

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

DATE: December 4, 2023

A Meeting of the Board of Education (the "Board") of the Enlarged Ogdensburg City School District (the "District") held at the Ogdensburg Free Academy Cafeteria B, 1100 State Street, Ogdensburg, New York, on December 4, 2023, at 6:00 o'clock P.M. (Prevailing Time).

Board Members Present:

Ronald N. Johnson, President
Craig A. Lalonde, Vice President
Renee C. Grizzuto
Pamela J. Luckie
Angela D. McRoberts
Michael C. Myers
Vicky May Peo
Connor G. Sutton
Elizabeth E. Testani

Board Members Absent:

Others Present:

Kevin K. Kendall, Superintendent of Schools
Mariah D. Pearson, District Clerk

_____ offered the motion.

BOND RESOLUTION OF THE ENLARGED OGDENSBURG CITY SCHOOL DISTRICT, ST. LAWRENCE COUNTY, NEW YORK, ADOPTED THE 4TH DAY OF DECEMBER, 2023 GIVING PRELIMINARY APPROVAL TO (I) A CAPITAL IMPROVEMENT PROJECT AT A TOTAL ESTIMATED COST NOT TO EXCEED \$65,500,000, (II) AUTHORIZING A VOTE OF THE DISTRICT'S QUALIFIED VOTERS TO APPROVE THE PROJECT AND (II) AUTHORIZING THE ISSUANCE AND SALE OF SERIAL BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$61,500,000.

RECITAL

WHEREAS, the Board of Education of the Enlarged Ogdensburg City School District (the "District") has proposed a project consisting of reconstruction, renovations and improvements to the John F. Kennedy Elementary School, Ogdensburg Free Academy and the Golden Dome, and renovations, improvements and an addition to the Grant C. Madill Elementary School, acquisition of approximately 28 acres of land on NYS Rt. 37 across from the Ogdensburg Free Academy and the construction thereon of a new transportation facility, all of the foregoing to include construction, reconstruction, renovations, alterations, grading and site work, parking, athletic field and facility improvements, original furnishings, fixtures, equipment, machinery and apparatus required for such purposes, architectural fees, and all other necessary costs incidental to such work (the "Project"); and

WHEREAS, the District is a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"); and

WHEREAS, the District's Board of Education reviewed the impact of the Project upon the environment, as required by the Regulations, and concluded by resolution adopted on December 4, 2023 that the Project is a Type I Action as defined in SEQRA that will not have any significant adverse impacts on the environment and issued a negative declaration; and

NOW, THEREFORE BE IT RESOLVED, THIS 4TH DAY OF DECEMBER 2023 BY THE BOARD OF EDUCATION OF THE DISTRICT, (by favorable vote of not less than three-fifths of all the members of said Board of Education) AS FOLLOWS:

Section 1. Subject to approval by the District's qualified voters and the completion of all regulatory requirements, the Board of Education hereby grants its preliminary approval to the Project and the expenditure therefore of an amount, including preliminary costs and costs incidental thereto and to financing thereof, not to exceed the estimated maximum cost of \$65,500,000, and said amount is hereby appropriated therefor. The estimated total cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$65,500,000 and the plan of financing includes using \$1,500,000 from the Capital Reserve approved

by the District voters on May 18, 2021 and \$2,500,000 from the Capital Reserve approved by the District Voters on May 17, 2022, any available EXCEL aid and, for the balance of the project costs, the levy of a tax in installments upon all the taxable real property of the District to the extent necessary for such purposes and, in anticipation of such tax, the issuance of bonds and bond anticipation notes are hereby authorized in the principal amount not to exceed \$61,500,000, together with the levy of a tax to pay the interest on said obligations subject to applicable amounts of state assistance available or to any revenues available for such purpose from any other source.

Section 2. Bonds and bond anticipation notes of the District are hereby authorized to be issued pursuant to the provisions of the Local Finance Law of the State of New York (the "Local Finance Law"), in a principal amount not to exceed \$61,500,000 to finance said appropriation for the Project.

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

(a) Under the Local Finance Law, the period of probable usefulness of the Project is thirty (30) 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;

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years; and

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.

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
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. As permitted by Section 56.00 of the Local Finance Law, the power to issue and sell the bonds and any notes issued in anticipation thereof, including all powers or duties pertaining or incidental thereto, is hereby delegated to the President of the Board of Education, as Chief Fiscal Officer, except as herein provided. The bonds shall be of such terms, form and contents as may be determined by the Chief Fiscal Officer, pursuant to the Local Finance Law. The Chief Fiscal Officer is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent and provisions hereof.

Section 8. The full faith and credit of the District is hereby irrevocably pledged for the payment of the principal of and interest on the bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years, and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 9. Trespasz & Marquardt, LLP is appointed bond counsel to the District for the Project.

Section 10. A Special Meeting of the qualified voters of the Enlarged Ogdensburg City School District, County St. Lawrence, State of New York, will be held on January 23, 2024, from 12:00 P.M. to 9:00 P.M., prevailing time at the District's election district polling places as set forth in the Notice of Special District Meeting, for the purpose of voting on the proposition described in the Notice of Special District Meeting hereinafter set forth.

Section 11. The business to be acted upon at said Special District Meeting shall be as stated in the Notice thereof, and the District Clerk is hereby authorized and directed to cause the Notice of said Special Meeting to be published in the Watertown Daily Times and North Country This Week/North Country Now, newspapers having general circulation within the District, such publications to be made four (4) times in said newspapers within the seven (7) weeks next preceding such Special District Meeting, the first publication to be at least forty-five (45) days prior to the date of said Special District Meeting. The District Clerk is further authorized to cause publication of all other notices as necessary to effect the purposes and intent of this resolution and, upon the advice of school counsel, to make such changes and edits to this resolution as are advisable to accomplish the purposes set forth herein.

Section 12. Said Special District Meeting shall be called by giving the following notice thereof:

**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 December 4, 2023, 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 January 23, 2024, between the hours of 12:00 P.M. and 9:00 P.M. prevailing times, for the purpose of voting upon the following proposition:

PROPOSITION

Shall the Bond Resolution adopted by the Board of Education authorizing a project consisting of reconstruction, renovations and improvements to the John F. Kennedy Elementary School, Ogdensburg Free Academy and the Golden Dome, and renovations, improvements and an addition to the Grant C. Madill Elementary School, acquisition of approximately 28 acres of land on NYS Rt. 37 across from the Ogdensburg Free Academy and the construction thereon of a new transportation facility, all of the foregoing to include construction, reconstruction, renovations, alterations, grading and site work, parking, athletic field and facility improvements, original furnishings, fixtures, equipment, machinery and apparatus required for such purposes, architectural fees, and all other necessary costs incidental to such work at a total estimated cost not to exceed \$65,500,000 and to pay such costs by using \$1,500,000 from the Capital Reserve approved by the District voters on May 18, 2021 and \$2,500,000 from the Capital Reserve approved by the District Voters on May 17, 2022, any available EXCEL aid and, for the balance of the project costs, by the levy of a tax in installments upon all the taxable real property of the District and, in anticipation of such tax, the issuance of bonds and bond anticipation notes in the principal amount not to exceed \$61,500,000 and the levy of a tax to pay the interest on said obligations be approved?

NOTICE IS GIVEN that voting upon the foregoing Proposition will be by voting machine or paper ballot and will take place on January 23, 2024, between the hours of 12:00 P.M. and 9:00 P.M. prevailing time at the District's election district polling places hereinafter described. A description of the boundaries of the school election districts is on file and may be inspected in the Business Office of the District, Monday through Friday, 8:00 A.M. through 4:00 P.M.

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. Voter Registration will be held on January 9, 2024 at Ogdensburg Free Academy in the front entrance from 12:00 P.M. – 8:00 P.M.

NOTICE IS FURTHER GIVEN that qualified voters of the District may obtain applications for an absentee ballot from the office of the Clerk of the District. Completed applications must be received by the Clerk of the District no later than 4:00 p.m. on

January 22, 2024 and must be received no later than 4:00 p.m. on January 16, 2024, if the absentee ballot is to be mailed to the voter. Completed applications received after 4:00 p.m. on January 16, 2024, will require the voter to personally appear at the office of the Clerk of the 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 in the office of the Clerk of the District between the hours of 9:00 a.m. and 4:00 p.m. during each of the 5 days business days prior to the election.

NOTICE IS FURTHER GIVEN that military ballots may be applied for by qualified voters by requesting an application from the District Clerk at (315) 393-0900 or rachel.barr@ogdensburgk12.org. Completed applications for military ballots must be received by the District Clerk no later than 4:00 p.m. on December 29, 2023. 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. An individual will qualify as a military voter if he or she (1) is a qualified voter of the State of New York, who is in actual military service, and by reason of such military service is absent from the District on the day of the election, or is a voter who is discharged from military service within 30 days of an election; or (2) a spouse, parent, child, or dependent of such service member who is a qualified voter and is absent due to accompanying or being with the military service member.

DATED: December 4, 2023

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

Section 13. The vote upon the propositions to be submitted to the qualified voters shall be by voting machine or paper ballot and the District Clerk is hereby authorized and directed to have the necessary ballots 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 on January 23, 2024, if it is approved, at the special meeting on January 23, 2024.

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:

	Voting
Ronald N. Johnson, President	_____
Craig A. Lalonde, Vice President	_____
Renee C. Grizzuto	_____
Pamela J. Luckie	_____
Angela D. McRoberts	_____
Michael C. Myers	_____
Vicky May Peo	_____
Connor G. Sutton	_____
Elizabeth E. Testani	_____

The resolution was declared adopted.

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 December 4, 2023, 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	Date Given
<i>The Watertown Daily Times</i>	12/9/23 & 12/27/23
<i>North Country This Week/North Country Now</i>	12/15/23 & 1/12/24

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	Date of Posting
District Website	12/5/23

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 December ___, 2023.

**_____
Mariah D. Pearson, District Clerk**

APPROVED FOR PRESENTATION TO THE BOARD:



Superintendent

KK/rb