

RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A LINE OF
CREDIT AGREEMENT WITH A FINANCIAL INSTITUTION

BE IT RESOLVED, ISD 709 Duluth Public Schools, Minnesota (the District), as follows:

WHEREAS, the Minnesota Department of Education will be withholding planned aid payments to the District scheduled for March 15, March 30, and April 15, 2010, and

WHEREAS, the District is authorized to enter into a line of credit agreement (the Agreement) with a financial institution, pursuant to Minnesota Statutes, Section 123B.12(b);

WHEREAS, the District has negotiated and reached a tentative Agreement, subject to Board approval and Bank acceptance, with Associated Bank N.A., in Green Bay, Wisconsin; and

WHEREAS, the Board desires to enter into the Agreement with the Bank;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. Upon the effective date of this resolution, the District hereby agrees to enter into the Agreement with the Bank and, thereby, establish a revolving line of credit (the Line) with the Bank whereby the Bank will advance funds to the District. The Agreement shall have a term not exceeding five years.
2. The amount advanced in any fiscal year under the Line will not exceed ninety-five percent (95%) of the District's average expenditure per month of operating expenditures in the previous fiscal year.
3. Each advance under the Line will be repaid no later than forty-five (45) days after the day of advancement with interest on the outstanding principal amount at an interest rate not exceeding 2.95% per annum.
4. The Director of Business Services or a designee selected by the Director of Business Services is directed to prepare, or have prepared, and execute such documents as may be necessary to comply with the above paragraphs or any other requirements for the Agreement.
5. The amounts advanced under the Line are not designated as "Qualified Tax Exempt Obligations" for the purposes of Section 265 of the Internal Revenue Code of 1986, as amended.
6. This resolution shall be effective upon receipt by the Director of Business Services on behalf of the Board of written acceptance of its terms by an authorized official of the Bank, and thereafter shall constitute the terms of the Agreement.

ACCEPTANCE STATEMENT

The Bank has received and agrees to be bound by the terms and conditions of the resolution of the Independent School District No. 709 Duluth, Minnesota (the District) authorizing the District to enter into a Line of Credit Agreement with a financial institution pursuant to Minnesota Statutes, Section 123B.12(b), and the resolution included therein is a full, true and correct copy of the original thereof. The officer executing this Acceptance Statement is authorized to sign on behalf of the Bank. The Bank understands that the interest on the amounts advanced shall be taxable and that the amounts advanced have not been designated as “Qualified Tax-Exempt Obligations” for purposes of Section 265 of the Internal Revenue Code of 1986, as amended.

Date: _____, 20____.

Name of Bank

Signature of Bank Official

Title of Bank Official