceeds the District's general limitation by approximately \$6,473,414.

The Bonds are to be issued for the purpose of providing funds to pay the costs to: (a) construct, furnish and equip electrical and HVAC improvements, updates and upgrades, (b) construct, furnish and equip new classrooms at Simpson Elementary School, (c) construct, furnish and equip improvements, updates and upgrades related to ADA accessibility, and (d) make all other necessary improvements appurtenant thereto (the "Project"), at an estimated cost of \$17,500,000.

The Board has caused a Notice of its intention to file this application to be published in the form prescribed by the State Board, and an affidavit evidencing the publication of said Notice is attached hereto and made a part hereof.

The Board requests that the State Board issue an order authorizing the Board to call an election for the purpose of permitting the electors of the District to vote on the question of issuing the Bonds in an aggregate amount exceeding the limitation prescribed in K.S.A. 72-5457, and authorizing capital improvement State aid payments for the Bonds for the purpose or purposes stated herein.

Dated: December 10, 2018.

**BOARD OF EDUCATION
UNIFIED SCHOOL DISTRICT NO. 407,
RUSSELL COUNTY, KANSAS (RUSSELL)**

/s/ Raeleen Reinhardt, President

ATTEST:

/s/ Jane Cline, Clerk

(Published in *The Russell County News* on December 13, 2018)

**NOTICE
OF INTENT TO FILE AN APPLICATION FOR PERMISSION
TO VOTE AND ISSUE SCHOOL BONDS IN EXCESS OF
THE DISTRICT'S GENERAL BOND DEBT LIMITATION**

To the Electors of Unified School District No. 407, Russell County, Kansas (Russell):

You are hereby notified that the Board of Education (the "Board"), of Unified School District No. 407, Russell County, Kansas (Russell) (the "District"), will make and file its application with the State Board of Education, Topeka, Kansas, together with proof of publication of this Notice, for permission to vote general obligation bonds (the "Bonds") in excess of the District's general bond debt limitation for the purpose of providing funds to pay the estimated \$17,500,000 costs to: (a) construct, furnish and equip electrical and HVAC improvements, updates and upgrades, (b) construct, furnish and equip new classrooms at Simpson Elementary School, (c) construct, furnish and equip improvements, updates and upgrades related to ADA accessibility, and (d) make all other necessary improvements appurtenant thereto (the "Project"). The costs of the Project will be payable from proceeds of the Bonds in an amount not to exceed \$17,500,000.

The application will be filed pursuant to a resolution adopted by the Board on December 10, 2018, under the authority of K.S.A. 72-5458 *et seq.*, as amended.

Dated: December 10, 2018.

**BOARD OF EDUCATION
UNIFIED SCHOOL DISTRICT NO. 407,
RUSSELL COUNTY, KANSAS (RUSSELL)**

By: /s/ Raeleen Reinhardt, President

ATTEST:

/s/ Jane Cline, Clerk