

**RESOLUTION RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS AND AUTHORIZING A CAPITAL PROJECT
LEVY OF THE SCHOOL DISTRICT AND CALLING AN ELECTION
THEREON**

BE IT RESOLVED, by the School Board (the “Board”) of Independent School District No. 709 (Duluth), St. Louis County, Minnesota (the “District”) as follows:

Section 1. Findings.

A. The Board has proposed to issue its general obligation bonds in an amount not to exceed \$21,800,000 for the purpose of providing funds to refinance, for general fund operational savings, the District’s Refunding Certificates of Participation, Series 2019A, dated May 29, 2019, and Refunding Certificates of Participation, Series 2021B, both of which financed improvements to and equipment for the District’s facilities throughout the District. The question on the borrowing of funds for these purposes shall be Question #1 on the District ballot at the Special Election, as hereinafter defined.

B. The Board determines and declares that it is necessary and expedient to authorize a capital project levy of 4.687% times the net tax capacity of the District. The proposed capital project levy authorization will raise approximately \$5,290,455.87 for taxes payable in 2024, the first year it is to be levied, and would be authorized for ten years. The estimated total cost of the projects to be funded over that time period is approximately \$52,904,558.70. The additional revenue from the proposed capital project levy authorization will provide funds for the acquisition, installation, replacement, support and maintenance of software, software licenses, computers, improved technology equipment, networks, infrastructure and costs of technology related personnel and training. The question on the authorization of the capital project levy shall be Question #2 on the District ballot at the Special Election.

C. As the portion of the projects described in Section 1A. above were subject to the Commissioner of Education’s Review and Comment in 2007, no additional Review and Comment is required by the Commissioner of Education for issuance of the proposed general obligation bonds.

Section 2. Approval of the Questions. A. The questions for issuing the Bonds and authorizing the capital project levy shall be submitted to the qualified voters of the District at a special election, which is hereby called and directed to be held in conjunction with the School District’s General Election to be held on Tuesday, November 7, 2023 (the “Special Election”). Such questions shall be substantially in the following form:

SCHOOL DISTRICT BALLOT QUESTION #1

APPROVAL OF SCHOOL DISTRICT BOND REFERENDUM

- YES Shall Independent School District No. 709 (Duluth) be authorized to issue its general obligation bonds in an amount not to exceed \$21,800,000 to provide funds to refinance, for general fund operational savings, the District’s Refunding Certificates of Participation, Series 2019A, dated May 29, 2019, and Refunding Certificates of Participation, Series 2021B, dated March 9, 2021 both of which financed improvements to and equipment for the District’s facilities throughout the District?
- NO

BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.

SCHOOL DISTRICT BALLOT QUESTION #2

APPROVAL OF SCHOOL DISTRICT’S CAPITAL PROJECT LEVY REFERENDUM

The School Board of Independent School District No. 709 (Duluth) has proposed a capital project levy authorization of 4.687% times the net tax capacity of the School District. The proposed capital project levy authorization will raise approximately \$5,290,455.87 for taxes payable in 2024, the first year it is to be levied, and would be authorized for ten years. The estimated total cost of the projects to be funded over that time period is approximately \$52,904,558.70. The additional revenue from the proposed capital project levy authorization will provide funds for the acquisition, installation, replacement, support and maintenance of software, software licenses, computers, improved technology equipment, networks, infrastructure and costs of technology related personnel and training.

- YES Shall the capital project levy proposed by the Board of Independent School District No. 709 (Duluth) be approved?
- NO

BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.

B. In the event of approval of Question #1 by a majority of the electors voting thereon, the Board may, by resolution or resolutions, provide for the issuance, sale and delivery of the Bonds, and shall fix the precise maturities and other terms and conditions of the Bonds and

prescribe the form thereof and sell the Bonds in the manner and at such time or times as shall be deemed in the interest of the District.

C. In the event of approval of Question #2 by a majority of electors voting thereon, the Board shall establish the capital project levy as approved.

Section 3. Polling Places.

A. The precincts and polling places for the Special Election are those precincts or parts of precincts located within the boundaries of the District which have been established by the cities or towns located in whole or in part within the District, as listed on **Exhibit A**. The voting hours at those polling places shall be the same as those for the state general election.

B. The Clerk is authorized and directed to cause the rules and instructions for use of the optical scan voting system to be posted in each polling place or combined polling place on Election Day.

Section 4. Notice of Election.

A. The Clerk is authorized and directed to cause written notice of the Special Election to be provided to the county auditor of each county in which the District is located, in whole or in part, at least 74 days before the date of the Special Election. The notice shall include the date of the Special Election and the title and language for each ballot question to be voted on at the Special Election.

B. The Clerk is authorized and directed to cause written notice of the Special Election to be provided to the Commissioner of Education at least 74 days before the date of the Special Election. The notice shall include the date of the Special Election and the title and language for each ballot question to be voted on at the Special Election.

C. The Clerk is authorized and directed to cause notice of the Special Election to be published in the official newspaper of the District, for two consecutive weeks with the last publication being at least one week before the date of the Special Election.

D. The Clerk is authorized and directed to cause notice of the Special Election to be posted at the administrative offices of the District and three of the most public places in the District at least 10 days before the date of the Special Election. The notice must remain posted through the date of the Special Election.

E. The notice of election so posted and published shall be in the form hereto attached as **Exhibit A**, and shall state the questions to be submitted to the voters as set forth in the form of ballot below, and include information concerning each established precinct and polling place.

Section 5. Election Materials. The Clerk is authorized and directed to acquire and distribute such election materials as may be necessary for the proper conduct of the Special Election and generally to cooperate with election authorities conducting the state general and other

elections on November 7, 2023. The Clerk and members of the administration are authorized and directed to take such actions as may be necessary to coordinate this election with those other elections, including entering into agreements with appropriate municipal and county officials regarding preparation and distribution of ballots, election administration, and cost sharing.

Section 6. Ballot Boxes; Preparation of Ballots; Absentee Ballots.

A. The Clerk is authorized and directed to secure equipment for the deposit of ballots at the polling place and to acquire and distribute such election materials as may be necessary for the proper conduct of this Special Election.

B. The Clerk is further authorized and directed to cause printed ballots to be prepared for use at said Special Election in substantially the form attached hereto as **Exhibit B**.

C. If the District will be contracting to print the ballots for this Special Election, the Clerk is hereby authorized and directed to prepare instructions to the printer for layout of the ballot. Before a contract in excess of \$1,000 is awarded for printing ballots, the printer shall furnish, if requested by the Clerk, in accordance with Minnesota Statutes, Section 204D.04, a sufficient bond, letter of credit, or certified check acceptable to the Clerk conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered. The Clerk shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

D. The Clerk is authorized to work with the County Auditor regarding the preparation and availability of absentee ballots for the Special Election as required by Minnesota Statutes.

Section 7. Sample Ballot. The sample ballot shall not be printed on the same color paper as the official ballot. The Clerk is authorized and directed to post the sample ballot as required by Minnesota Statutes, as follows:

A. The sample ballot shall be posted in the Clerk's office of the District at least four days prior to the Special Election.

B. The sample ballot shall be posted in a conspicuous location at each polling place on election day.

Section 8. Election Judges. The Clerk is authorized to appoint election judges, each of whom is qualified to serve as an election judge, and will be appointed as judges of the Special Election, and to act as such at the respective polling places. The election judges shall act as clerks of the election, count the ballots cast and submit the results to the Board for canvass in the manner provided for other school district elections.

Section 9. Canvass of Returns. The Board shall meet no later than seven (7) days after the date of the Special Election to canvass the results and to declare the results thereof.

Section 10. Election Proceedings. This resolution shall be in full force and effect and said election shall be held and conducted and the returns thereof shall be canvassed in all respects as required by law.

Section 11. Exhibits. The exhibits to this Resolution are as follows:

Exhibit A: Notice of Special Election

Exhibit B: Form of Official Ballot

Adopted: July 18, 2023.

Chair

Attested:

Clerk

EXHIBIT A

**NOTICE OF SPECIAL ELECTION OF
INDEPENDENT SCHOOL DISTRICT NO. 709 (DULUTH), MINNESOTA
ST. LOUIS COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that a Special Election in and for Independent School District No. 709 (Duluth), Minnesota, will be held on November 7, 2023, between the hours of 7:00 a.m. and 8:00 p.m., for the purpose of voting upon the following questions:

SCHOOL DISTRICT BALLOT QUESTION #1

APPROVAL OF SCHOOL DISTRICT BOND REFERENDUM

- YES Shall Independent School District No. 709 (Duluth) be authorized to issue its general obligation bonds in an amount not to exceed \$21,800,000 to provide funds to refinance, for general fund operational savings, the District’s Refunding Certificates of Participation, Series 2019A, dated May 29, 2019, and Refunding Certificates of Participation, Series 2021B, dated March 9, 2021 both of which financed improvements to and equipment for the District’s facilities throughout the District?
- NO

BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.

SCHOOL DISTRICT BALLOT QUESTION #2

**APPROVAL OF SCHOOL DISTRICT’S CAPITAL PROJECT
LEVY REFERENDUM**

The School Board of Independent School District No. 709 (Duluth) has proposed a capital project levy authorization of 4.687% times the net tax capacity of the School District. The proposed capital project levy authorization will raise approximately \$5,290,455.87 for taxes payable in 2024, the first year it is to be levied, and would be authorized for ten years. The estimated total cost of the projects to be funded over that time period is approximately \$52,904,558.70. The additional revenue from the proposed capital project levy authorization will provide funds for the acquisition, installation, replacement, support and maintenance of software, software licenses, computers, improved technology equipment, networks, infrastructure and costs of technology related personnel and training.

YES

Shall the capital project levy proposed by the Board of Independent School District No. 709 (Duluth) be approved?

NO

BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.

The polling places at which all the voters in Independent School District No. 709 may vote in the Special Election have been designated as:

City of Duluth Polling Places

- | | |
|---|-----------------------------|
| 1. St. Michael's Catholic Church (lower level) | 4901 East Superior Street |
| 2. Lakeside Presbyterian Church (lower level) | 4430 McCullough Street |
| 3. Lutheran Church of the Good Shepherd (lower level) | 1325 North 45th Avenue East |
| 4. Faith Lutheran Church Bldg. (lower level) | 1814 North 51st Avenue East |
| 5. Lakeview Covenant Church (lower level) | 1001 Jean Duluth Road |
| 6. Woodland Community Club | 3211 Allendale Avenue |
| 7. Glen Avon Presbyterian Church (lower level) | 2105 Woodland Avenue |
| 8. Duluth Congregational Church (lower level) | 3833 East Superior Street |
| 9. Pilgrim Congregational Church (lower level) | 2310 East Fourth Street |
| 10. U.M.D. Kirby Student Center | 1120 Kirby Drive |
| 11. Vineyard Christian Fellowship (auditorium) | 1533 West Arrowhead Road |
| 12. Unitarian Universalist Congregation of Duluth | 835 West College Street |
| 13. Mt. Olive Lutheran Church (lower level) | 2012 East Superior Street |
| 14. First Lutheran Church (lower level) | 1100 East Superior Street |
| 15. Peace United Church of Christ | 1111 North 11th Ave. East |
| 16. First United Methodist Church (Lakeview social hall) | 230 East Skyline Parkway |
| 17. Washington Center (gymnasium) | 310 North 1st Avenue West |
| 18. Lafayette Square (upper level) | 3026 Minnesota Avenue |
| 19. Duluth Public Library (Green Room) | 520 West Superior Street |
| 21. Lincoln Park Senior Center (lower level) | 2014 West Third Street |
| 22. Holy Cross Lutheran Church | 410 North Arlington Avenue |
| 23. Shepherd of the Hills Lutheran Church (fellowship hall) | 802 Maple Grove Road |
| 24. Christ Lutheran Church (rear lower level entrance) | 2415 Ensign Street |
| 25. St. Lawrence Church | 2410 Morris Thomas Road |
| 26. Holy Family Catholic Church | 2430 West Third Street |
| 27. Harrison Community Club | 3002 West Third Street |
| 28. City Center West | 5830 Grand Avenue |
| 29. Our Savior's Lutheran Church (lower level) | 4831 Grand Avenue |
| 30. Elim Lutheran Church (social hall) | 6101 Cody Street |
| 31. Zenith Terrace Community Center | 2 Foxtail Avenue |
| 32. Asbury United Methodist Church (lower level) | 6822 Grand Ave |

- | | |
|--|-----------------------|
| 33. Goodfellowship Community Center (warming area) | 1242 88th Avenue West |
| 34. Gary New Duluth Community Recreation Center | 801 101st Avenue West |

City of Rice Lake, Normana, North Star & Unorg. 23, Gnesen & Unorg. 2 and Lakewood Townships Polling Places

- | | |
|--------------------------------|--------------------------|
| 1. City of Rice Lake City Hall | 4107 Beyer Road |
| 2. Normana Town Hall | 6472 French River Road |
| 3. North Star Township Hall | 7700 Pequaywan Lake Road |
| 4. Gnesen Community Center | 6356 Howard Gnesen Road |
| 5. Lakewood Town Hall | 3110 Strand Road |

Any qualified voter in the School District may vote at the election at the polling place designated above. Any resident of the District not previously registered as a voter may register on election day.

If you have any questions, please contact: *[insert name of contact person]*

By Order of the School Board

/s/ _____
Clerk
Independent School District No. 709

EXHIBIT B

**(FOR PAPER BALLOTS)
[To Appear on Front]**

**OFFICIAL BALLOT
SPECIAL ELECTION
INDEPENDENT SCHOOL DISTRICT NO. 709 (DULUTH), MINNESOTA**

November 7, 2023

Instructions to Voters

To vote, completely fill in the oval(s) next to your choice(s) like this:



To vote for a question, fill in the oval next to the word “YES” for that question.
To vote against a question, fill in the oval next to the word “NO” for that question.

**SCHOOL DISTRICT BALLOT QUESTION # 1
APPROVAL OF SCHOOL DISTRICT BOND REFERENDUM**

YES

NO

Shall Independent School District No. 709 (Duluth) be authorized to issue its general obligation bonds in an amount not to exceed \$21,800,000 to provide funds to refinance, for general fund operational savings, the District’s Refunding Certificates of Participation, Series 2019A, dated May 29, 2019, and Refunding Certificates of Participation, Series 2021B, dated March 9, 2021 both of which financed improvements to and equipment for the District’s facilities throughout the District?

**BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A
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SCHOOL DISTRICT BALLOT QUESTION #2
APPROVAL OF SCHOOL DISTRICT'S CAPITAL PROJECT LEVY REFERENDUM

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YES

Shall the capital project levy proposed by the Board of Independent School District No. 709 (Duluth) be approved?

NO

BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.

[To Appear on the Ballot]

OFFICIAL BALLOT

SPECIAL ELECTION

November 7, 2023

Judges of Election

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

I, the duly qualified and acting Clerk of the School Board of Independent School District No. 709, located in Duluth, Minnesota, do hereby certify that I am the official custodian of the records of the School District, and that I have compared the attached copy with the original records of the School District, and that it is a true and correct transcript taken from the records of a meeting of the School Board, held in the City of Duluth, Minnesota, on July 18, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of said Independent School District No. 709, on July 18, 2023.

Clerk

EXTRACT OF MINUTES OF A REGULAR MEETING OF THE
SCHOOL BOARD OF
INDEPENDENT SCHOOL DISTRICT NO. 709

Pursuant to due call and notice thereof, a regular meeting of the School Board of Independent School District No. 709, was duly called and held at the _____ located at _____, Duluth, Minnesota, on July 18, 2023, at p.m.

The following members were present:

and the following members were absent:

MOTION: Member _____ moved to adopt a resolution entitled "Resolution Relating to the Issuance of a General Obligation Bond and Authorizing a Capital Project Levy of the School District and Calling an Election Thereon."

SECOND: Member _____

RESULT: On a roll call vote the motion was carried.

Ayes:

Nays:

Not Voting:

Absent:

The Resolution was then signed by the Chair, whose signature was attested by the Clerk.