

MINNETONKA INDEPENDENT SCHOOL DISTRICT #276
District Service Center
5621 County Road 101
Minnetonka, Minnesota

Minutes of August 17, 2023 Special School Board Meeting

The School Board of Minnetonka Independent School District #276 met in special session at 7:30 p.m. on Thursday, August 17, 2023 in the Community Room at the District Service Center, 5621 County Road 101, Minnetonka, Minnesota. Chairperson Lisa Wagner presided. Other Board members present were Mark Ambrosen, Katie Becker, Patrick Lee-O'Halloran, Michael Remucal, Meghan Selinger, Chris Vitale and Superintendent David Law, ex officio.

Chairperson Wagner called the special meeting to order and asked that everyone stand and recite the Pledge of Allegiance to the Flag.

1. AGENDA

Lee-O'Halloran moved, Ambrosen seconded, that the School Board approve the agenda as presented. Upon vote being taken thereon, the motion carried unanimously.

2. APPROVAL OF RESOLUTION CALLING A CAPITAL PROJECTS REFERENDUM ELECTION

Executive Director of Finance and Operations Paul Bourgeois shared the following information with the Board. He began by noting that on November 3, 2015, the voters of the District approved an extension of the existing Capital Projects Referendum at the existing 6.569% of Net Tax Capacity of the District for 10 years. The 10 years approved included the 2015 Pay 2016 Levy to fund Fiscal Year 2017 through the 2024 Pay 2025 Levy to fund Fiscal Year 2026. The extension of the Capital Projects Referendum was approved by a vote of 4,770 Yes to 1,780 No or 72.49% Yes.

The 2015 approval occurred in the eighth year of the Capital Projects Referendum that was approved on November 6, 2007 at the same 6.569% of Net Tax Capacity of the District.

It is prudent to request renewal of the Capital Projects Referendum in its 8th year of authorization because if the renewal would be turned down by the voters, it allows for two additional opportunities to request renewal before the Capital Projects Referendum would drop off the District Levy.

The Capital Projects Referendum is a key funding component that contributes to the success of all students and the operations of the District. Revenue from the Capital Projects Referendum pays for the following key expenditures each year:


- All instructional technology equipment, including iPads and instructional computers
- All instructional textbooks inclusive of all instructional software and traditional textbooks
- All instructional staff training on instructional software
- All instructional technology support personnel
- All administrative software including but not limited to student accounting and grading software, financial software and internet firewall software
- All network hardware and software, including but not limited to network data storage devices and wide area network fiber optic cable
- All technology network security
- All administrative technology support personnel
- Classroom equipment that is not technology hardware and software
- Security barriers of all types including but not limited to physical barriers built into the facilities, electronic barriers, and security monitoring equipment

At this time, it is prudent for the School Board to consider a renewal referendum for the Capital Projects Referendum at the same 6.569% of Net Tax Capacity to be placed on the November 7, 2023 ballot. Approval of this Capital Projects Referendum would authorize this important levy for the 2023 Pay 2024 Levy for Fiscal Year 2025 through the 2032 Pay 2033 Levy for Fiscal Year 2034 and secure long-term stability for this important funding source. For the 2023 Pay 2024 Levy for Fiscal Year 2025, under the authority approved in 2015, the Capital Projects Referendum at 6.569% of Net Tax Capacity will generate \$9,240,493.94.


Approval by the voters of the District of the extension of the Capital Projects Referendum through the 2032 Pay 2033 Levy for Fiscal Year 2034 at the same 6.569% of Net Tax Capacity will not increase that amount. It will remain the same.

The Capital Projects Technology Referendum Packet has been developed by Attorneys Stephen Knutson and Katharine Saphar of the law firm Knutson, Flynn & Deans, PA.

Mr. Bourgeois also shared the following information in powerpoint format with the Board and the viewing public:




Capital Projects Referendum Basics




- Capital Projects Referendums are requests to voters of a school district to provide additional revenue to fund specific capital-related needs for which ongoing Operating Capital revenue sources are insufficient to fund
- Most often associated with technology needs for infrastructure and instruction
- Provides revenue for a period of up to ten years
- Revenue is based on a percentage of Net Tax Capacity, which is a calculation based on property values of the district
- Revenue can go up or down, depending on what property values do from year to year

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Capital Projects Referendum Basics (Continued)



- Capital Projects Referendum Revenue must be spent on the same categories as allowed for use of Operating Capital Revenue
- The uses of revenue must be described to the voters in the question presented to them
- The Capital Projects Referendum uses must be approved by the Minnesota Department of Education prior to putting a question to the voters through a process called “Review and Comment”
- In Minnetonka ISD 276, it is commonly referred to as the “Tech Levy” because funding of technology is the primary use of the voter-approved funds

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Minnetonka ISD 276 Citizens Have Supported Technology-Related Referendums Since 1992



- 02/04/1992 – Citizens approved a \$4,000,000 Bond for technology
 - 5,486 Yes (60%) and 3,710 No (40%)
- 11/05/2002 – Citizens approved what was then called a Down Payment Levy for 10 years at \$2,900,000 the first year – authority to fund FY04 through FY13
 - The rate was equivalent under the property tax laws at that time to the current 6.569% of net tax capacity
 - 12,249 Yes (56%) and 9,635 No (44%)

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Minnetonka ISD 276 Citizens Have Supported Technology-Related Referendums Since 1992 (Continued)



- 11/06/2007 Citizens approved extension of what was now called the Capital Projects Referendum Levy – authority to fund FY09 Through FY18
 - The rate was equivalent under the property tax laws at that time to the current 6.569% of net tax capacity
 - 5,002 Yes (64%) and 2,850 No (36%)
- 11/03/15 Citizens approved extension of the Capital Projects Referendum Levy – authority to fund FY17 through FY26
 - Same 6.569% of net tax capacity
 - 4,770 Yes (73%) and 1,780 No (27%)

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What The Capital Projects Referendum Pays For



- All instructional technology including instructional hardware of any type
- All instructional texts of any type, including all instructional software and traditional texts
- All staff development for the use of instructional technology and software
- All administrative technology to keep the district running including administrative hardware of any type
- All administrative software from payroll to student records to budget tracking
- All the network backbone to run instructional and administrative software – the fiber cable, the wires, the network control software, the servers, cloud storage

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What The Capital Projects Referendum Pays For (Continued)



- All the staff members who deliver instructional staff development training
- All the staff members who run the network, make sure instructional software is running, and make sure administrative software is running
- All the staff members who support all the hardware, network devices, and network wiring to instructional and administrative devices
- Firewall and anti-virus, anti-malware, anti-hacking protection
- Instructional equipment of all types, including technology and traditional classroom equipment and furniture
- Security barriers to keep intruders out of buildings
- Security monitoring systems

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Amount of Capital Projects Referendum Levy 23 Pay 24



- \$9,240,483 under the current authority that funds FY17 through FY26 at 6.569% of net tax capacity of the District
- If the authority is approved for extension to fund FY25 through FY34 at the same 6.569% of net tax capacity of the District - \$9,240,483
- In future years the amount would go up or down with any increases or decreases in net tax capacity – dependent 100% on property values as is currently the case

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November 7, 2023 Potential Question



November 7, 2023	
Instructions to Voters: To vote, completely fill in the oval(s) next to your choice(s) like this: <input checked="" type="radio"/>	
To vote for a question, fill in the oval next to the word "Yes" on that question. To vote against a question, fill in the oval next to the word "No" on that question.	
School District Question 1 Revoking Existing Capital Project Levy Authorization; Approving New Authorization	
The board of Independent School District No. 276 (Minnetonka) has proposed to revoke its existing capital project levy authorization of 6.569% times the net tax capacity of the school district and to replace that authorization with a new authorization of 6.569% times the net tax capacity of the school district.	
The proposed new authorization will raise approximately \$9,240,000 for taxes payable in 2024, the first year it is to be levied, and would be applicable for ten years. The estimated total cost of the projects to be funded over that time period is approximately \$92,400,000.	
The money raised by the proposed authorization will be used to provide funds for the following: The purchase and installation of software and technology equipment; costs related to the support and maintenance of technology; costs related to training staff in the use of technology; the purchase of classroom equipment and instructional texts; and building security equipment. The projects to be funded have received a positive review and comment from the Commissioner of Education.	
<input type="radio"/> Yes	Shall the school district's existing capital project levy authorization be revoked and the new capital project levy authorization proposed by the board of Independent School District No. 276 be approved?
<input type="radio"/> No	
BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE.	

Wording at the bottom is required by Minnesota Statutes
It refers to the extension of time for this levy as the tax rate is not increasing

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Becker moved, Vitale seconded, that the Board approve the following resolution:

**RESOLUTION RELATING TO REVOKING THE EXISTING CAPITAL PROJECT
LEVY, APPROVING A NEW CAPITAL PROJECT LEVY AUTHORIZATION,
AND CALLING AN ELECTION THEREON**

BE IT RESOLVED by the School Board of Independent School District No. 276, State of Minnesota, as follows:

1. *The Board hereby determines and declares that it is necessary and expedient for the school district to revoke its existing capital project levy authorization of 6.569% times the net tax capacity of the school district and to replace that authorization with a new authorization of 6.569% times the net tax capacity of the school district. The proposed authorization will raise approximately \$9,240,000 for taxes payable in 2024, the first year it is to be levied, and would be authorized for ten (10) years. The estimated total cost of the projects to be funded by the proposed capital project levy authorization during that time period is approximately \$92,400,000. The money raised by the capital project levy authorization will provide funds for the purchase and installation of software and technology equipment; costs related to the support and maintenance of technology; costs related to training staff in the use of technology; the purchase of classroom equipment and instructional texts; and installation of classroom and building security equipment. The program will be commenced prior to November 1, 2028, which date is not more than five (5) years from the date of the special election authorizing the approval of the capital project levy. The question on the approval of the capital project levy authorization shall be School District Question 1 on the school district ballot at the special election held to approve said authorization.*

The actions of the administration in consulting with the Minnesota Department of Education, causing a proposal to be prepared for submission on behalf of the Board to the Commissioner of Education for the Commissioner's Review and Comment and taking such other actions as necessary to comply with the provisions of Minnesota Statutes, Section 123B.71, as amended, are hereby ratified and approved in all respects. The actual holding of the special election on School District Question 1 above shall be contingent on the receipt of a positive Review and Comment from the Commissioner on the projects included in that question.

The clerk is hereby authorized and directed to cause the Commissioner's Review and Comment to be published in the legal newspaper at least forty-eight (48) but not more than sixty (60) days before the election.

2. *The ballot question specified above shall be submitted to the qualified voters of the school district at a special election, which is hereby called and directed to be held on Tuesday, November 7, 2023, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m.*

3. Pursuant to Minnesota Statutes, Section 205A.11, the school district combined polling places and the precincts served by those polling places, as previously established and designated by school board resolution for school district elections not held on the day of a statewide election, are hereby designated for this special election. However, because the City of Minnetonka will be holding its municipal elections on November 7, 2023, the polling places for voters residing in the precincts in that city shall be the polling places designated by that city.

4. The clerk is hereby authorized and directed to cause written notice of said special election to be provided to the county auditor of each county in which the school district is located, in whole or in part, and to the Commissioner of Education, at least seventy-four (74) days before the date of said election. The notice shall specify the date of said special election and the title and language for each ballot question to be voted on at said special election. Any notice given prior to the date of the adoption of this resolution is ratified and confirmed in all respects.

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

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

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

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

The clerk is hereby authorized and directed to cause the rules and instructions for use of the optical scan voting system to be posted in each combined polling place on election day.

The clerk is authorized and directed to acquire and distribute such election materials and to take such other actions as may be necessary for the proper conduct of this special election and generally to cooperate with election authorities conducting other elections on that date.


5. The clerk is further authorized and directed to cooperate with the proper election officials to cause ballots to be prepared for use at said election in substantially

the following form, with such changes in form and instructions as may be necessary to accommodate the use of an optical scan voting system:

Special Election Ballot
Independent School District No. 276
(Minnetonka Public Schools)

November 7, 2023

Instructions to Voters:

To vote, completely fill in the oval(s) next to your choice(s) like this  .

To vote for a question, fill in the oval next to the word “Yes” on that question.
To vote against a question, fill in the oval next to the word “No” on that question.

School District Question 1
Revoking Existing Capital Project Levy
Authorization; Approving New Authorization

The board of Independent School District No. 276 (Minnetonka) has proposed to revoke its existing capital project levy authorization of 6.569% times the net tax capacity of the school district and to replace that authorization with a new authorization of 6.569% times the net tax capacity of the school district.

The proposed new authorization will raise approximately \$9,240,000 for taxes payable in 2024, the first year it is to be levied, and would be applicable for ten years. The estimated total cost of the projects to be funded over that time period is approximately \$92,400,000.

The money raised by the proposed authorization will be used to provide funds for the following: The purchase and installation of software and technology equipment; costs related to the support and maintenance of technology; costs related to training staff in the use of technology; the purchase of classroom equipment and instructional texts; and building security equipment. The projects to be funded have received a positive review and comment from the Commissioner of Education.



Yes

Shall the school district's existing capital project levy authorization be revoked and the new capital project levy authorization proposed by the board of Independent School District No. 276 be approved?



No

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

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

6. If the school district will be contracting to print the ballots for this election, the clerk is hereby authorized and directed to prepare instructions to the printer for layout of the ballot. Before a contract exceeding \$1,000 is awarded for printing ballots, the printer, at the request of the election official, shall furnish, in accordance with Minnesota Statutes, Section 204D.04, a sufficient bond, letter of credit, or certified check acceptable to the clerk in an amount not less than \$1,000 conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered. The clerk shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

7. The clerk is hereby authorized and directed to provide for testing of the optical scan voting system within fourteen (14) days prior to the election date. The clerk shall cause notice of the time and place of the test to be given at least two (2) days in advance by publishing the Notice of Testing once in the official newspaper and by causing the notice to be posted in the administrative offices of the school district, the office of the County Auditor and the office of any other local election official conducting the test.

8. The clerk is hereby authorized and directed to cause notice of the location of the counting center or the places where the ballots will be counted to be published in the official newspaper at least once during the week preceding the week of the election and in the newspaper of widest circulation once on the day preceding the election, or once the week preceding the election if the newspaper is a weekly.

9. As required by Minnesota Statutes, Section 203B.121, the Board hereby establishes a ballot board to process, accept and reject absentee ballots at school district elections not held in conjunction with the state primary or state general election or that are conducted by a municipality on behalf of the school district and generally to carry out the duties of a ballot board as provided by Minnesota Statutes, Section 203B.121 and other applicable laws. The ballot board must consist of a sufficient number of election judges trained

in the handling of absentee ballots. The ballot board must consist of a sufficient number of election judges and may include deputy county auditors and deputy city clerks who have received training in the processing and counting of absentee ballots. Each member of the ballot board must be provided adequate training on the processing and counting of absentee ballots, including but not limited to instruction on accepting and rejecting absentee ballots, storage of absentee ballots, timelines and deadlines, the role of the ballot board, procedures for opening absentee ballot envelopes, procedures for counting absentee ballots, and procedures for reporting absentee ballot totals. The clerk or the clerk's designee is hereby authorized and directed to appoint the members of the ballot board. The clerk or the clerk's designee shall establish, maintain and update a roster of members appointed to and currently serving on the ballot board and shall report to the Board from time to time as to its status. Each member of the ballot board shall be paid reasonable compensation for services rendered during an election at the same rate as other election judges; provided, however, if a staff member is already being compensated for regular duties, additional compensation shall not be paid for ballot board duties performed during that staff member's duty day.

10. The clerk is hereby authorized and directed to begin assembling names of trained election judges to serve at the combined polling places during the November 7, 2023 special election. The election judges shall act as clerks of election, count the ballots cast, and submit the results to the school board for canvass in the manner provided for other school district elections. The election must be canvassed between the third and the tenth day following the election.

11. If the capital project levy authorization proposed in School District Question 1 is approved, a capital project referendum account shall be created as a separate account in the general fund of the school district. All proceeds from the capital project levy must be deposited in the capital project referendum account. Interest income attributable to the capital project referendum account must be credited to the capital project referendum account. Money in the capital project referendum account may be used only for the costs of acquisition and betterment of the approved projects. The funds in the capital project referendum account may be accumulated and not be expended until sufficient funds are available, may be accumulated and not be expended until additional funds from a bond issue are available, or may be expended on an ongoing basis for approved project costs. Any funds remaining in the capital project referendum account that are not applied to the payment of the costs of the approved projects before their final completion shall be transferred to the school district's debt redemption fund.

12. The School District clerk shall make all Campaign Financial Reports required to be filed with the school district under Minnesota Statutes, Section 211A.02, available on the school district's website. The clerk must post the report on the school district's website as soon as possible, but no later than thirty (30) days after the date of the receipt of the report. The school district must make a report available on the school district's website for four years from the date the report was posted to the website. The clerk must also provide the Campaign Finance and Public Disclosure Board with a link to the section of the website where reports are made available.

Upon vote being taken on the foregoing resolution, the motion carried unanimously.

3. **APPROVAL OF REESTABLISHMENT OF PARTNERSHIP WITH DISTRICT 287**

Executive Director of Special Education Christine Breen presented this item to the Board. She explained that the District had previously been a member of Intermediate District 287 and had withdrawn its membership in 2016. From 2016 to the present, the district has been working within current structures and staffing models to meet the needs of all students. Throughout this time, student needs have changed for a small population of our students, and it is the belief of District administration that reestablishing a partnership with Intermediate District 287 is in the best interest of students, families and the district.

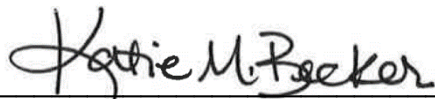
Becker moved, Ambrosen seconded, that the Board approve the reestablishment of its partnership with Intermediate District 287. Upon vote being taken thereon, the motion carried unanimously.

4. **ANNOUNCEMENTS**

Board member Lee-O'Halloran noted that there will be a student-run theatre showcase on Friday, August 25 at 7:00 p.m. at the MHS Arts Center. Admission is free, and all are encouraged to attend.

5. **ADJOURNMENT**

Becker moved, Selinger seconded, adjournment at 7:52 p.m. Upon vote being taken thereon, the motion carried unanimously.

A handwritten signature in black ink, reading "Katie M. Becker". The signature is written in a cursive style with a large, stylized "K" and "B".

Katie Becker, Clerk