

## MINUTES

**REGULAR MEETING  
COMMERCE BOARD OF EDUCATION  
AUGUST 9, 2016  
6:30 P.M.  
BOARD OF EDUCATION BUILDING  
217 COMMERCE STREET  
COMMERCE, OKLAHOMA**

1. President Kevin Reading called the meeting to order at 6:30 p.m. Those present were Reading, Kenny Smith, Herb Logan, and Jamie Johnston. Misty Hailey was absent. Superintendent Jim Haynes was also present.
2. The invocation was given by Smith.
3. Reading welcomed and thanked the guests for attending. (Attachment #1)
4. Consent Agenda:

All of the following items, which concern reports and items of a routine nature normally approved at board meetings, will be approved by one vote unless any board member desires to have a separate vote on any or all of these items. The consent agenda consists of the discussion, consideration, and approval of the following items:

- a. Minutes of the July 11, 2016, regular board meeting.
- b. Approval of the monthly financial report of activity funds. (Attachment #2)
- c. Approval of the monthly treasurer's report. (Attachment #3)
- d. Approval of the list of General Fund warrants for FY 2016 encumbrances. (Attachment #4)
- e. Approval of the list of General Fund encumbrances for July payroll. (Attachment #5)
- f. Approval of the list of General Fund warrants for July payroll (\$62,657.49). (Attachment #6)
- g. Approval of the list of General Fund encumbrances for July-August. (Attachment #7)
- h. Approval of the list of General Fund warrants for July-August bills. (Attachment #8)
- i. Approval of the list of Building Fund encumbrances for July payroll. (Attachment #9)
- j. Approval of the list of Building Fund warrants for July payroll (\$7,378.65). (Attachment #10)
- k. Approval of the list of Building Fund encumbrances for July-August. (Attachment #11)
- l. Approval of the list of Building Fund warrants for July-August bills. (Attachment #12)
- m. Approval of the list of Child Nutrition Fund encumbrances for July-August. (Attachment #13)
- n. Approval of the list of Child Nutrition Fund warrants for July-August bills. (Attachment #14)
- o. Approval of the list of Building Bond Fund of 2016 warrants for FY 2016 encumbrances. (Attachment #15)
- p. Approval of the list of Building Bond Fund of 2016 encumbrances for July-August. (Attachment #16)
- q. Approval of the list of Building Bond Fund of 2016 warrants for July-August bills. (Attachment #17)
- r. Approval of the list of substitute teachers for SY 2016-2017. (Attachment #18)
- s. Approval of the list of substitute cooks for SY 2016-2017. (Attachment #19)
- t. Approval of the list of substitute custodians for SY 2016-2017. (None)
- u. Approval of the additional list of fundraisers for SY 2016-2017. (Attachment #20)

Motion by Smith, second by Reading, to approve consent agenda items "a" through "s" and "u" as recommended by Haynes. Vote: Reading-yes, Smith-yes, Logan-yes, Johnston-yes, Hailey-absent

5. Haynes provided a letter from the State Board of Equalization, notifying us that AT&T Mobility, LLC and Southwestern Bell Telephone Co. have filed a protest in the Court of Tax Review. They have property in Ottawa County and in our school district.

6. Administrator's Reports:
  - a. Superintendent's Report – Haynes presented the County Assessor's Report to the Excise Board and a valuation history to the Board. He reported our valuation went down about \$1.5 million. This affects the millage rate to repay the bond issue. Jordan Smith figured the increase, he said it will be a little less than 1 mil. I contacted the County Assessor's Office to get an explanation, why the exemptions increased so much. I was told the reason the exemption went up so much is because they changed the way they record the free-port exemptions on personal property. They said they used to deduct the free-port exemption from the personal property and not record it as an exemption. The biggest exemption came from Tracker, but Newell, Sceptor, and Hopkins also have them. The manufactures do not have to pay taxes on material they import from out of state to make their goods and then send the goods back out of state for sale within 30 days. The manufacturing companies are self-reporting. Haynes also presented an Expenditure Summary Report, a Revenue Comparison/Projection Report, and a Financial Statement Report to the Board.
    - i. Facilities Report
    - ii. Resignation Report – Haynes reported no resignations during the past month.
  - b. Construction Manager Report – Crossland Construction Company Project Manager Aaron Hight reported the demolition is done at the Middle School, the bids will be opened here on August 16<sup>th</sup>, bids will be going out on August 19<sup>th</sup> for the shelters, bids will be opened on September 13<sup>th</sup> for shelters, and the shelters should be completed on May 31, 2017.
  - c. Opaal Director Nutrition Services Report – Opaal Director Nutrition Services Dana Garard reported 12 new flavors for the flavor station, new Tiger Hut items, some 25¢ items, small Tiger Hut at the Middle School, full salad bar at the Middle School and High School, Opaal to hire two (2) ladies for three (3) hours at Middle School and High School, lots of new recipes, and Elementary birthday parties each month.
  - d. Elementary Principal's Report – Elementary Principal Kevin Wade reported the Elementary open house was held tonight and Pre-K is full.
  - e. Middle School Principal's Report – Haynes provided a written report from Middle School Principal Jack Kelley.
  - f. High School Principal's Report – High School Principal Jim Buttram reported freshman and new student orientation was held last night with almost 100% there and enrollment was 223 today.
  - g. Athletic Directors Report – Athletic Director Rusty Barker passed out softball and football schedules.
7. Motion by Smith, second by Logan, to adopt Resolution approving and affirming Lease/Purchase Agreements and authorizing the execution of the same; designating lease transaction as a qualified tax-exempt obligation; authorizing employment of School District Counsel, Financial Advisor and Bond Counsel pertaining to financing; and authorizing School District officials to execute any and all necessary documents in connection with the aforementioned transactions as recommended by Haynes. (Attachment #21) Vote: Reading-yes, Smith-yes, Logan-yes, Johnston-yes, Hailey-absent
8. Motion by Smith, second by Logan, to approve Contract for Secondary Career and Technology Education Programs (Family & Consumer Sciences and Science Technology Engineering & Math) for School Year 2016-2017 with the Oklahoma Department of Career and Technology Education as recommended by Haynes. (Attachment #22) Vote: Reading-yes, Smith-yes, Logan-yes, Johnston-yes, Hailey-absent
9. Motion by Reading, second by Smith, to appoint Local Advisory Committee on Gifted Education members as recommended by Haynes. (Attachment #23) Vote: Reading-yes, Smith-yes, Logan-yes, Johnston-yes, Hailey-absent
10. Motion by Reading, second by Johnston, to declare for sale property no longer needed for district purposes the 25 ft. X 73 ft. Wilkins' Builders Inc. portable classroom building, SN WMBAL08981521, and to have Mr. Haynes get bids as recommended by Haynes. Vote: Reading-yes, Smith-yes, Logan-yes, Johnston-yes, Hailey-absent

11. A hearing was held to take public input on the adoption of local school board policies. (Proposed policies may be found on the school district website homepage at <http://www.commercetigers.net>. There was no public input.
12. Motion by Logan, second by Johnston, to approve the following policies as recommended by Haynes.
  - a. DPB Substitute Teachers (Revision) (Attachment #24)
  - b. EIED Graduation Requirements (Revision) (Attachment #25)
  - c. EIA-R4 Student Retention (Regulation) (Revision) (Attachment #26)
  - d. DNAA-P Leader Performance Evaluation Procedures (Revoke)
  - e. DNA-P Teacher Performance Evaluation Procedures (Revoke)
  - f. DMB Professional Growth and Development (Attachment #27)
  - g. DMB-R1 Professional Growth and Development (Regulation) (Attachment #28)
  - h. CKC Safety Drills (Revision) (Attachment #29)
  - i. FFG Reporting Suspected Child Abuse and / or Neglect (Attachment #30)
  - j. FFG-E Suspected Child Abuse Report Form (Attachment #31)
  - k. GBA Open Records Act (Revision) (Attachment #24) (Attachment #32)

Vote: Reading=yes, Smith=yes, Logan=yes, Johnston=yes, Hailey-absent

13. Proposed executive session to discuss:
  - a. status of current negotiations with the Commerce Association of Classroom Teachers so the board can return to open session and vote on ratification of the 2015-2016 negotiated agreement. 25 O.S. § 307(B)(2).
  - b. employing, hiring, appointing, promoting, demoting, disciplining, or receiving the resignation of an employee, with no resulting vote to be made. 25 O.S. § (307)(B)(1).
14. Motion by Smith, second by Reading, to convene in executive session. Vote: Reading=yes, Smith=yes, Logan=yes, Johnston=yes, Hailey-absent Time: 7:23 p.m.
15. Board president Reading announced the end of executive session and the board's return to open session at 7:51 p.m.
16. Reading stated, "Only the items listed on the executive session agenda were discussed and no votes were taken. Those present in executive session were the four board members and Mr. Haynes."
17. Motion by Logan, second by Johnston, to ratify the 2015-2016 negotiated agreement with the Commerce Association of Classroom Teachers as recommended by Haynes. (Attachments #33-42) Vote: Reading=yes, Smith=yes, Logan=yes, Johnston=yes, Hailey-absent Time: 7:23 p.m.
18. There was no new business.
19. Motion by Reading, second by Johnston to adjourn. Vote: Reading=yes, Smith=yes, Logan=yes, Johnston=yes, Hailey-absent Time: 7:54 p.m.

The agenda was posted on the inside of the front door (visible from outside the building) of the Board of Education building at 3:30 p.m. on the 5<sup>th</sup> day of August, 2016 by Jimmy R. Haynes Ed. S., Superintendent of Schools, and notice of this regular meeting was given to the Ottawa County Clerk prior to December 15, 2015 by Jimmy R. Haynes Ed. S., Superintendent of Schools.

(ATTEST)

*Laura Brady*  
President-Board of Education

*Heidi Logg*  
Deputy Clerk

*Kenny Smith*  
Vice-President

*Jamie G. Johnston*  
Member

*Misty Hauler*  
Clerk

Date: *09/13/2016*

*Irish Price*  
Minutes Clerk

Date: *9-13-16*



**CERTIFICATE FOR RESOLUTION**

**THE BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 18 OF OTTAWA COUNTY, OKLAHOMA (COMMERCE PUBLIC SCHOOLS), STATE OF OKLAHOMA, MET IN REGULAR SESSION AT THE BOARD OF EDUCATION BUILDING, COMMERCE PUBLIC SCHOOLS, LOCATED AT 217 COMMERCE STREET, COMMERCE, OKLAHOMA, IN SAID DISTRICT ON THE 9<sup>TH</sup> DAY OF AUGUST, 2016, AT 6:30 O'CLOCK P.M.**

**PRESENT:** KEVIN READING, President and Member; KENNY SMITH, Vice President and Member; HERB LOGAN, Deputy Clerk and Member; and JAMIE JOHNSTON, Member

**ABSENT:** MISTY HAILEY, Clerk

Notice of this meeting was given in writing to the County Clerk of Ottawa County, Oklahoma, and public notice of this meeting was posted in prominent view at the Main Entrance, Commerce Board of Education Building, 217 Commerce Street, Commerce, Oklahoma, twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays, and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

**OTHER PROCEEDINGS**

The President introduced a Resolution which was read in full by the Clerk and upon motion by Boardmember SMITH, seconded by Boardmember LOGAN, was adopted by the following vote:

**AYE:** READING, SMITH, LOGAN, JOHNSTON

**NAY:** None

Said Resolution was thereupon signed by the President, attested by the Clerk, sealed with the seal of said School District and is as follows:

**RESOLUTION**

**A RESOLUTION APPROVING AND AFFIRMING A LEASE/PURCHASE AGREEMENT AND AUTHORIZING THE EXECUTION OF THE SAME; DESIGNATING LEASE TRANSACTION AS A QUALIFIED TAX-EXEMPT OBLIGATION; AUTHORIZING EMPLOYMENT OF SCHOOL DISTRICT COUNSEL, FINANCIAL ADVISOR AND BOND COUNSEL PERTAINING TO FINANCING; AND AUTHORIZING SCHOOL DISTRICT OFFICIALS TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS IN CONNECTION WITH THE AFOREMENTIONED TRANSACTIONS.**

**WHEREAS**, the Board of Education of Independent School District No. 18 of Ottawa County, Oklahoma (Commerce Public Schools) (the "School District"), has determined there is a need for acquiring real and/or personal property for use within said School District; and

**WHEREAS**, power is granted said School District by Title 62, Oklahoma Statutes 2011, Section 430.1 and Title 70, Oklahoma Statutes 2011, Section 5-117(B) and laws supplementary and amendatory thereto, to enter into lease and lease-purchase contracts for such real and/or personal property as authorized by its governing board; and

**WHEREAS**, it is hereby deemed advisable for the Authority to authorize this lease financing transaction with the School District, in one or more series, in the aggregate principal amount not to exceed \$6,500,000 (the "Lease Financing") for the following purposes: (i) finance the acquisition, construction and equipping of new educational facilities for the School District; and (ii) the payment of certain costs of issuance;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 18 OF OTTAWA COUNTY, OKLAHOMA (COMMERCE PUBLIC SCHOOLS):**

Section 1. Execution of Lease/Purchase Agreement. The Lease/Purchase Agreement (the "Lease/Purchase Agreement") by and between the Authority, as lessor and the School District, as lessee, is hereby approved and affirmed and the President and Clerk of the Board are hereby authorized to direct the execution of same for and on behalf of the School District, and to do all other lawful things to carry out the terms and conditions of said Lease/Purchase Agreement.

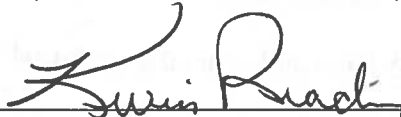
Section 2. Designation of Lease Transaction as Qualified Tax-Exempt Obligation. The School District reasonably anticipates that the aggregate amount of "qualified tax-exempt obligations", as defined in Section 265(b) (3) (B) of the Internal Revenue Code of 1986 (the "Code"), which will be issued by the School District and all subordinate entities thereof during calendar year 2016 does not exceed \$10,000,000 and hereby covenants and agrees, as a material inducement and consideration to the purchaser and/or assignees of the Lease Financing by the purchaser, that neither it nor any subordinate entity thereof will, during calendar year 2016 issue "qualified tax-exempt obligations", as defined in Section 265(b) (3) (B) of the Code, in an aggregate amount exceeding \$10,000,000 in order that the purchaser and/or assignees of the Lease Financing may avail themselves of the exception contained in said Section 265(b) (3) (B) of the Code with respect to interest incurred to carry tax-exempt bonds. The School District hereby covenants and agrees that it will not designate as "qualified tax-exempt obligations" more than \$10,000,000 in aggregate amount of obligations issued by the School District or any subordinate entity thereof during calendar year 2016.

Section 3. Employment of School District Counsel, Financial Advisor and Bond Counsel. The Authority hereby employs and authorizes Laura Holmes of the Center for Education Law, as School District Counsel, Andrew B. Davis and/or Jordan Smith of Stephen L. Smith Corporation, as Financial Advisor and Terry L. Hawkins of Phillips Murrah P.C., as Bond Counsel, to prepare the necessary financing documents for the Project. The School District further authorizes the Chairman and Secretary to execute any employment agreements by and among said parties and the School District.

Section 4. Incidental Action. The President and Clerk (or, in their absence or incapacity, the Vice-President or Deputy Clerk, respectively) of the Board are hereby further authorized on behalf of the School District to accept, receive, execute, attest, seal and deliver the above-mentioned documents and all additional documentation, certifications and instruments and to take such further actions as may be required in connection with the transactions contemplated hereby, including, without limiting, assignment of the property described in the Lease/Purchase Agreement or the contract to construct the same to the Bank, and delivery of an opinion letter to the Bank from Counsel to the School District.

**ADOPTED AND APPROVED** this 9<sup>th</sup> day of August, 2016.

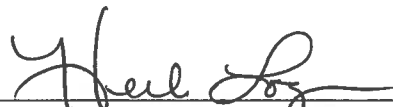
**INDEPENDENT SCHOOL DISTRICT NO. 18  
OF OTTAWA COUNTY, OKLAHOMA  
(Commerce Public Schools)**

  
\_\_\_\_\_  
President, Board of Education



(SEAL)

**ATTEST:**

  
\_\_\_\_\_  
Clerk, Board of Education

STATE OF OKLAHOMA            )  
                                                  ) SS:  
COUNTY OF OTTAWA            )

I, the undersigned, the duly qualified and acting Clerk of the Board of Education of Independent School District No. 18 of Ottawa County, Oklahoma (Commerce Public Schools), hereby certify that the foregoing is a true and complete copy of a Resolution approving and authorizing the execution of an Lease/Purchase Agreement for the purpose therein set out and adopted by said Board and transcript of proceedings of said Board had at a meeting thereof duly held on the date therein set out insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that said meeting was held in accordance with the Oklahoma Open Meeting Act.

WITNESS my hand and official seal this 9<sup>th</sup> day of August, 2016.

  
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Clerk, Board of Education

