

**REGULAR MEETING
BOARD OF SCHOOL TRUSTEES
BROWNSBURG COMMUNITY SCHOOL CORPORATION**

The Board of School Trustees of the Brownsburg Community School Corporation met in a regular meeting on Monday, December 14, 2020 at 6:30 p.m. in the F.L. O’Neal Administration Building, 310 Stadium Drive; Brownsburg, Indiana.

I. CALL TO ORDER

Mr. Eric Hylton, President of the Board, called the meeting to order at 6:30 p.m. Dr. Matthew Freije, Mrs. Tiffany Dearman and Mr. Phil Utterback also attended the meeting. Ms. Jessica Heffernan joined the meeting later in the evening via telephone. Administrators present were Dr. Jim Snapp, and Mr. John Voigt. Mr. Shane Hacker joined the meeting via Zoom. Mrs. Vicki Murphy, Mrs. Jodi Gordon and Dr. Bret Daghe also attended.

II. PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

III. MOMENT OF REFLECTION

Mr. Hylton asked for a moment of silence for reflection.

IV. CONSENT ITEMS

- A. Approval – Minutes of November 23, 2020 Special Board Meeting**
- B. Approval – Minutes of November 23, 2020 Work Session**
- C. Approval – Minutes of November 23, 2020 Executive Session**
- D. Approval – Minutes of November 9, 2020 Regular Board Meeting**
- E. Claims: 11/5-12/9/20 Claims - \$5,504,520.87; P/R #11/06/20 - \$1,395,488.69, P/R #11/10/20 - \$1,843.67; P/R #11/20/20 - \$1,431,452.82; P/R #12/04/20 - \$1,410,586.06**
- F. Superintendent’s Report**
- G. Recommendation to Approve December 18, 2020 and February 12, 2021 as Professional Development Days for Staff with No Student Attendance**

The Superintendent’s Report was presented as follows:

1. Terminations – Support Staff:

Name	Building	Position	Effective Date
a. Dalena Mullens	Facility Services	Custodian	November 19, 2020
b. Joseph Nkundabantu	Facility Services	Custodian	November 25, 2020
c. Jarrett Robinson	Facility Services	Custodian	November 11, 2020

2. Resignations – Certified:

Name	Building	Position	Effective Date
a. Robert LaPlante	WMS	Special Education Teacher	November 13, 2020
b. Kalie Courtney	Eagle	Kindergarten Teacher	December 17, 2020
c. Tiarra Clarkston	BHS	Spanish Teacher	December 18, 2020

3. Resignations – Support Staff:

Name	Building	Position	Effective Date
a. Sydni Davis Boothe	Facility Services	Custodian	November 3, 2020
b. Catherine Shelton	BHS	Nutrition Services	November 2, 2020
c. Susanna Bowman	Facility Services	Custodian	November 18, 2020
d. Logan West	Facility Services	Custodian	November 30, 2020

e. Ashley Kidd	Eagle	School Nurse	December 1, 2020
f. Madeline Santiago	BHS	Nutrition Services	December 3, 2020
g. James Ketterer	CO	Network Specialist	December 4, 2020
h. Brayden Montgomery	BHS	Special Education Job Coach	December 17, 2020

4. New Employment – Certified:

Name	Building	Position	Effective Date	Degree	Reason for Employment
a. Marissa Moriarty	Eagle	Kindergarten Teacher; Long Term Substitute	December 18, 2020 thru the end of the 2020-21 school year	Bachelors	Replacing Kalie Courtney
b. Patrick Bowron	ECC	Preschool teacher; Temporary contract with the first 14 days paid at the substitute teacher rate	December 2, 2020 thru approximately March 19, 2021	Bachelors	While Heather Sarles is on medical leave
c. Maria Cabasino	WMS	Math Teacher; Temporary contract with the first 14 days paid at the substitute teacher rate	January 4, 2021 thru March 5, 2021	Masters	While Sarah Lee is on medical / maternity leave
d. Maria Cabasino	BHS	Math Teacher; Temporary contract	Approximately April 5, 2021 thru the end of the 2020-21 school year	Masters	While Sarah Ishmael is on medical / maternity leave
e. Kaitlynn Cragen	BHS	Spanish Teacher; Long Term Substitute	December 18, 2020 thru the end of the 2020-21 school year	Bachelors	Replacing Tiarra Clarkston

5. New Employment – Support Staff:

Name	Building	Position	Effective Date	Hours per Day	Reason for Employment
a. William Gott	BHS	Nutrition Services Floater	November 18, 2020	7	Replacing Catherine Shelton
b. Larry Taylor	Facility Services	Custodian	November 23, 2020	8	Replacing Logan West
c. Lindsey Hudson	BHS	Administrative Assistant Team 2023; Temporary assignment	Continuing thru the end of the 2020-21 school year	7	While Jennifer Matherly is on medical leave
d. Kimberly (Nicole) Dotlich	Eagle	School Nurse; Part-time	December 8, 2020	8	Replacing Ashley Kidd
e. Shannon Goldsberry	Transportation	Bus Driver	December 7, 2020	Band A	Replacing Taylor Schuch due to a route transfer
f. Jody Low	Brown	Administrative Assistant / Receptionist	November 13, 2020	7.5	Replacing Sara Welcher
g. Shane Hutmacher	Facility Services	Maintenance Apprentice	November 30, 2020	8	Replacing Jacob Massie
h. Tyler Spears	Facility Services	Maintenance Technician	November 30, 2020	8	Replacing Rob VanDyke

6. New Employment – Extra-Curricular:

Name	Building	Position	Effective Date
a. David Schall	BHS	Assistant Varsity Boys Track (Lay) Coach	For the 2020-21 season
b. Brett Cupp	BHS	½ BCSC TV Assistant (Lay)	For the 2020-21 school year
c. Drew Baum	BHS	½ BCSC TV Assistant (Lay)	For the 2020-21 school year
d. Alexa Knight	EMS	National Junior Honor Society Sponsor	For the 2020-21 school year

7. Leaves of Absence – Certified:

Name	Building	Position	Type of Leave	Dates of Leave
a. Kaylyn Harrell	Delaware Trail	1 st Grade Teacher	Medical / Maternity	Mrs. Harrell will be extending her maternity leave thru December 18, 2020
b. Ana Allen	Eagle	1 st Grade Teacher	Medical / Maternity	Mrs. Allen will be extending her maternity leave thru December 18, 2020
c. Heather Sarles	ECC	Preschool Teacher	Medical	December 2, 2020 thru approximately March 19, 2021

8. Leave of Absence – Support Staff:

Name	Building	Position	Type of Leave	Dates of Leave
a. Oneida Scott	BHS	Nutrition Services	Medical	November 19, 2020 thru approximately February 12, 2021
b. Beverly Considine	WMS	Instructional Assistant	Family Medical	Mrs. Considine is extending her family leave thru the end of the 2020-21 school year

9. Change of Status – Certified:

Name	Previous Position	New Position	Effective Date	Reason for Change
a. Lindsay Cain	ALPHA Special Education Teacher; 195-day contract	WMS Special Education Teacher; will change to 185-day contract beginning in the 2021-22 school year	December 7, 2020	Replacing Robert LaPlante

10. Change of Status – Support Staff:

Name	Previous Position	New Position	Effective Date	Reason for Change
b. Rob Trautwein	ALPHA Instructional Assistant	ALPHA Instructional Assistant	December 7, 2020	Additional responsibilities due to Lindsay Cain moving to WMS
c. Jerah Edgar	Nutrition Services Team Member	EMS Café Assistant Manager	January 5, 2021	New position
d. LaChelle Smith	Nutrition Services Team Member	WMS Café Assistant Manager	January 5, 2021	Replacing Elise Mullis

11. Clarification – Support Staff:

Name	Position	Reason for Change
a. Tianna Willis	EMS Special Education Instructional Assistant	Ms. Willis pay rate was adjusted

FOR BOARD INFORMATION:**12. Approval of Construction Change Orders:**

The Administration has approved the following construction change orders; the projects remain within their established budgets.

BCSC Transportation and Facility Services center

Contractor	CO #	Contract Amount	CO Dollar Amount	New Contract Value	BCSC Approval	Board Meeting	Description
BP 02 - Millennium	5	\$ 3,170,335.69	\$ 6,805.55	\$ 3,177,141.24	11/6/2020	12/14/2020	Grading Issues at S. End of NE Canopy - RFI 091
BP 04 - JBM	8	\$ 6,768,080.00	\$ 9,115.00	\$ 6,777,195.00	11/6/2020	12/14/2020	Masonry Screen Wall, Dumpster Screen Wall and Top Out Credit
BP 04 - JBM	9	\$ 6,777,195.00	\$ 6,567.00	\$ 6,783,762.00	11/11/2020	12/14/2020	East Building Stoops and Locker Bench Extra
BP 09 - Greiner Bros.	4	\$ 2,863,171.00	\$ 6,880.00	\$ 2,870,051.00	11/10/2020	12/14/2020	ASI 003 Emergency Shower and ASI 006 Gas Piping Revisions

13. Professional Services Agreements:

The Administration has entered into the following professional services agreements:

Meyer Najem Construction, LLC/2021 West Middle School Additions & Renovations: The Administration has entered into a professional services agreement with Meyer Najem for construction manager as agent professional services on the West Middle School Additions & Renovations project. The scope and terms of service, and the staff assigned to the project, is similar to those provided by Meyer Najem on other recent projects. The agreement is dated November 16, 2020 and was fully executed on November 18, 2020, for a total lump sum fee amount of \$2,496,920.00. This fee is comparable to other similar project fees and is included within the current project budget.

CSO Architects, Inc./2021 West Middle School Addition & Renovations: The Administration has entered into a professional services agreement with CSO for design, documentation, bidding, and construction observation services for the West Middle School Additions & Renovations project. The scope and terms of professional service is similar to those provided by CSO on other recent projects. The agreement is dated November 16, 2020 and was fully executed on November 18, 2020, for a total lump sum fee amount of \$2,081,440.00. This fee is comparable to other similar project fees and is included within the current project budget.

Dr. Snapp recommended the Board approve the Consent Agenda as presented. Mrs. Dearman moved to approve the recommendation; Dr. Freije seconded the motion. The Board approved the recommendation by a vote of four (4) ayes; zero (0) nays.

V. COMMUNICATIONS:**A. Brownsburg Education Foundation Report**

Mrs. Dearman shared the following information regarding the Education Foundation:

- Apples for Excellence – 480 apples were given to teachers and staff for a total of \$2,400 donated to BEF. This was all done online last week and was very successful! Many thanks to everyone who purchased Apples for Excellence for teachers and staff.
- 2021 Rally for Our Kids Gala – An event will be held on March 12, 2021. It has been determined the Gala will not be in-person, but the Gala Committee is working on exciting ways to have fun, win prizes and raise money for BEF! Watch for announcements on Facebook, the BEF website and BEF newsletter.
- Amazon Smile – As you're doing your holiday shopping, be sure to go to Amazon Smile (smile.amazon.com) and select the Brownsburg Education Foundation for BEF to receive 0.5% of sales. Thank you!
- Holiday Graduate Walk Brick Special – From Dec. 1-15, Alumni bricks will be offered at the current student rate of \$100. Plus, receive an additional discount for every brick ordered and buy 5 bricks, get the 6th brick free. See the BEF website to order online or to download an order form.
- Designer Purse Bingo – Many thanks to everyone who supported, sponsored and helped raise over \$12,000 during this fun, inaugural event! Look for a similar event in the future!

B. Operations Report

Mr. Voigt updated the Board on the expanded federal free and reduced meals program for the first semester. Through November 30, the program has saved BCSC families \$1,262,382, covering 134,888 breakfasts and 375,660 lunches. The program is expected to continue through the end of the school year. Mr. Voigt shared this is one good thing to come out of COVID. He answered several clarifying questions from the Board.

C. COVID-19 Update

Dr. Snapp shared that December 4, 2020 was the deadline for families to make their choice of in-person or at-home-learning for their students for the second semester. Approximately 100 families moved from in-person to at-home-learning and about 50 families chose to move from at-home-learning to in-person. Scheduling at the secondary level is being finalized and plans will continue for elementary and middle school.

Dr. Snapp shared that the CDC change to quarantine requirements has been helpful in returning students to school quicker. He noted that numbers indicate 99% of those on quarantine return to school safely. We will continue to follow the CDC guidelines currently in place and monitor any changes that may be implemented.

Dr. Snapp shared that the vaccines are moving in and all indications are teachers and staff will be in the second wave of inoculation. There is no definitive projection of when that may occur but the Department of Education has reached out and requested number of staff members that we anticipate may take the vaccine.

VI. COMMENTS FROM PATRONS

Marvin Ward – Brownsburg, Indiana

Mr. Ward shared concerns regarding the proposed transaction authorizing the disposition of property to the Town of Brownsburg. He believes the transaction could result in a significant loss to the school district and asked that a clause be included, should the property not be used for a park and later sold to developers, the school district should be compensated for the increased value above this current sale price. Mr. Ward shared the history of the purchase of the property as well as a history of challenges working with the Town Council and the Town of Brownsburg.

VII. OLD BUSINESS

A. Preliminary Determination Hearing

Mr. Hylton opened the public hearing at 6:45 p.m.

Mr. Hacker, via Zoom, once again shared the scope and sequence of the proposed project to renovate and expand West Middle School. He reviewed the project costs and proposed terms as well as the timeline to complete the project.

Mr. Hylton called for public comments. There were none.

Mr. Hylton closed the public hearing at 6:49 p.m.

B. Recommendation to Approve Project Resolution

Mr. Hacker recommended that the Board of School Trustees approve the Project Resolution. He shared that this resolution establishes the estimated costs of the projects as well as the overall tax impact of the projects as discussed in the two public hearings.

PROJECT RESOLUTION

WHEREAS, the Board of School Trustees (the "Board") of Brownsburg Community School Corporation (the "School Corporation") at a meeting on December 14, 2020 held a public hearing in accordance with Indiana Code § 20-26-7-37 for the purpose of answering questions and listening to taxpayers' comments and any evidence they may present about the proposed renovation and construction of improvements to West Middle School and renovation of and

improvements to school facilities throughout the School Corporation including site improvements and the purchase of technology, buses and equipment (the "Projects"); and

WHEREAS, the Board has carefully studied all of the known options and feels that the proposed Projects are in the best interests of the present and future students to be served by these facilities; now, therefore,

BE IT RESOLVED, that the purpose of the Projects is to provide an improved educational environment for students.

BE IT FURTHER RESOLVED, that the estimated hard and soft construction costs of the Project are \$38,150,000, with estimated costs of issuance (including capitalized interest less interest earnings and interim lease rental) of \$850,000, resulting in total estimated cost of the Projects of \$39,000,000.

BE IT FURTHER RESOLVED, that the estimated \$39,000,000 will be funded by one or more of the following: Operations Fund, common school fund loan, general obligation bond issue, and/or a building corporation bond issue with an anticipated impact on the Debt Service Fund tax rate of \$0.1195 per \$100 assessed valuation based on an estimated \$2,611,646,060 assessed valuation beginning in 2022. However, as existing obligations mature, the anticipated increase to the Debt Service Fund tax rate is expected to be \$0.00 above the current rate.

Passed and adopted this 14th day of December, 2020.

Mr. Utterback moved to approve the recommendation; Dr. Freije seconded the motion. The Board approved the recommendation by a vote of four (4) ayes; zero (0) nays.

C. Recommendation to Approve Preliminary Determination Resolution

Mr. Hacker recommended that the Board of School Trustees approve the Preliminary Determination Resolution. He explained that this resolution sets forth the maximum terms of the lease and/or bond issue, lease rental, annual debt service levy, and annual debt service rate. He shared upon the adoption of this resolution, it will be published in *The Republican*, mailed to the County Clerk and posted in three locations within the school corporation to notify the public of this information.

PRELIMINARY DETERMINATION RESOLUTION

WHEREAS, Brownsburg Community School Corporation (the "School Corporation") published a Notice of Preliminary Determination Hearings on November 12, 2020 in *The Republican* and mailed such notice to the Hendricks County Clerk and any organizations requesting such notice as provided in Indiana Code 6-1.1-20-3.5 with respect to the renovation and construction of improvements to West Middle School and renovation of and improvements to school facilities throughout the School Corporation including site improvements and the purchase of technology, buses and equipment (the "Projects"); and

WHEREAS, the first preliminary determination hearing was held on November 23, 2020 and the second preliminary determination hearing was held on December 14, 2020 in accordance with the notice and the law of the State of Indiana (the "State"); now, therefore,

WHEREAS, the School Corporation has made the following information available to the public at the public hearings: (a) the result of the Schools Corporation's current and projected annual debt service payments divided by the net assessed value of taxable property within the School Corporation; (b) the result of (i) the sum of the School Corporation's outstanding long term debt plus the outstanding long term debt of other taxing units that include any of the territory of the

School Corporation; divided by (ii) the net assessed value of taxable property within the School Corporation; and

BE IT RESOLVED that the Board of School Trustees (the "Board") of the School Corporation preliminarily determines to issue bonds and enter into a lease agreement for the Projects.

BE IT FURTHER RESOLVED that the lease agreement will be for a maximum term of 22 years with a maximum annual lease rental of \$3,285,000. The maximum annual lease rental has been estimated based upon an estimated principal amount of bonds of \$39,000,000, estimated interest rates ranging from 2.00% to 4.40%, and estimated total interest costs of \$17,755,877. The School Corporation may issue general obligation bonds to fund the Projects and if such bonds are issued, they will fit into the parameters listed above. If the School Corporation issues general obligation bonds, the principal amount of the bonds associated with the lease, as described above, would be reduced by the principal amount of the general obligation bonds issued, such that the total principal amount of bonds issued to finance the Project would not exceed the aggregate estimated principal amount of \$39,000,000.

The School Corporation's current debt service levy is \$22,991,758 and the current debt service rate is \$0.9269. After the School Corporation enters into the proposed lease agreement and the bonds are issued, the debt service levy will increase by a maximum of \$3,285,000 and the debt service rate will have a maximum impact of \$0.1195. However, as existing obligations mature, the anticipated increase to the Debt Service Fund tax rate is expected to be \$0.00 above the current rate. The purpose of the lease agreement and bonds is to provide for the completion of the Projects. The Project involves the opening of new school facility space; however, the new school facility space is expected to be more efficient than some of the existing school facility space. The School Corporation expects to annually incur an increase of \$_____ to operate such new facility space.

BE IT FURTHER RESOLVED that the Secretary of the Board is hereby authorized and directed to publish the notice of adoption of this preliminary determination in accordance with Indiana law.

BE IT FURTHER RESOLVED that if a valid petition pursuant to Indiana Code § 6-1.1.-20-3.5 is received by the School Corporation, the Secretary of the Board of School Trustees is hereby authorized to submit the notice pursuant to Indiana Code § 6-1.1-20-3.5(b)(2) and any other required information to the Hendricks County Clerk.

Passed and adopted this 14th day of December, 2020.

Dr. Freije moved to approve the recommendation; Mrs. Dearman seconded the motion. The Board approved the recommendation by a vote of four (4) ayes, zero (0) nays.

D. Recommendation to Approve Resolution Determining Need for Projects

Mr. Hacker recommended that the Board of School Trustees approve the resolution determining need for projects. He explained that as required by the school leasing statute (IC 20-47-3), the Board must determine that there is a need for the projects. The work we have done over the previous several months and shared with the Board has set forth the need for this project.

RESOLUTION DETERMINING NEED FOR PROJECTS

WHEREAS, an investigation has been conducted by the Board of School Trustees (the "Board") of Brownsburg Community School Corporation (the "School Corporation") with respect to the renovation and construction of improvements to West Middle School and renovation of and improvements to school facilities throughout the School Corporation including site improvements and the purchase of technology, buses and equipment (the "Projects") and leasing all or a portion of the Project from the Brownsburg 1999 School Building Corporation (the "Building Corporation"); and

WHEREAS, this Board now finds that a need exists for the Projects, and that the School Corporation cannot provide the necessary funds to pay the cost of the Projects required to meet such need; and

WHEREAS, it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the financing of the Projects by the Building Corporation and the lease of such facilities to the School Corporation; now, therefore,

BE IT RESOLVED, that a need exists for the Projects, and that the Projects cannot be funded from sufficient funds available to the School Corporation, and that this Board proceed to take such steps as may be necessary to secure the Projects and leasing of such school facilities as provided by the Indiana Code Title 20, Article 47, Chapter 3.

Passed and Adopted this 14th day of December, 2020.

Mr. Utterback moved to approve the recommendation; Mrs. Dearman seconded the motion. The Board approved the recommendation by a vote of four (4) ayes, zero (0) nays.

VIII. NEW BUSINESS

A. Recommendation to Approve Court Representation Authorization

Mr. Hacker recommended that the Board approve the Court Representation Authorization Resolutions for the following business office employees: Mr. Shane Hacker, Mr. Greg Foster and Mrs. Mandy Garner. Mr. Hacker explained that these resolutions authorize these employees to represent the Board of School Trustees in court for claims the Corporation might file for uncollected curricular material and/or other delinquent school related fees. Mr. Hacker noted that this resolution is brought forth annually.

Mrs. Dearman moved to approve the recommendation; Mr. Utterback seconded the motion. The Board approved the recommendation by a vote of four (4) ayes; zero (0) nays.

B. Recommendation to Approve End of Year Payments and Transfers

Mr. Hacker recommended that the Board of School Trustees approve the resolution to allow for end of year payments and transfers. Mr. Hacker explained that this is an annual recommendation that eliminates the need for a Board meeting on December 31st and to make the necessary payments and transfers to close the budget for 2020. All transfers are subject to auditing procedures. No funds or accounts should end with a negative balance and this allows for transfers to occur so no funds end with a negative balance. Mr. Hacker noted that all payments and transfers will be included for final end of year Board approval with the prepaid claims of the first meeting in January.

Dr. Freije moved to approve the recommendation; Mr. Utterback seconded the motion. The Board approved the recommendation by a vote of four (4) ayes; zero (0) nays.

C. Recommendation to Approve Area 31 Operating Agreement

Dr. Snapp recommended that the Board of School Trustees approve the Area 31 Technical Education Programs Operating Agreement. He shared that this agreement continues the school corporation's participation, along with 11 other districts, in the Area 31 Career and Technical Program located at Ben Davis High School.

Mr. Utterback moved to approve the recommendation; Dr. Freije seconded the motion. The Board approved the recommendation by a vote of four (4) ayes; zero (0) nays.

D. Recommendation to Approve the Brownsburg High School Program of Studies for the 2021-2022 School Year

Dr. Snapp recommended the Board of School Trustees approve the BHS Program of Studies, a guide to course selection and program planning, for the 2021-2022 school year. Dr. Snapp explained that there are only minor changes including the following:

- Dual Credit Course Additions
 - Advanced German, CC/BSU 201 (Ball State)
 - Advanced German, CC/BSU 203 (Ball State)
- Special Education Required Course Additions
 - Applied Work Based Learning Capstone
 - Applied Basic Skill Development
- Course Deletions or Courses “Turned Off”
 - 613-614 Advanced 2-Dimensional Art

Dr. Snapp shared that this will allow the high school to begin scheduling the current juniors for classes after the first of the year.

Mr. Utterback moved to approve the recommendation; Dr. Freije seconded the motion. The Board approved the recommendation by a vote of four (4) ayes; zero (0) nays.

E. Recommendation to Approve Resolution Authorizing Purchase and Lease of Property and Approving Term Sheet

Dr. Snapp recommended that the Board of School Trustees approve the resolution authorizing the purchase and lease of property and approving the term sheet. He explained that this transaction will be for the purchase of 10.68 acres east of the high school currently owned by the Brownsburg Girls Softball League. This resolution will approve the term sheet and provides authorization to the School Corporations’ entrance into any and all documents necessary to finalize the purchase and lease in accordance with the term sheet. This approval will also provide authorization to Dr. Snapp, Mr. Hacker and Mr. Hylton to negotiate, approve, and sign all documents required to finalize the purchase and lease in accordance with the term sheet. Dr. Snapp noted this is property that will assist in any additional expansion and improvements to the high school.

RESOLUTION AUTHORIZING PURCHASE AND LEASE OF PROPERTY AND APPROVING TERM SHEET

WHEREAS, Indiana Code § 36-1-10.5-5 authorizes the Board of School Trustees (the "Board") of the Brownsburg Community School Corporation (the "School Corporation") to purchase land after adopting a resolution to the effect that it is interested in making such purchase and obtaining two (2) appraisals of the land; and

WHEREAS, Indiana Code § 36-1-10.5-6 prohibits the School Corporation from purchasing any land for a price greater than the average of two (2) appraisals; and

WHEREAS, Indiana Code § 20-26-5-20 permits the School Corporation to allow any of its facilities to be used by any person in situations and at times that do not interfere with the use of the facility for school purposes; and

WHEREAS, Indiana Code § 36-1-11-10 and Indiana Code § 36-1-11-12 outline two separate procedures the Board of the School Corporation may follow to lease real property rather than sell, transfer, or exchange it; and

WHEREAS, the Board of the School Corporation reviewed and considered: (i) a proposed Term Sheet (the "Term Sheet") relating to (a) the purchase (the "Purchase") of approximately

10.68 acres of land located at 1001 South Odell Street, Brownsburg, Indiana as described on Schedule I attached hereto (the "Property") owned by Brownsburg Girls Softball League, Inc., an Indiana nonprofit corporation (the "League") and (b) the School Corporation's lease or permission of use (the "Lease") of the to-be-acquired Property to the League; (ii) authorizing or ratifying the appointment of two (2) appraisers; and (iii) other matters relating to the Purchase and Lease; now therefore

BE IT RESOLVED after consideration at a duly organized meeting of the Board, the Board of the School Corporation hereby authorizes and approves the Purchase and Lease as permitted by the aforementioned Indiana Code provisions pursuant to the parameters of the Term Sheet attached hereto as Schedule II approved hereby; and

RESOLVED FURTHER that the School Corporation hereby approves the Term Sheet presented to the Board and consents to the School Corporation's entrance into any and all documents necessary to effectuate the Purchase and Lease in accordance with the Term Sheet; and

RESOLVED FURTHER that the School Corporation hereby authorizes the Superintendent of the School Corporation, the Chief Financial Officer of the School Corporation and the President of the Board to negotiate and approve any and all documents required to effectuate the Purchase and Lease in accordance with the Term Sheet; and

RESOLVED FURTHER that the Board hereby authorizes or ratifies the appointment of two (2) appraisers to appraise the fair market value of the Property for purposes of the Purchase and the Lease, if necessary, and authorizes the use of such appraisals; and

RESOLVED FURTHER that the School Corporation shall keep the appraisals on file in the School Corporation's offices for five (5) years; and

RESOLVED FURTHER that this Board of the School Corporation authorizes any officer of the Board, the Superintendent of the School Corporation or the Chief Financial Officer to execute and/or attest any and all documents relating to the Purchase and Lease within the parameters outlined in the Term Sheet.

Passed and Adopted this 14th day of December, 2020.

Mr. Utterback moved to approve the recommendation; Dr. Freije seconded the motion. Dr. Snapp entertained several questions from the Board regarding the terms and next steps in the transaction. Following a brief discussion, the Board approved the recommendation by a vote of four (4) ayes; zero (0) nays.

Ms. Heffernan was able to join the meeting via telephone at this time.

F. Recommendation to Approve Resolution Authorizing Disposition of School Property

Dr. Snapp recommended that the Board of School Trustees approve the resolution authorizing disposition of school property. Dr. Snapp explained that this resolution provides the terms for BCSC to sell approximately 102.5 acres and donate 3.5 acres, known as the North Property, to the Town of Brownsburg. This resolution will also provide authorization to Dr. Snapp, Mr. Hacker, and Mr. Hylton to negotiate the specific terms and conditions of the contract for sale of real estate consistent with the terms of the resolution and execute any and all documents with respect to the transaction.

RESOLUTION AUTHORIZING DISPOSITION OF SCHOOL PROPERTY

WHEREAS, the Brownsburg Community School Corporation (the "School Corporation") owns certain vacant real property consisting of approximately 106 acres as more particularly described and depicted on Schedule I attached hereto and incorporated herein (the "School Property");

WHEREAS, the Board of School Trustees (the "Board") of the School Corporation has expressed a desire to transfer the School Property to the Town of Brownsburg, Indiana (the "Town") and the Town has expressed a desire to acquire the School Property from the School Corporation on the terms and conditions set forth herein;

WHEREAS, the School Corporation may exchange or transfer property with another governmental entity upon terms and conditions agreed upon by the two (2) governmental entities as evidenced by the adoption of substantially identical resolutions of each governmental entity; and

WHEREAS, Indiana Code § 20-26-7-5 authorizes the School Corporation to convey property to a political subdivision for civic purposes by adopting a resolution recommending such transfer and the political subdivision delivers a deed for the school property once the political subdivision agrees to accept the school property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE SCHOOL CORPORATION, THAT:

- Section 1. The School Corporation and the Town hereby agree that the purchase price for the School Property is Two Million One Hundred Forty-Seven Thousand Three Hundred Seventy-Five Dollars (\$2,147,375) which includes a donation of approximately 3.5 acres of the School Property from the School Corporation to the Town in the area generally depicted on Schedule II attached hereto and incorporated herein (the "School Donated Property"). The School Corporation hereby represents that the value of the School Donated Property is at least [[[Seventy-Three Thousand Three Hundred Twenty-Five Dollars (\$73,325)]]]. The School Corporation and the Town hereby agree that a written contract shall be finalized and executed no later than February 15, 2021. In the event the School Corporation and the Town are unable to finalize and execute a written contract by February 15, 2021, the Board and the Town Council shall take additional actions to accommodate a new date by which a written contract shall be finalized and executed.
- Section 2. The School Corporation and the Town acknowledge and agree that the proposed sale of the School Property will be subject to and conditioned upon the parties entering into a formal written agreement (the "Contract for Sale of Real Estate") that will include commercially reasonable real estate provisions, including, but not limited to:
- a. that the transfer of the School Property may be subject to taxes prorated to the date of closing between the School Corporation and the Town, easements of record, and restrictive covenants of record (collectively and individually the "Matters of Record") subject to the Town's determination that the Matters of Record do not interfere with the Town's intended use and development of the School Property. The School Property shall be transferred to the Town free and clear of any and all other liens or financial encumbrances except as identified above; and
 - b. the Town's ability to conduct any and all due diligence on the School Property determined necessary by the Town.

Section 3. The Board hereby authorizes the Superintendent of the School Corporation, the Chief Financial Officer of the School Corporation and the President of the Board to negotiate the specific terms and conditions of the Contract for Sale of Real Estate consistent with the terms of this Resolution and to execute once finalized and agreed upon. Any officer of the Board is also hereby authorized and directed to execute any and all documents necessary to facilitate the closing on the School Property, including, but not limited to any and all documents that may be required by the title company. This Section 3 is subject to and conditioned upon:

- a. the Town adopting a substantially identical resolution consistent with the terms and conditions herein (the "Town Resolution");
- b. the Town Resolution providing authorization for the Town Manager and the Council President to negotiate the specific terms and conditions of the Contract for Sale of Real Estate consistent with the terms of this Resolution and to execute once finalized and agreed upon; and
- c. the Town Resolution providing authorization for the Town Manager, the Council President and/or the Clerk-Treasurer to execute any and all documents necessary to facilitate the closing on the School Property, including, but not limited to any and all documents that may be required by the title company.

Section 4. This Resolution shall be in full force and effect upon passage.

Passed and Adopted this 14th day of December, 2020.

Dr. Freije moved to approve the recommendation; Mr. Hylton seconded the motion. The Board addressed several questions with regard to the transaction, including should the deal not come to fruition. Dr. Snapp explained that the Town is selling bonds to support this project and the terms of the bonds deem that the property will be used as a park/sports complex. Mr. Utterback expressed his support of youth, and youth sports but indicated several years ago when negotiations began that he could not support the sale of the property if there was a loss to the school corporation. He considers the donation of the 3.5 acres a loss to the corporation, making it impossible for him to approve the transaction. There being no further discussion, the Board approved the recommendation by a vote of four (4) ayes; one (1) nay.

IX. SUPERINTENDENT COMMENTS

Dr. Snapp thanked the Board for approving the sale of the property and purchase of the softball property. He explained that the corporation has a great partnership with the Parks Department as well as the current town manager and town council. He shared the softball property is crucial to the high school site.

Dr. Snapp noted that Thursday is the last student day for the semester and everyone deserves a great deal of credit. He commended Cindy Holtman, substitute coordinator; Jodi Gordon, Vicki Murphy, and Jennifer Wright as well as all of the district administrators for the tremendous job they have done during the first semester. He also shared his appreciation to the Board for the adjustment to the school calendar.

Dr. Snapp thanked Mr. Utterback and shared it has been a great pleasure to work with him. He noted Mr. Utterback is a person of high integrity who has always been there and always represented the Board well, whether that be at staff events, celebrations, retirements, meetings and community events. Dr. Snapp shared we will miss seeing Phil and so very much appreciate the work he has done on the Board.

X. BOARD MEMBER COMMENTS

Mrs. Dearman shared we will miss Mr. Utterback and his amazing commitment to the district. Their personal relationship goes back 15 years and she is grateful to have served beside him these past few years.

Dr. Freije shared that Mr. Utterback has been a beacon of integrity and respect over the past 30+ years. He has been a role model for him at an early age and could not have asked for anyone better as a role model. We pay tribute to one of Brownsburg’s most honorable and respectable citizens. He thanked Mr. Utterback and wished him the very best in all future endeavors.

Mr. Hylton shared that Mr. Utterback is truly what BCSC is all about. From serving as a principal and a school board member, he has enjoyed getting to know his as a Board member and a friend. He shared that Mr. Utterback lead him and taught him as he moved to the role of president, Mr. Utterback set the tone. While we may not always have agreed, we did so respectfully. Mr. Utterback has done so many great things for BCSC, it’s been his life. We hope you will stay involved, we want you around.

Mr. Utterback shared that he doesn’t deserve any more than anyone else. He shared that it has been an enjoyable experience serving on the Board, most times. He has continued to learn and grow. He shared that there really aren’t any surprises, everyone works together and it has always been about students first, what is best for the students. He thanked all of the people who put their trust in him and elected him to the job. He has enjoyed all 31 years of service. He thanked all of the staff members for their hard work from the custodians, cafeteria staff, administrative assistants, teachers and administrators. It has been a pleasure serving with and for you. He enjoyed working for Dr. Harrold, Mrs. Corbin and Dr. Snapp. It has truly been a pleasure and we even learned how to get along. Finally, he thanked his wife Phyllis for supporting him. Mr. Utterback wished everyone a very Merry Christmas. Mr. Hylton presented Mr. Utterback with a card and a gift from the Board.

XI. ADJOURNMENT

Mr. Hylton moved to adjourn the meeting. Mr. Utterback seconded the motion. The Board approved the motion by a vote of four (4) ayes; zero (0) nays. The meeting adjourned at 7:17 p.m.

**BROWNSBURG COMMUNITY SCHOOL CORPORATION
BOARD OF SCHOOL TRUSTEES**

