

## **SPECIAL MEETING OCTOBER 15, 2009**

The Marysville Exempted Village Board of Education met on the above date with the following members present: Jeffrey Mabee, Scott Johnson, Roy Fraker and John Freudenberg. Member Thomas Brower was absent.

### **CALL TO ORDER**

President Jeffrey Mabee called the October 15, 2009, meeting to order at 4:00 p.m.

### **ADOPT THE AGENDA**

Mr. Mabee moved, seconded by Mr. Johnson to adopt the agenda for the special October 15, 2009 meeting with addendum.

**Roll call: Mabee, aye; Johnson, aye; Fraker, aye; Freudenberg, aye. Motion passed 4-0**

### **MINUTES**

Mr. Fraker moved, seconded by Mr. Johnson to approve the minutes of the October 6, 2009, special meeting minutes as submitted by Dolores Cramer, Treasurer/CFO.

**Roll call: Fraker, aye; Johnson, aye; Mabee, aye; Freudenberg, aye. Motion passed 4-0**

### **RESOLUTION TO AUTHORIZE PARTICIPATION**

Mr. Fraker moved, seconded by Mr. Mabee to approve the electricity agreement between EPC and DP&L Energy Resources, Inc. and a resolution to participate in the EPC Electric Service Program. **(Refer to 2009-10 Supplemental Minutes, Item #19, 10/15/09) (Resolution #09-10)**

### **RESOLUTION # 09-10**

#### **AUTHORIZING PARTICIPATION IN THE SOUTHWESTERN OHIO EDUCATIONAL PURCHASING COUNCIL'S ELECTRIC SERVICE PROGRAM WITH DPL ENERGY RESOURCES, INC.**

WHEREAS, the School District is a member of the Southwestern Ohio Educational Purchasing Council ("EPC"), a body authorized by state statute to aggregate purchasing needs of schools and related non profit educational entities so as to take advantage of economies of scale when purchasing essential products and services; and

WHEREAS, the EPC has conducted interviews with several competitive retail electric service providers certificated to make retail sales of electricity in Ohio; and

WHEREAS, EPC has negotiated a Master Agreement with DPL Energy Resources, Inc. a certificated retail electric service supplier which contains a price structure that constitutes a discount for electricity from the price of the standard service offer of the local utility; and

WHEREAS, this School District desires to participate in the EPC Electric Service Program and purchase electricity under the terms and conditions of the Master Agreement:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE MARYSVILLE EXEMPTED VILLAGE SCHOOL DISTRICT, COUNTY OF UNION, STATE OF OHIO, as follows:

Section 1. This Board does hereby elect to participate in the EPC Electric Service Program from the first available billing cycle following this Resolution through the December 2012 billing cycle under the term and conditions of the Master Agreement.

Section 2. This Board hereby authorizes the Superintendent or his designated alternate to execute the attached ratification on behalf of the Board.

**Roll call: Fraker, aye; Mabee, aye; Johnson, aye; Freudenberg, aye. Motion passed 4-0**

**URGENT NECESSITY RESOLUTION TO COMPLETE BUNSOLD MS SOUND SYSTEM**

Mr. Mabee moved, seconded by Mr. Johnson to approve a resolution to authorize the Superintendent, Board President, and Treasurer to sign any documents necessary for the implementation, secure any necessary professional services, and to pay any incidental costs, taxes, fees, charges, or expenses arising from the installation of the Sound System at Bunsold Middle School. **(Refer to 2009-10 Supplemental Minutes, Item #20, 10/15/09) (Resolution #09-11)**

**RESOLUTION No. 09-11**

**WHEREAS**, the Board previously competitively bid a contract for electrical work, including the installation of a sound system for the Bunsold Middle School auditorium (the “Sound System”), and Knight Electric was awarded the contract as the successful bidder, in accordance with Ohio Revised Code 3313.46;

**WHEREAS**, the installation of the Sound System was scheduled to be completed before the beginning of the 2009-2010 school year;

**WHEREAS**, due to a dispute relating to the installation of the Sound System (the “Dispute”), the installation of the Sound System remains unfinished, and a number of performances, engagements, and other events have had to be cancelled, postponed or rescheduled, and equipment had to be rented in order for certain engagements to proceed as scheduled, all to the detriment of the Board, community and families of the school district;

**WHEREAS**, the Dispute was recently resolved and requires the selection of a different contractor to complete the installation of the Sound System;

**WHEREAS**, during the course of the Dispute, an estimate was received from Live Technologies, which reflects an estimated cost of \$97,411.46 to complete the installation of the Sound System;

**WHEREAS**, completion of the installation of the Sound System is expected to take approximately 12 days, which would possibly be extended by several months if selection of a contractor to install the Sound System was competitively rebid; and

**WHEREAS**, there exists an urgent need to proceed with the installation of the Sound System for the auditorium of the Bunsold Middle School, in that such work needs to be initiated promptly for the safety and security of the middle school in order to have this construction completed on an expedited basis so that the students, staff and the community can safely use the auditorium, to avoid cancellation of additional performances, engagements and events, and to avoid incurring additional cost to the Board so that currently scheduled events can occur.

**BE IT THEREFORE RESOLVED**, that there exists an urgent need to proceed with the installation of the Sound System for the auditorium of the Bunsold Middle School, for the reasons stated above.

**BE IT FURTHER RESOLVED**, that in accordance with this determination of urgent necessity, the procedures required by law for competitive bidding such work are hereby dispensed with;

**BE IT FURTHER RESOLVED** that the Superintendent, Board President, and Treasurer are hereby authorized to sign any documents necessary for the implementation of this resolution, to secure any necessary professional services, and to pay any incidental costs, taxes, fees, charges, or expenses arising from this transaction.

**Roll call: Mabee, aye; Johnson, aye; Fraker, aye; Freudenberg, aye. Motion passed 4-0**

#### **EXECUTIVE SESSION TO INTERVIEW APPLICANTS**

Mr. Fraker moved, seconded by Mr. Mabee to enter into Executive Session to interview applicants for the position of Treasurer.

**Roll call: Fraker, aye; Mabee, aye; Johnson, aye; Freudenberg, aye. Motion passed 4-0**

Executive Session began at 4:02 p.m. with the Board to interview applicants for the position of Treasurer.

Tammy Emrick entered executive session at 4:07 p.m., left at 4:48 p.m.

Cindy Ritter entered executive session at 4:58 p.m., left at 6:00 p.m.

Sandra Griscom entered executive session at 6:10 p.m., left at 7:10 p.m.

Superintendent Larry Zimmerman and Jack Marsick entered executive session at 7:20 p.m.

Jack Marsick left executive session at 7:49 p.m.

The Board and Superintendent returned from Executive Session after having interviewed applicants for the position of Treasurer at 8:05 p.m.

#### **ADJOURN**

Mr. Freudenberg moved, seconded by Mr. Fraker to adjourn at 8:05 p.m.

**Roll call: Freudenberg, aye; Fraker, aye; Mabee, aye; Johnson, aye. Motion passed 4-0**