

**NORTH BUTLER COMMUNITY SCHOOL DISTRICT
BOARD OF EDUCATION**

Special Meeting

May 3, 2021

The board work session was called to order by Vice-President Eric Bixby at 5:52 p.m. in the Clarksville high school media center. Board members present were Eric Bixby, John Endelman, Amanda Lund, Heather Shook and Laurie Shultz (entered at 5:54 p.m.); others present were Business Manager/Board Secretary Shellee Bartlett.

Moved by Endelman, seconded by Lund, to approve the agenda. Carried unanimously.

Moved by Shook, seconded by Lund, to approve Lease Purchase Agreement between Mercedes-Benz Financial Services USA LLC, as Lessor, and North Butler Community School District, as Lessee. Carried unanimously.

The President declared the resolution adopted as follows:

**RESOLUTION AUTHORIZING APPROVAL OF LEASE PURCHASE AGREEMENT BETWEEN
MERCEDES-BENZ FINANCIAL SERVICES USA LLC, AS LESSOR, AND NORTH BUTLER
COMMUNITY SCHOOL DISTRICT, AS LESSEE, INCLUDING THE MASTER INSTALLMENT
PURCHASE AGREEMENT NO. 3209653, SCHEDULE NO. 801-3209653-000, AMENDMENT
NO. 1, AND EXHIBITS**

WHEREAS, North Butler Community School District is authorized by Iowa Code section 274.1 to hold property and execute lease purchase agreements for equipment pursuant to Iowa Code sections 298.3, and to acquire items of equipment as are needed to provide authorized programs and services, and to acquire such equipment by entering into a lease with option to purchase agreement (“Lease Purchase Agreement”); and

WHEREAS, at a special meeting of the Board of Education on October 6, 2020, the Board unanimously approved leasing eight (8) buses in April, 2021; and

WHEREAS, on or about February 18, 2021, Lessor provided a Master Installment Purchase Agreement No. 3209653; Exhibit A – Equipment Schedule No. 801-3209653-000; Exhibit 1 – Equipment Description; Exhibit A-1 – Installment Payment Schedule, Exhibit B – Final Acceptance Certificate; Exhibit C – (sample) Opinion of Borrower’s Counsel; Exhibit D – Acceptance of Installment Obligation; Insurance Coverage Requirements; Certificate of Signature Authority of Borrower; Payment Instructions; Bank Qualified Designation Certificate; Essential Use Letter; Acknowledgement of Board Approval and Board Meeting Minutes; IRS form 8038-G Information Return; Invoices; an MSO and Application for Titles; Sales and Use Tax Exemption Certificate; Non-Interest Bearing Notional Account; and a Notice of Assignment (the “Lease Purchase Documents”); and

WHEREAS, on or about March 8, 2021, the Board President executed the Lease Purchase Documents; and

WHEREAS, Board Policy No. 705.1 requires, for goods and services exceeding \$50,000, the competitive request for proposal or competitive bid process be used and received prior to Board approval; and

WHEREAS, the Lease Purchase Agreement, consisting of the Master Installment Purchase Agreement No. 3209653 between Mercedes-Benz Financial Services USA LLC and North Butler Community School District, Schedule No. 801-3209653-000, Amendment No. 1, and Exhibits, is for an equipment transaction that exceeds \$50,000 in value; and

WHEREAS, at an election held on December 2, 2014 the electors of the North Butler Community School District approved a voter-approved physical plant and equipment levy not to exceed One Dollar Thirty-Four Cents (\$.67) per One Thousand Dollars (\$1,000) of the assessed valuation of the taxable property within the school district for a period of ten (10) years commencing with the fiscal year ending December 2, 2014 and ending with the fiscal year ending June 30, 2025, and at such election authorized expenditure of the revenue from that levy for uses that include the lease-purchase of equipment; and

WHEREAS, at an election held on June 27, 2017 the electors of the North Butler Community School District approved a Revenue Purpose Statement authorizing the use of money received by the North Butler Community School District from the State of Iowa secure an advanced vision for education fund to provide funds for the purchase, lease or lease-purchase of transportation equipment; and

WHEREAS, North Butler Community School District has determined that it is necessary and desirable to provide for the educational needs of the District by acquiring the transportation equipment listed in Exhibit 1 to Exhibit A to the MIPA (the "Equipment"); and

WHEREAS, Mercedes-Benz Financial Services USA LLC is willing to finance the Equipment and lease the Equipment to North Butler Community School District pursuant to the Lease Purchase Agreement and North Butler Community School District is willing to lease the transportation equipment from Mercedes-Benz Financial Services USA LLC pursuant to the Lease Purchase Agreement; and

WHEREAS, North Butler Community School District has determined that this Lease Purchase Agreement will be funded with revenue from the regular and voter-approved Physical Plant and Equipment Levy and / or the State of Iowa secure an advanced vision for education fund;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of North Butler Community School District, State of Iowa:

1. The Board of Directors finds and determines that the Lease Purchase Agreement is in the best interest of North Butler Community School District. The Lease Purchase Agreement consisting of the Master Installment Purchase Agreement No. 3209653 between Mercedes-Benz Financial Services USA LLC and North Butler Community School District, Schedule No. 801-3209653-000, Amendment No. 1, and Exhibits, is authorized and approved subject to such variations, changes, insertions, deletions, adjustments due to delivery schedule, and filling in of blanks as may be approved by Legal Counsel and the officers executing the Lease Purchase Agreement. The execution and delivery of the Lease Purchase Agreement is conclusive evidence of approval of any such variations, changes, insertions, deletions, or filling in of blanks.

2. For the sole purpose of qualifying the Lease as a "Qualified Tax-Exempt Obligation" pursuant to the Internal Revenue Code of the United States, the District designates the Lease as a qualified tax-exempt obligation and represents that the reasonably anticipated amount of tax-exempt government and Code Section 501(c)(3) obligations which will be issued during the current calendar year will not exceed \$10,000,000.

3. That any potential application of Board Policy No. 705.1 is waived for this transaction.

3. The Superintendent and Board Secretary are hereby authorized to take such action as they deem necessary and appropriate to enter into the Lease Purchase Agreement, upon the advice of Legal Counsel.

PASSED AND APPROVED this 3rd day of May, 2021.

Moved by Endelman, seconded by Lund, to approve the hiring of Grundmeyer Leader Services search firm to help with the hiring process of a Shared Superintendent. The approximate cost of the search firm will be \$12,445.27. Motion carried unanimously.

Moved by Endelman, seconded by Lund,

Board President

June 21, 2021

Date

Board Secretary

June 21, 2021

Date

**NORTH BUTLER COMMUNITY SCHOOL DISTRICT
BOARD OF EDUCATION**

Work Session

May 3, 2021

The board work session was called to order by President Laurie Shultz at 5:58 p.m. in the Clarksville high school media center. Board members present were Eric Bixby, John Endelman, Amanda Lund, Heather Shook and Laurie Shultz; others present were Business Manager/Board Secretary Shellee Bartlett. Clarksville board members: Tim Backer, Phil Barnett, Justin Clark, Brandon Kampman and Shelley Maiers.

Motion by Endelman, seconded by Bixby, to approve the agenda. Carried unanimously.

Both boards reviewed the superintendent stakeholder survey and set the criteria for the superintendent candidates.

Motion by Bixby, seconded by Lund, to adjourn at 6:45 p.m. Carried unanimously.

Board President

June 21, 2021
Date

Board Secretary

June 21, 2021
Date