MUSCOGEE COUNTY SCHOOL DISTRICT
COLUMBUS, GEORGIA

REGULAR BOARD OF EDUCATION MEETING
BRADLEY LIBRARY CONFERENCE ROOM
MONDAY, NOVEMBER 18, 2002, 6:30 P.M.

MINUTES

A regular meeting of the Board of Education of the Muscogee County School District was held on Monday, November 18, 2002, 6:30 p.m. in the conference room at the Bradley Library.

The following members were present: Mary Sue Polleys, Chairman, James Walker, Vice Chairman, David E. Ebron, Philip T. Schley, Linda Parker, Fife M. Whiteside, Brenda Storey and Owen Ditchfield.

Others present: Robert L. Bushong, Interim Superintendent of Education, Charles Staples, Legal Counsel, Del Parker, Treasurer, Brenda F. Dozier, Assistant Superintendent for Student Services, Gordon Stallings, Assistant Superintendent for Instruction, Billy Kendall, Administrative Assistant, Bill Hortman, Associate Superintendent and representatives from the media.

Dr. Polleys called the meeting to order with an invocation and pledge of allegiance to the flag led by students from Waddell Elementary School students. Dr. Polleys recognized visitors in the audience.

Upon motion of Mr. Walker, seconded by Mrs. Storey, the Board unanimously excused Mr. Wells from the regular meeting due to out of town business.

Upon motion of Mr. Ditchfield, seconded by Mrs. Storey, the Board unanimously approved official actions taken at the regular meeting on October 21, 2002 and a called meeting held on November 4, 2002.

Upon motion of Mrs. Parker, seconded by Mr. Ebron, the Board unanimously approved the appointment of Mrs. Marguerite Oliver Hay to the position of Director for the GLRS on a less than full-time basis beginning February 3, 2002.

Upon motion of Mrs. Parker, seconded by Mr. Ebron, the Board unanimously approved the revision to policy JBCCA – Student Assignment Procedures. The revision will include: "At least thirty days prior to Board action required to change zones, the proposed changes will be announced to the public. Maps of the existing zones and the proposed changed zones will be made available to the media. Also, at least one public hearing will be conducted at or prior to the date that the Board takes action to change zones. The public hearing will be announced to the media at least seven (7) days prior to the meeting at which the zone change is taken up."

Upon motion of Mrs. Storey, seconded by Mr. Ditchfield, the Board unanimously approved an elective course entitled World History in Film.

Upon motion of Mrs. Storey, seconded by Mr. Ditchfield, the Board unanimously approved Mr. Robert Slay of Sprint PCS as the business representative on the School Council at Midland Middle School.

Upon motion of Dr. Schley, seconded by Mr. Ebron, the Board unanimously approved financial statements for three months ending September 30, 2002.

Upon motion of Dr. Schley, seconded by Mrs. Storey, the Board unanimously approved change order no. 37 in the amount of $375.00 to be deducted from the original contract for construction at the North Site Project and change order no. 38 in the amount of $9,016.60 to be added to the original contract for construction at the North Site Project.

Upon motion of Mrs. Storey, seconded by Mr. Walker, the Board unanimously approved the change of the December Board meeting to Friday, December 20, 2002, 4:00 p.m. in the conference room at the Bradley Library.

Mr. Ebron, made a motion seconded by Mr. Ditchfield, to approve a resolution pertaining to the construction connected with the library project. Mr. Whiteside noted that attached to the package is a resolution done in October, 2001 that says, "the library committee is empowered and authorized to select a project superintendent for the library project." Mr. Whiteside asked to modify the motion to say that this approval is subject to approval by City Council. The Board voted unanimously to modify and approve the original motion.

Upon motion of Mr. Ebron, seconded by Mr. Walker, the Board unanimously approved the following consent agenda items:

- Personnel Report. (Appendix A)
- Financial audit of SPLOST Capital Projects Fund.
- New budget Middle School Magnet Programs at Arnold and East Columbus, $75,000.00 each.
- New budget Safe and Drug Free Schools, $279,366.00.
- New budget SADD Chapter at Carver High, $2,000.00 from Governor's Office of Highway Safety.
- New budget Arnold Middle School, $2,500.00 from The Jordan Fundamentals Grant Program.
- New budget TANF, $88,418.00 for Adult Education to fund two full-time teacher positions.
- New budget Title I FY03 Grant, $8,772,072.00 for (22) elementary and (5) middle schools.

- New budget Title VA Innovation Funds, $237,777.00 from NCLB Act.
- New budget Title IIA Teachers Quality Funds, $2,050.593.00 from NCLB Act.
- New budget Technology/Career Ed., $29,037.00 Agriculture/Horticulture Education Shaw High.
- New budget Technology/Career Education Grant, $11,170.00 for Horticulture Education at Shaw.
- New budget Title II-D EdTech, $253,900.00 from GDOE.
- Budget adjustment, purchase card rebate, $7,163.47
- Budget adjustment, plant services temporary laborers at Northside High and various other locations, $29,775.00.
- Budget adjustment, Woodall, FY03 State budget, teacher salaries and travel expenses.
- Budget adjustment, Adult Education, $15,000.00 each for Rose Hill, Academic Success and TAPP Center.
- Budget adjustment, GLRS, $16,494.00.
- Budget adjustment, GLRS, Capacity Building Funds, $39,898.00.
- Budget adjustment, Plant Services, $45,000.00 for purchased equipment repair.
- Budget adjustment, Bradley Library, $46,000.00.
- Budget adjustment, Bradley Library, $162,000.00.
- Contract awarded, Performance Stage & Specialties, L.L.C., stage curtains at Key, Spencer and Hardaway, $17,268.00.
- Contract awarded, Abacus Technology Corporation, LAN for Library, $174,643.90.
- Contract awarded Southern Business Communications, Structured Cabling & Maintenance Services, E-Rate, $1,059,859.69.
- Annual Shaw Christmas Tournament.

Dr. Polleys informed the Board that the audit committee has met for the first time and she has asked Mrs. Storey to chair the committee since she has been in bank auditing.

Mr. Ditchfield commented that "that there has been some bad press regarding Eddy Middle School." He said that he went to the school unannounced, "visited Eddy Middle School and visited every single classroom. I saw students on task, the teachers were teaching and behavior was exemplary. I understand that Dr. Polleys, Mr. Walker saw the same thing that day. Mr. Ebron was there on Wednesday and he saw the same things." Mr. Walker said, "Dr. Polleys and I saw the same things teachers were doing a great job, the students behavior was outstanding." Dr. Bushong commented, "I have sent various staff members to Eddy and I have spoken with Dr. Griswould myself and the same positive things have been observed and things are in good shape at Eddy."

Dr. Bushong said it was commented on in the electronic media that we were "planning on cutting teacher salaries. I want to assure the Board that I would not bring such a cut to you. I just wanted to clarify that."

Dr. Polleys reminded the Board of the November 19th lunch meeting with City Council and December 3rd lunch meeting with Legislators and City Council, Trade Center, room 6.

Upon motion of Mr. Walker, seconded by Mrs. Parker, the Board unanimously voted to adjourn the regular November board meeting.

_____

Charles Staples, Legal Counsel

# RESOLUTION

**WHEREAS,** the Muscogee County School District has established a semi-autonomous library board to engage with the School District in the operation and management of the Muscogee County Public Library System, designated as the Muscogee County Library Board ("Library Board"); and

**WHEREAS**, the Library Board has succeeded to the responsibilities of the Project Development Committee on the Library Project; and

**WHEREAS**, in recognition of the semi-autonomous nature of the Library Board and the desire to provide it with the direct responsibility with regard to the construction connected with the new library;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chair of the Library Board and the Library Director or their respective designees are hereby designated as Project Manager with authority to approve proposed expenditures on the Library Project.

**FURTHER RESOLVED**, that Lyn D. Anderson, Newton B. Aaron III and Claudya B. Muller having been designated by the Chair of the Library Board and the Library Director as their designees to serve as Project Manager, they are so appointed and that the signatures of two of the three shall be required to authorize payments.

LIBRARY BOARD OF MUSCOGEE COUNTY, GEORGIA

In accordance with and pursuant to the 1947 Georgia Laws, page 1768, an Amendment to Article VIII, Section VII of the Constitution of the State of Georgia, designated as paragraph II thereof and as provided in 1949 Georgia Laws, page 1068, as amended, the Muscogee County School District (School District) is charged with the responsibility and duty to operate public libraries in Muscogee County. As therein provided, and further, in accordance with general laws of the State of Georgia, contained in Title 20, Education, Article II, Local and Regional Public Libraries (O.C.G.A. §20-5-20, et seq.), the Muscogee County School District wishes to establish a semi-autonomous Library Board to engage with the School District in the operation and management of the Muscogee County Public Library System and to serve on behalf of the School District on the Chattahoochee Valley Regional Library System.

(1) In accordance with Article 3, Title 48, Chapter 48 of the Official Code of Georgia Annotated, the Council of Columbus, Georgia adopted a Resolution (395-99) on August 24, 1999 imposing a special sales and use tax subject to the requirement of referendum approval of various public projects in Columbus, Georgia, including, acquiring, constructing, and equipping a new public county library to be operated by the School District, a Resolution which was then approved by the majority of voters in Muscogee County voting in an election.

(2) On September 20, 1999 the School District established a Project Development Committee to accomplish various purposes, including:

(a) a comprehensive community survey to determine the consensus of the community as to what a new public library should be, what services it should provide, and what type of facility it should be;

(b) a fundraising effort by which an endowment would be raised for the purpose of funding operations of the proposed library; and

(c) a planning survey, to establish architectural guidelines, and to assist in the design of a new proposed library.

The Project Development Committee has continued to provide valuable services, assistance, and guidance concerning the design and construction of the new central library.

(3) The School District, through its own resources and efforts, and from the association and relationship it has developed with the Project Development Committee, is aware of the benefit and advisability of public participation in the operation of the public library systems in Muscogee County and in those counties served by the Chattahoochee Valley Regional Library System.

(4) Therefore, to assist in the operation of the Muscogee County Public Library System, including the new main library, the construction of which is to be supervised by the School District, and all branches, and the School District's participation and responsibilities in and

to the Chattahoochee Valley Regional Library, the School District wishes to and does herein establish a Muscogee County Library Board ("Library Board") for the purposes as herein set forth. The School District recognizes that a Library Board will facilitate and encourage a higher level of community involvement and participation, which the School District desires and deems necessary for the future success of the public library system. The Muscogee County School District, through its Board of Education, resolves as follows:

(a) A library board of trustees ("Library Board") shall be established for participation in and to assist the School District in the operation and management of public libraries and the provision of library services to the community and its residents.

(b) Members of the Library Board will be appointed by the School District. It is the objective of the School District to insure and to receive input from the community in the selection process. The School District will publicly advertise and communicate its desire for anyone who is eligible for membership on the initial Library Board or successor boards to place his or her name before the Board of Education for consideration. The Board of Education will develop a more detailed procedure for applicants to follow. Initial members of the Library Board will be selected from those expressing an interest with consideration being given to recommendations from the Library Project Development Committee and the Superintendent. All subsequent Library Board members appointments will be made by the School District from applicants who express an interest, as set forth above, with consideration being given to recommendations from then seated members of the Library Board and the Superintendent.

(c) Residents of Muscogee County, twenty-one years of age and older, are deemed to be eligible for service and membership on the Library Board.

(d) The Library Board shall consist of twenty-six members who, in turn, shall select a Chairperson. Appointment by the School District to the Library Board shall be for staggered terms. Initially, nine members of the Library Board shall be appointed by the School District to serve a four-year term, nine members shall be appointed to serve a three-year term, and eight members shall be appointed to serve a two-year term. Thereafter, appointments will be made on an annual basis for three-year terms. After a member serves two consecutive terms, the member shall stop active services as a Board member and be eligible for re-appointment one year later, when annual appointments are made.

(e) The School District regards the Library Board as a semi-autonomous body, charged with the responsibilities of the operation and management of the public library system. The Library Board is responsible for the development of the library budget, which is to be submitted to the School District for its consideration and approval on an annual basis.

(f) As required by Georgia laws, ownership of realty upon which all libraries are to be located and the physical improvements located thereon which constitute the library buildings shall be with the School District. The School District will be responsible for maintenance, care and improvement of the grounds and structures and/or buildings. Similarly, the School District is to be the owner of all equipment and library collections, for example, books, tapes, etc., which are purchased with public and private funds.

(g) The School District is desirous of private contributions to the public libraries. In that regard, the Chattahoochee Valley Community Foundation, Inc., a Georgia Non-Profit Corporation, located in Muscogee County, Georgia, has agreed with the School District to establish a fund on the books of the Foundation known as the Muscogee County School District Main Library Endowment Fund to which contributions for the Central or Main Library may be made.

(h) Among the duties and responsibilities of the members of the Library Board are those set out in O.C.G.A. §20-5-43 which shall include involvement in the selection and the employment of a library director through its recommendation to the Superintendent and the Board of Education of the School District, the approval of a budget prepared by the director, attending board meetings, the establishment of policies governing library programs, including rules and regulations regarding the use of the library, establishment of policies for the administration of gifts of money and property, the presentation of financial and progress reports to the School District and to the public, and the notification to the School District of vacancies on the Library Board, so that successors may be selected. Thus, records and meetings of the Library Board are subject to and governed by the provisions of Georgia's Open Records Act, O.C.G.A. §50-18-70, et seq. and Georgia's Open Meetings Act, O.C.G.A. §50-14-1, et seq.

(i) Service on the library board will be without compensation. However, any member of the board may be reimbursed for reasonable and necessary expenses incurred in the performance of the library business.

(j) The qualifications, duties, and responsibilities of the library director are in part, as defined in O.C.G.A. §20-5-45, which include the recommendation for employment or termination of other staff members, the attendance of all meetings of the Library Board, preparation of local, state, and federal annual budgets, and the administration of the total library program.

(k) The School District will be the actual employer of the library director and members of the library staff, as the School District is the public body receiving public moneys for the purpose of maintaining and operating the library system. Further in this regard, the School District shall furnish the library with payroll services, accounting services, and will determine and establish the rate of compensation to the library director and members of the library staff. The Library Board, should it see fit to do so, may supplement the salaries of the library director or other library staff members. The Library Board will inform

the School District of any such supplements and any such supplements will be reflected in the Library's budget.

(l) Thus, all employees of the School District who work at the Library will be appointed and selected by the Board of Education, upon the recommendation of the Library Board and Superintendent, and their compensation, period of employment and duties of all such employees will be fixed by the Board of Education, consistent, where applicable, with provisions of Georgia laws.

(m) Library staff members shall be under the direct supervision and control of the Library director who shall be responsible for their day to day duties.

(n) The Library Board will engage in fundraising activities which it determines to be beneficial for the operation of and services provided by the public libraries.

(o) The Library Board shall make recommendations to the Board of Education of the School District through its Superintendent each year prior to the preparation of the School District budget for the needs of the library and the recommended budget items for their support. The Library Board, upon the request of the Superintendent, will furnish the Board of Education with a copy of all financial data concerning the library such as its balance sheet, its budget and all related financial reports, and thus the Library will be subject to the same audit requirements as other departments or components of the School District's operations.

(p) All purchases or financial obligations incurred by or at the direction of the Library Board or the Library director are to be paid by the School District and shall be initiated by the library director in accordance with and as provided by School District policy.

(q) The School District has designated a certain millage rate to the operation of the public libraries which was, 1.37 mills when initially set by the School District. At this time this rate was set, it was contemplated that the rate would be increased by a resolution of the School District's Board of Education to 1.5 mills, and that has been done.

(r) It is the wish and objective of the School District that public libraries be made available for community use and enjoyment, subject to the understanding that any such activities or occasions would be consistent with and not in contradiction of the provision of services as a public library. The Library Board will consider and evaluate any such request for use of library facilities, and, through its director, will submit any such request to the Superintendent for his final approval or rejection. Any such request will be compatible with the purpose of the libraries to serve the Columbus community as a cultural, civic, and educational facility.

(s) [Deleted by Amendment adopted October 21, 2002]

(t) There are a number of local groups and organizations which have expressed interests in providing support, resources, and assistance to the School District, the Library Board, and the libraries. The most active organization at the time of the adoption of this Resolution and the establishment of the Library Board is the "Friends of the Library". The Library Board, together with the Library Director, is, with input from the "Friends of the Library" and other interested organizations, to undertake the following activities and programs:

(1) Establish a long-range planning process.
(2) Establish a marketing program for the Library.
(3) Appoint a member to be a liaison to the Friends of the Library and other support organizations so that communication is current and regular from those who are advocates for the Library in the community and in the region.

(u) The Library Board should work with the Library Director to insure that accurate Library Board records are kept on file in the Library, so that the public has access to them.

(v) A member will forfeit his or her membership on the Library Board if he or she misses two consecutive Library Board meetings without being excused by the Library Board. The Library Board will make all decisions as to whether an absence is excused or unexcused.

(w) There will be five ex-officio members of the Library Board. These members, who will be non-voting members are the Superintendent of Education, the Library Director, the Assistant Superintendent of Business Affairs of the School District, the Chairperson of the School District's Board of Education's Finance Committee, and the Chairperson of the Board of Education's Library Committee.

(x) When selected and installed by the Board of Education, the Library Board will assume the duties and responsibilities of the Project Development Committee that pertain to the construction and equipping of the new main Library. The specifics these duties and responsibilities are set out in an Amendment to the Joint Resolution adopted by Columbus, Georgia, the School District and the Committee in October 2001.

# RESOLUTION OF THE LIBRARY BOARD OF MUSCOGEE COUNTY

On or about October 15, 2001 Columbus, Georgia ("Columbus"), by and through the Council of Columbus, Georgia (the "Council") and on or about October 16, 2001 the Muscogee County School District (the "School District") each by its respective Resolution passed and adopted an Amendment to Joint Resolution of Columbus, Georgia and the Muscogee County School District. (Exhibit A) Columbus and the School District had each earlier, on May 9, 2000, entered into a Joint Resolution relating, in part, to the acquisition, construction, and equipping of a county library to be operated by the School District and for other purposes. A copy of that Joint Resolution is Exhibit 1 to Exhibit A and remains, in effect, as amended by the Amendment.

On or about October 26, 2001 the Project Development Committee (the "Committee") previously established by the School District for certain purposes and activities regarding the new library, adopted and approved the Amendment to the Joint Resolution (Exhibit A).

It was also agreed and understood by Columbus, the School District, and the Committee, that the Library Board of Muscogee County, Georgia, established by a Resolution of the School District's Board of Education on June 18, 2001 would be then shortly selected by the Board of Education, and would be substituted for and assume the duties and responsibilities of the Committee and, thus, would be bound by and observe the terms and conditions of the May 9, 2000 Joint Resolution and the Amendment to the Joint Resolution (Exhibit A). The Library Board was then duly selected and impaneled by a Resolution of the Board of Education passed on October 15, 2001 at a Regular Board of Education Meeting.

It is therefore resolved in accordance with the foregoing Amendment to the Joint Resolution (Exhibit A) including the initial Resolution of May 9, 2000 and as hereinabove set forth that the Library Board of Muscogee County assumes the duties and responsibilities of the Library Project Committee and will be bound by and observe the terms and conditions of the aforesaid Amendment to Joint Resolution (Exhibit A) and initial Joint Resolution (Exhibit 1 to Exhibit A).

SO RESOLVED, this the _____ day of _____, 2001.

LIBRARY BOARD OF MUSCOGEE COUNTY

By: _____
Title: _____

By: _____
Title: _____

| | | | |
|---|---|---|---|
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |

| | | | |
|---|---|---|---|
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |
| Board Member | _____ | Voting | _____ |

C.M. 10-16-01 (add. 531-01)

# AMENDMENT TO JOINT RESOLUTION OF COLUMBUS, GEORGIA AND THE MUSCOGEE COUNTY SCHOOL DISTRICT

Resolution No. 531-01

On or about May 9, 2000 Columbus, Georgia ("Columbus"), by and through the Council of Columbus, Georgia (the "Council") and the Muscogee County School District (the "School District") each entered into a Joint Resolution ("Resolution") relating, in part, to the acquisition, construction, and equipping of a county library to be operated by the School District and for other purposes. A copy of that Resolution is attached hereto as Exhibit 1 and remains, in effect, as herein amended.

Columbus and the School District entered into the above referenced Resolution and agreed that the Resolution constituted an Intergovernmental Contract as set out in and permitted by Article IX, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. Likewise, Columbus and the School District enter into this Amendment under the same provision of the Constitution.

Mentioned in the above-referenced Resolution was the Project Development Committee (the "Committee"), established by the School District for purposes described in the Resolution, and also for those purposes and activities described in Exhibit A to the Resolution (Exhibit 1 hereto), some of which related to the "Library Project" therein referenced.

The purpose of this Amendment of the Resolution is to convey and entrust to certain aspects of the construction of the Library Project to the Committee under the terms and conditions as set forth in this Amendment. The Committee, by and through its duly authorized officials, whose signature hereinafter appears, is agreeable to and accepts the conveyance and entrustment of certain aspects of the construction of the Library Project under the terms and conditions as set out in the May 9, 2000 Resolution, as amended hereby.

NOW THEREFORE, be it resolved by the Council of Columbus, on behalf of Columbus, Georgia, in an open assembled meeting, and by the School District, in open meeting assembled, and as accepted by the Committee as follows:

1. The Committee will control, oversee, and be responsible for all aspects of the construction and equipping of the Library Project and will make all decisions relating thereto.

2. The Committee is empowered and authorized to select a Project Superintendent (a/k/a Project Manager) for the Library Project.

3. Columbus, the School District, and the Committee agree and reaffirm that the cost of acquisition, construction and equipping of the Library Project, including but not limited to the original contract amounts, and all change orders, contingencies, or other

charges relating thereto, shall be no more than $50,381,962.00 which, as set out in the May 9, 2000 Resolution, was established by Columbus in Resolution No. 395-99 on August 24, 1999, imposing a special sales and use tax. This amount shall come from and be funded solely by the issuance of Columbus, Georgia General Obligation Sales Tax Bonds of no more than $40,400,000.00, as was authorized by Columbus in a Master Bond Resolution, Resolution No. 573-99 on December 7, 1999 and the proceeds resulting from the imposition of a special sales and use tax in Columbus, Muscogee County, Georgia. These amounts are as described in the Resolution (Exhibit 1). Thus, Columbus, the School District, and the Committee do each agree not to incur any obligation or enter into any contract or commitment for the acquisition, construction and equipping of the Library Project which will exceed or be in excess of the above-stated amount of $50,381,962.00 that is the limit for the Library Project, which is contingent upon the issuance by Columbus of no more than $40,400,000.00 of the above-described Bonds.

4. The Committee will issue periodic reports to Columbus and the School District regarding the construction and equipping of the Library Project.

5. It is also agreed and understood by Columbus, the School District, and the Committee that as the Library Board of Muscogee County, Georgia, established by a Resolution of the School District's Board of Education on June 18, 2001 will be shortly selected by the Board of Education, the Library Board will be substituted for, assume the duties and responsibilities of the Committee and, thus, will be bound by and observe the terms and conditions of the May 9, 2000 Resolution and this Amendment.

6. If the Committee and/or the Library Board is unable to or cannot perform the duties and responsibilities of constructing and equipping the Library Project, then these duties and responsibilities will be reassumed by the School District.

Except as hereinabove amended, the May 9, 2000 Resolution remains in force and effect.

MUSCOGEE COUNTY SCHOOL DISTRICT

By: Mary Sue Pelleya
Chairperson

Attest: Guy W. Sims
Secretary

Board Member Ditchfield Voting YES

Board Member Ebron Voting YES

Board Member Parker Voting YES

| | |
|---|---|
| Board Member Polleys Voting | YES |
| Board Member Schley Voting | YES |
| Board Member Storey Voting | YES |
| Board Member Walker Voting | YES |
| Board Member Wells Voting | YES |
| Board Member Whiteside Voting | YES |

COLUMBUS, GEORGIA

By: _____
Bobby G. Peters, Mayor

By: _____
Tiny B. Washington, Clerk of Council

| | |
|---|---|
| Councilor Allen Voting | YES |
| Councilor Henderson Voting | YES |
| Councilor Hunter Voting | YES |
| Councilor McDaniel Voting | YES |
| Councilor Poydasheff Voting | YES |
| Councilor Rodgers Voting | YES |
| Councilor Smith Voting | NO |
| Councilor Suber Voting | ABSENT FOR VOTE |
| Councilor Turner Voting | YES |
| Councilor Woodson Voting | YES |

PROJECT DEVELOPMENT COMMITTEE

By: _____
Chairman

By: _____

| | | | |
|---|---|---|---|
| Committee Member | [illegible] | Voting | yes |
| Committee Member | [illegible] | Voting | Yes |
| Committee Member | [illegible] | Voting | Yes |
| Committee Member | [illegible] | Voting | Yes |
| Committee Member | [illegible] | Voting | 4/5 |
| Committee Member | [illegible] | Voting | yes |
| Committee Member | [illegible] | Voting | yes |
| Committee Member | Calvin Smyre | Voting | absent |
| Committee Member | _____ | Voting | _____ |
| Committee Member | _____ | Voting | _____ |

COUNCIL OF COLUMBUS
RESOLUTION NO. _____

MUSCOGEE COUNTY SCHOOL DISTRICT
RESOLUTION NO. _____

A JOINT RESOLUTION OF COLUMBUS, GEORGIA AND THE MUSCOGEE COUNTY SCHOOL DISTRICT RELATING TO THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF A COUNTY LIBRARY TO BE OPERATED BY THE MUSCOGEE COUNTY SCHOOL DISTRICT, AND FOR OTHER PURPOSES.

WITNESSETH THAT:

WHEREAS, in accordance with Article III, Chapter 8 of Title 48 of the Official Code of Georgia Annotated, the Council of Columbus, Georgia (the "Council"), the governing body of Columbus, Georgia ("Columbus") a consolidated city-county government with powers and jurisdiction throughout the territorial limits of Muscogee County, unanimously adopted its Resolution No. 395-99 on August 24, 1999, imposing a special sales and use tax (the "Sales Tax"), subject to the requirement of referendum approval of various capital outlay projects of Columbus including the raising of not more than $50,381,962 for the purpose of paying the costs, in part, of acquiring, constructing, and equipping a county library (the "Library Project") to be operated by the Muscogee County School District (the "School District"); and

WHEREAS, a majority of the voters of Muscogee County voting in an election said purpose approved imposition of the tax, which vote also constituted approval for the issuance of general obligation debt of Columbus in the principal amount of $40,400,000 for the Library Project; and

WHEREAS, the School District by resolution and vote on September 20, 1999, (Exhibit "A to the Resolution"), established a Project Development Committee (the "Committee") for the following purposes:

(a) To conduct a comprehensive community survey to determine what the consensus of the community is as to what the library should be, what services it should provide, and what type of facility it should be; and

(b) To conduct a fund raising effort by which an endowment shall be raised for the purpose of funding operations of the proposed library at a level consistent, if possible, with the desire of the community as determined above; and

(c) To conduct a comprehensive feasibility study for implementations of state of the art technology in the proposed library, to include (among other things) "from home" bibliography and data access, public teleconferencing facilities, and Internet access for library patrons; and

(d) To conduct a planning study to establish architectural guidelines to assist the design of a proposed library and if feasible, to commence design development for the library; and

(e) To bring a report and recommendation to the School District for approval, rejection, or modification, no later than December 31, 2000; and

WHEREAS, Columbus, in consultation with the School District and the Committee has entered into a contract for the purchase of property on Macon Road on which portions of the Columbus Square Shopping Center are located (the "Library Site") and on which the Library Project shall be constructed and equipped said contract being attached hereto and made a part hereof as Exhibit "B to the Resolution"; and

WHEREAS, Columbus adopted a Master Bond Resolution, Resolution No. 573-99 on December 7, 1999 regulating and providing for the issuance of up to $76,525,000 in principal amount of Columbus, Georgia General Obligation Sales Tax Bonds (the "Bonds") to provide monies for the acquisition, construction, and equipping of various capital outlay projects as approved by the voters and to pay the costs associated with the issuance of the Bonds, which principal amount of $76,525,000, includes up to $40,400,000 in principal amount of bonds to be issued for acquisition, construction, and equipping of the Library Site and the Library Project; and

WHEREAS, the Council adopted a Supplemental Resolution, Resolution No. 575-99 on December 7, 1999, supplementing and amending the Master Bond Resolution to provide for the issuance of $38,360,000 in principal amount of Columbus, Georgia General Obligation Sales Tax Bonds, Series 2000, as the first series of bonds authorized by the Master Resolution to provide monies for various projects, including approximately $8,000,000 for acquisition of the Library Site and preliminary consulting services; and

WHEREAS, the Bonds authorized to be issued by the Master Bond Resolution and the Series 2000 Bonds described in the Supplemental Resolution were validated by the Superior Court of Muscogee County on December 22, 1999, Civil Action No. SU-99-CV-4783; and

WHEREAS, Columbus intends to use Sales Tax proceeds and issue additional Bonds as authorized by the Master Resolution to pay the costs of constructing, and equipping the Library Project on the Library Site as funds are needed therefore and to use proceeds from the Sales Tax to pay the principal of and interest on such Bonds for the benefit of the Library Project in a total amount not to exceed $50,381,962, as authorized by the voters; and

WHEREAS, the Committee is continuing in efforts as set forth in Exhibit "A to the Resolution" to ensure that Library Project will best serve the citizens of the Columbus area in the new millennium; and

WHEREAS, Columbus and the School District have confidence in the Committee and its members to provide assistance to Columbus and the School District in planning and developing the Library Project, which upon its completion, along with the Library Site (Exhibit "B to the Resolution"), will be deeded and/or transferred by Columbus to the School District for ownership and operation; and

WHEREAS, this Resolution is adopted to declare the intent of the Council and the School District relating to such ownership, construction, development, and operation of the Library Site and the Library Project and to provide for the orderly planning of the Library Project.

NOW, THEREFORE, BE IT RESOLVED the Council of Columbus in an open meeting assembled, and by the School District, in open meeting assembled, as follows:

1. The Committee has been requested by the School District by Resolution and Vote on December 6, 1999 (Exhibit "C to the Resolution") to provide reports regarding the Library Project as shown thereon. Between themselves, Columbus and the School District agree that, as to the Library Project, that the School District will select the architect and contractor, and will approve, direct, and be in charge of the design, architectural plans, and construction of the Library and the Library Project direct, with suggestions from Columbus. The Committee has selected and employed a Library Program Consultant who will develop library program specifications which will serve as a guide to the architect in his or her design of the Library Project.

2. All contracts and agreements with regard to the Library Project shall be in accordance with the laws of the State of Georgia and the procurement ordinance for the Consolidated Government of Columbus, Georgia adopted March 5, 1985, as amended by Ordinance No. 85-121 (10/22/85), Ordinance No. 86-053 (5/27/86) and Ordinance No. 99-18 (3/16/99) and such other amendments or revisions as may be applicable thereto.

3. Columbus will proceed with the acquisition of the Library Site in accordance with the Fourth Amended and Restated Option Agreement for the Sale and Purchase of Real Property entered into for the purpose thereof (Exhibit "D to the Resolution" hereto) and all applicable laws and ordinances. Proceeds from the Bonds shall be spent in accordance with Section 16 through 19 of the Master Bond Resolution, Article IV of the Supplemental Bond Resolution, and the provisions of any future supplemental resolutions relating to the acquisition, construction, and equipping of projects, the management of the construction fund, authorized construction fund disbursements, and requisition procedures.

4. The School District will submit the name of an individual to serve as the Project Superintendent for the Library Project to Columbus, which, in turn, shall appoint the Project Superintendent. The Project Superintendent may be submitted and appointed from the construction supervision staff currently employed by the School District. The Project Superintendent shall perform those duties described in the Master

Bond Resolution and any supplemental resolutions and agreements as shall be deemed necessary by the Council and the School District to provide for the issuance and delivery of Bonds.

5. Columbus' financial obligations to issue Bonds and to provide proceeds from the Sales Tax for the Library Project through the payment of principal and interest on such Bonds or the direct payment of Library Project costs from Sales Tax proceeds are specifically limited to the amounts authorized by the voters for such purposes on November 2, 1999; provided, however, that the Council in its discretion may authorize the expenditure of other funds as may become lawfully available to it for such purposes.

6. Upon the completion of the Library Project, to the satisfaction of Columbus and the School District the Library Project shall be transferred and conveyed by Columbus to the School District, which shall assume ownership and responsibility for the operation and maintenance of the Library Project. Concurrently therewith, Columbus shall transfer the Library Site (as shown on Exhibit "B to the Resolution") by appropriate deed, conveying marketable fee simple title to the School District, free and clear of all liens and/or encumbrances. The transfer, conveyance and deeding of the Library Project and the Library Site by Columbus to the School District shall be for nominal consideration not to exceed Five NO/100 Dollars ($5.00).

7. Prior to the execution of the Mutual Resolution, Columbus has taken all appropriate measures and received advice and assurances from environmental engineers and other appropriate experts that there are no environmental problems or hazards which could cause Columbus or the School District expenses of remediation or liability to third parties.

8. Once the Library Site and Library Project are transferred and/or deeded to the School District, it will be the responsibility of the School District to operate the library under its powers as set forth in the aforesaid 1947 Georgia Laws and 1949 Georgia Laws, and in accordance with other applicable statutes and regulations in the State of Georgia.

9. Columbus and the School District have entered into the Resolution pursuant to and agree that the Resolution constitutes an Intergovernmental Contract as set out in and permitted by Article IX, Section III, Paragraph I of the Constitution of the State of Georgia of 1983.

Introduced at a regular meeting of the Council of Columbus, Georgia, held on the 9th day of May, 2000 and adopted at said meeting by affirmative vote of ten members of said Council.

| | |
|---|---|
| Councilor Allen voting | YES. |
| Councilor Henderson voting | YES. |
| Councilor Hunter voting | YES. |
| Councilor McDaniel voting | YES |
| Councilor Poydasheff voting | YES |
| Councilor Rodgers voting | YES |
| Councilor Smith voting | YES |
| Councilor Suber voting | YES |
| Councilor Turner voting | YES |
| Councilor Woodson voting | YES |

Tiny B. Washington, Clerk of Council

Bobby G. Peters, Mayor

Adopted in open meeting of the Board of Education of the Muscogee County School District held on the 9th day of May, 2000.

MUSCOGEE COUNTY SCHOOL DISTRICT

By: Mary Ann Polleys
Chairperson

Attest: Gary W. Sims
Secretary

| | |
|---|---|
| Board Member Polleys voting | Yes |
| Board Member Walker voting | Yes |
| Board Member Ebron voting | Yes |
| Board Member Parker voting | Yes |
| Board Member Pierce voting | Yes |
| Board Member Schley voting | Yes |
| Board Member Storey voting | Absent |
| Board Member Wells voting | Yes |
| Board Member Whiteside voting | Yes |