

RESOLUTION RELATING TO THE ISSUANCE OF
BONDS AND CALLING AN ELECTION THEREON

WHEREAS, on March 21, 2008, the School District received a petition calling for placing before the voters the question of whether the School Board should “be authorized to issue general obligation bonds totaling \$128,000,000 to be used with an estimated \$66,092,086 in bonds and investment earnings previously approved by the Board for alternative facilities to build two new middle schools and two new elementary schools; repair and remodel three high schools, one middle school, and five elementary schools; repair and expand two elementary schools; and repair and remodel ‘Old Central High’ and the Secondary Technical Center?”;

WHEREAS, the School Board has, pursuant to the requirements of Minnesota Statutes Section 123B.70, submitted to the Commissioner of the Department of Education information pertinent to the petition based project and has requested that the Commissioner issue a Review and Comment upon the project;

WHEREAS, the Commissioner has issued a positive Review and Comment; and

WHEREAS, the District is obligated to place the question raised by the petition before the voters of the District at a special election to be held in conjunction with the November 2010 general election.

BE IT RESOLVED by the Board of Independent School District No. 709, Duluth, as follows:

1. That pursuant to the petition, it is required to place before the voters of the District the question of whether it is necessary and expedient for the school district to be authorized to borrow money in an aggregate amount not to exceed \$128,000,000, and not to exceed any limitations upon the incurring of indebtedness which shall be applicable on the date or dates of the issuance of such bonds, for the purpose of providing funds for the acquisition and betterment of school sites and facilities, including to build two new middle schools and two new elementary schools; repair and remodel three high schools, one middle school, and five elementary schools; repair and expand two elementary schools; and repair and remodel ‘Old Central High’ and the Secondary Technical Center. The question on the authorization to borrow funds for this purpose shall be on the school district ballot at the special election to be held in conjunction with the general election.

2. As required by law, the administration has consulted with the Minnesota Department of Education, causing a proposal regarding the petition based project to be prepared for submission to the Commissioner of Education for the Commissioner’s

Review and Comment, and has taken such other actions as necessary to comply with the provisions of Minnesota Statutes Section 123B.71, as amended.

The Clerk is hereby authorized and directed to cause the Commissioner's Review and Comment to be published in the legal newspaper of the district at least twenty (20) but not more than sixty (60) days prior to the date of the special election as specified in paragraph 3 of this resolution.

3. The question of the borrowing of said funds in the maximum amount of \$128,000,000 shall be submitted to the qualified voters of the school district at a special election, which is hereby called and directed to be held in conjunction with the general election on Tuesday, the 2nd day of November, 2010.

4. Pursuant to Minnesota Statutes, Section 205A.11, the precincts and polling places for this special election are those precincts or parts of precincts located within the boundaries of the school district that have been established by the cities or towns located in whole or in part within the school district. The voting hours at those polling places shall be the same as those for the state general election.

5. The clerk is hereby authorized and directed to cause written notice of said special election to be provided to the county auditor of each county in which the School District is located, in whole or in part, and to the Commissioner of the Minnesota Department of Education at least seventy-four (74) days before the date of said election. The notice shall specify the date of said special election and title and language of each ballot question to be voted on at said special election.

The clerk is hereby authorized and directed to cause notice of said special election to be posted at the administrative offices of the School District at least ten (10) days before the date of said special election.

The clerk is hereby authorized and directed to cause a sample ballot to be posted at the administrative offices of the School District at least four (4) days before the date of said special election and to cause a sample ballot to be posted in each polling place on election day. The sample ballot shall not be printed on the same color paper as the official ballot.

The clerk is hereby authorized and directed to cause notice of said special election to be published in the official newspaper of the District, for two (2) consecutive weeks with the last publication being at least one (1) week before the date of said special election.

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

6. The clerk is authorized and directed to acquire and distribute such election materials and to take such other actions as may be necessary for the proper conduct of this special election and generally to cooperate with election authorities conducting other elections on that date. 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 cities, towns and counties regarding preparation and distribution of ballots, election administration and cost sharing.

7. The clerk is further authorized and directed to cooperate with the proper election officials to cause ballots to be prepared for use at said election in substantially the following form, with such changes in form and instructions as may be necessary to accommodate the use of an optical scan voting system:

SCHOOL DISTRICT QUESTION BALLOT
INDEPENDENT SCHOOL DISTRICT NO. 709
DULUTH PUBLIC SCHOOLS

SPECIAL ELECTION
November 2, 2010

To vote, completely fill in the oval next to your choice, 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

**APPROVAL OF SCHOOL DISTRICT
BOND ISSUE**



YES



NO

Shall the School Board of Independent School District No. 709, Duluth, be authorized to issue general obligation bonds totaling \$128,000,000 to be used with an estimated \$66,092,086 in bonds and investment earnings previously approved by the Board for alternative facilities to build two new middle schools and two new elementary schools; repair and remodel three high schools, one middle school, and five elementary schools; repair and expand two elementary schools; and repair and remodel ‘Old Central High’ and the Secondary Technical Center?

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

Optical scan ballots must be printed in black ink on white material, except that marks to be read by the automatic tabulating equipment may be printed on another color ink. The name of the precinct and machine-readable identification must be printed on each ballot card. Voting instructions must be printed at the top of the ballot card on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Lines for initials of at least two election judges

must be printed on one side of the ballot card so that the judges' initials are visible when the ballots are enclosed in a secrecy sleeve.

8. If the School 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 exceeding \$1,000 is awarded for printing ballots, the printer shall, if requested by the election official, furnish, in accordance with Minnesota Statutes Section 204D.04, a sufficient bond, letter of credit, or certified check acceptable to the clerk in an amount not less than \$1,000 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.

9. The individuals designated as election judges for the general election shall act as election judges for this special election at the various polling places and shall conduct said election in the manner described by law. The election judges shall act as clerks of election, count the ballots cast and submit the results to the school board for canvas in the manner provided for other school district elections.