

## SPECIAL MEETING SEPTEMBER 10, 2005

The Marysville Exempted Village Board of Education met on the above date with the following members present: Roy Fraker, Steve Ader, Michael Guthrie, William Hayes and Jane McClain.

### ADOPT THE AGENDA

Mr. Hayes moved seconded by Mrs. McClain to approve the agenda for the special September 10, 2005 meeting as presented.

**Roll call: Hayes, aye; McClain, aye; Fraker, aye; Ader, aye; Guthrie, aye. Motion carried.**

### APPROVAL OF MINUTES

Mr. Ader moved seconded by Mr. Hayes to approve the minutes of the Regular August 19, 2005 meeting as presented.

**Roll call: Ader, aye; Hayes, aye; Fraker, aye; Guthrie, aye; McClain, aye. Motion carried.**

### TREASURER'S REPORT

Mrs. McClain moved seconded by Mr. Guthrie to approve the following:

Resolution to Consolidate of Two Bond Issues **Resolution #5-15** (Refer to 2005-06 Supplemental Minutes, Item #13, 9/10/05)

The Board of Education of the Marysville Exempted Village School District, County of Union, Ohio, met in special session at 8:30 o'clock a.m., on the 10th day of September, 2005 at 1000 Edgewood Drive, Marysville Ohio, with the following members present:

Mrs. McClain moved the passage of the following resolution:

### **RESOLUTION NO. 5-15**

#### **RESOLUTION CONSOLIDATING TWO BOND ISSUES OF THE BOARD OF EDUCATION OF THE MARYSVILLE EXEMPTED VILLAGE SCHOOL DISTRICT.**

WHEREAS, this Board of Education previously adopted two separate bond resolutions (collectively, the "Bond Resolutions"), which authorized two bond issues in an aggregate principal amount of not to exceed \$53,350,000 (collectively, the "Bonds") for the following purposes: 1) not to exceed \$41,000,000 School Improvement Bonds and 2) not to exceed \$12,350,000 School Improvement Refunding Bonds and;

WHEREAS, this Board of Education desires to consolidate the two issues of bonds into a single bond issue to achieve certain cost savings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Marysville Exempted Village School District, County of Union, Ohio:

SECTION 1. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code (the "Revised Code"), the two separate issues of bonds shall be consolidated into a single issue which shall be known as "Various Purpose School Improvement Bonds, (the "Bonds").

SECTION 2. That the Bonds shall be issued in said principal sum of not to exceed \$53,350,000 for the above-described purposes under authority of the general laws of the State of Ohio, particularly the Uniform Public Securities Law of the Revised Code. The provisions of the Bond Resolutions and the Bond Purchase Agreement authorized therein are incorporated herein by reference.

SECTION 3. That the proceeds of the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code, to the respective purposes and funds in accordance with the amounts of each of the issues of bonds authorized by the appropriate Bond Resolutions.

SECTION 4. That the Treasurer is hereby directed to forward a copy of this resolution, and the Bond Resolutions to the County Auditor of each county in which the school district is located, as required by law.

SECTION 5. That it is found and determined that all formal actions of this Board of Education concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board of Education; and that all deliberations of this Board of Education and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements included in Section 121.22 of the Revised Code.

Mr. Guthrie seconded the motion and the roll being called upon the question of adoption of the resolution, the vote resulted as follows:

AYE:           5  
NAY:           0

ADOPTED this 10th day of September, 2005.

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Treasurer

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of a resolution adopted on the 10th day of September, 2005, and a true and correct copy of excerpts from the minutes of the meeting at which said resolution was adopted, to the extent pertinent to consideration and adoption thereof.

The undersigned further certifies that a true and correct copy of said resolution was certified to the Union County Auditor on the 13<sup>th</sup> day of September 2005.

\_\_\_\_\_  
Treasurer

RECEIPT

The undersigned hereby acknowledges receipt on this date of a certified copy of the foregoing resolution.

\_\_\_\_\_  
Union County Auditor

Dated: \_\_\_\_\_, 2005

58145

Resolution to Accept Creekview Addition Bids **Resolution #5-16** (Refer to 2005-06 Supplemental Minutes, Item #14, 9/10/05)

The BOARD OF EDUCATION OF THE MARYSVILLE EXEMPTED VILLAGE SCHOOL DISTRICT ("Board"), met in special session on the 10th day of September, 2005 with the following members present:

Roy R. Fraker  
Steven Ader  
Michael Guthrie  
William Hayes  
Jane McClain

Mrs. McClain moved the adoption of the following resolution:

## RESOLUTION NO. 5-16

**A RESOLUTION EXPRESSING AN INTENT TO AWARD CONSTRUCTION CONTRACTS AND AUTHORIZING THE PRESIDENT AND THE TREASURER OF THE BOARD OF EDUCATION TO ENTER INTO SAID CONTRACTS UPON COMPLIANCE WITH ALL CONDITIONS PRECEDENT RELATED TO THE ADDITION TO CREEKVIEW INTERMEDIATE SCHOOL BID PACKAGE #1 (GENERAL TRADES), BID PACKAGE #2 (FIRE PROTECTION), BID PACKAGE #3 and #4 (PLUMBING/HVAC), AND BID PACKAGE #5 (ELECTRICAL).**

WHEREAS, the Board, at a Meeting held on September 10, 2005, approved a Detailed Estimate of Construction Cost and draft Construction Documents for the addition to the Creekview Intermediate School, specifically Bid Package #1 (General Trades), Bid Package #2 (Fire Protection), Bid Package #3 and #4 (Plumbing/HVAC), and Bid Package #5 (Electrical) (hereinafter called the "Bid Packages") pursuant to applicable laws;

WHEREAS, Ruscilli Construction Company (hereinafter called the "Construction Manager"), with the assistance of Steed-Hammond-Paul, Inc. (hereinafter called the "Architect"), thereafter commenced the bidding process for said Bid Packages;

WHEREAS, the Construction Manager, with the assistance of the Architect, held a Pre-Bid Conference for prospective bidders wherein prospective bidders were briefed on said Bid Packages;

WHEREAS, the Board and the Construction Manager, and with the Assistance of the Architect, received sealed bids at the time and place established for the receipt of bids for said Bid Packages in the Notice to Bidders and opened and read aloud said bids immediately thereafter;

WHEREAS, the Superintendent and Construction Manager, with the assistance of the Architect, has tabulated the bids received and advised the Board on the acceptance or rejection of the bids, Alternates and budget considerations;

WHEREAS, the Superintendent and Construction Manager, with the assistance of the Architect has reviewed the bids received for the Bid Packages for the Project and conducted a responsibility investigation of the apparent low Bidders in compliance with applicable law;

WHEREAS, the Superintendent and Treasurer have procured and put into effect a Builder's Risk insurance policy covering all Work in the course of construction for said Project, including but not limited to falsework, temporary buildings and structures and materials used in the construction process, stored on or off site, or while in transit;

NOW, THEREFORE, BE IT RESOLVED by the Board that after careful consideration and evaluation of the information before it:

**Section 1.** The Board hereby accepts the recommendations of the Construction Manager and Architect to award contracts for said Bid Packages as provided below as the lowest responsible Bidders in compliance with applicable law, contingent upon compliance with all conditions precedent to contract execution:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>
A. General Trades	Thomas & Marker Construction Co.
Bid Package #1	
Total Base Bid	\$ 931,300.00
Total Alternates Accepted:	\$ <u>10,300.00</u>
TOTAL AWARD	\$ 941,600.00
B. Fire Protection	Vulcan Enterprises
Bid Package #2	
Base Bid	\$ 19,941.00
Total Alternates Accepted:	\$ _____
TOTAL AWARD	\$ 19,941.00
C. Plumbing/HVAC Carl's Plumbing & Heating	
Bid Package #3 and #4	
Base Bid	\$ 226,000.00
Total Alternates Accepted:	\$ _____
TOTAL AWARD	\$ 226,000.00
D. Electrical	Meade Electric, Inc.
Bid Package #5	
Base Bid	\$ 134,094.00
Total Alternates Accepted:	\$ _____
TOTAL AWARD	\$ 134,094.00

**Section 2.** The Board hereby authorizes the Construction Manager, on its behalf, to forward a Notice of Intent to Award Contract for the Project, with the appropriate Contract Forms, to the lowest responsible Bidders referenced in Section 1. The Construction Manager shall simultaneously notify the surety and agent of the surety of each lowest responsible Bidder of the intent to award pursuant to Section 9.32, ORC.

**Section 3.** Subject to the approval of the Board's construction counsel, and upon compliance with all conditions precedent to Contract execution, the Board hereby authorizes the President and Treasurer to sign Contracts with the lowest responsible bidders.

**Section 4.** The Board hereby authorizes the Treasurer to sign the Certificate of Funds, upon execution of each Contract, and to attach to each Contract a copy of such Certificate of Funds.

**Section 5.** The Board hereby authorizes the Construction Manager, at a time determined appropriate by the Construction Manager, after the Construction Manager's receipt of said Contracts signed by the Contractor, to forward a Notice to Proceed for said Contracts.

**Section 6.** The Board hereby authorizes the Treasurer, at the appropriate time and with the assistance of the Construction Manager, to prepare, and make available upon request, a Notice of Commencement pursuant to Section 1311.252, ORC, prior to the performance of any work related to said Contracts.

**Section 7.** That this Board hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements.

**Section 8.** This resolution shall be in full force and effect from and immediately after its adoption and shall supersede any prior resolution or act of this Board, which may be inconsistent or duplicative with the provisions of this resolution.

Mr. Guthrie seconded the Motion and the roll call being called upon the question of the adoption of the Resolution, the vote resulted as follows:

McClain	<u>Aye</u>
Guthrie	<u>Aye</u>
Fraker	<u>Aye</u>
Ader	<u>Aye</u>
Hayes	<u>Aye</u>

ADOPTED: This 10th day of September, 2005.

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Treasurer

#### CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of a Resolution adopted at a meeting held on the 10th day of September, 2005 together with a true and correct extract from the minutes of said meeting to the extent pertinent to consideration and adoption of said Resolution.

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Treasurer

Resolution to Accept Creekview Addition Bids **Resolution #5-17** (Refer to 2005-06 Supplemental Minutes, Item #15, 9/10/05)

The BOARD OF EDUCATION OF THE MARYSVILLE EXEMPTED VILLAGE SCHOOL DISTRICT (“Board”), met in special session on the 10th day of September, 2005 with the following members present:

Roy R. Fraker  
Steven Ader  
Michael Guthrie  
William Hayes  
Jane McClain

Mrs. McClain moved the adoption of the following resolution:

**RESOLUTION NO. 5-17**

**A RESOLUTION PROVIDING CONSTRUCTION MANAGER WITH LIMITED AUTHORITY TO APPROVE CHANGE ORDERS NOT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) UPON PRIOR APPROVAL OF SCHOOL SUPERINTENDENT.**

WHEREAS, the Board has retained a qualified professional design firm, Steed-Hammond-Paul, Inc. (“Architect”) under Sections 153.65 to 153.71 O.R.C. to prepare plans, specifications and estimates of cost, and such data as the Board deems necessary for its building program to build an addition to Creekview Intermediate School (the “Project”); and

WHEREAS, the Board has retained a qualified construction management firm, Ruscilli Construction Company (“Construction Manager”) under Section 9.33, 9.331, and 9.332 O.R.C., related to the Project planning documents, estimates of cost, bid packaging, bidding, contract award, administration, and closeout, including but not limited to, the scheduling and coordination of multiple prime contractors; and

WHEREAS, the Board anticipates that during the course of the construction of the Project, the Construction Manager may need to address requests for various change orders, which will not substantially alter the scope of the work, but which will allow for various necessary adjustments; and

WHEREAS, the Board recognizes the need to empower the Construction Manager to approve certain change orders arising during the course of construction without first seeking the formal written approval of the Board, in order that the construction of the Project may continue on schedule and without delay; and

WHEREAS, the Board wishes to empower the Construction Manager to have authority to approve change orders deemed reasonably necessary and in the best interest of the Board and the Project, provided that each change order shall not exceed the total sum of Twenty-Five Thousand Dollars (\$25,000.00);

NOW, THEREFORE, BE IT RESOLVED that the Construction Manager is hereby given authority to approve change orders deemed reasonably necessary and in the best interest of the Board and the Project, provided, however, that no single change order shall exceed Twenty-Five Thousand Dollars (\$25,000.00) and further provided that each such change order shall require the prior approval of the Superintendent, or any other person hereinafter designated by the Board;

BE IT FURTHER RESOLVED that the Construction Manager is further authorized to approve all change orders deemed reasonably necessary and in the best interest of the Board and the Project which result in decreased costs on the Project, provided, however, that each such change order shall require the prior approval of the Superintendent, or any other person hereinafter designated by the Board;

BE IT FURTHER RESOLVED that the Treasurer is hereby directed to provide a certified copy of this Resolution to the Architect and to the Construction Manager and to any contractor requesting the same who may be affected.

Mr. Guthrie seconded the Motion and the roll call being called upon the question of the adoption of the Resolution, the vote resulted as follows:

McClain	<u>Aye</u>
Guthrie	<u>Aye</u>
Fraker	<u>Aye</u>
Ader	<u>Aye</u>
Hayes	<u>Aye</u>

ADOPTED: This 10th day of September, 2005.

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Treasurer

#### CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of a Resolution adopted at a meeting held on the 10th day of September, 2005 together with a true and correct extract from the minutes of said meeting to the extent pertinent to consideration and adoption of said Resolution.

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Treasurer

**Roll call: McClain, aye; Guthrie, aye; Fraker, aye; Ader, aye; Hayes, aye. Motion carried.**

## EMPLOY DISTRICT STAFF

Mr. Ader moved seconded by Mr. Guthrie to employ the following candidates. Employment is expressly conditioned upon receipt of the employee's BCI report and will be immediately terminated without resort to Ohio Revised Code Section 3319.16 should such report indicate a prohibited conviction.

Request (a): Re-employ James Kaufman, as a teacher on a part-time basis per master agreement, under a one-year limited contract, effective August 18, 2005. The board has complied with the requirements of ORC 3307.353 in employing this individual.

Request (b): Employ Stephen Fannin, as Aide, under a one-year limited contract, effective August 22, 2005.

**Roll call: Ader, aye; Guthrie, aye; Fraker, aye; Hayes, aye; McClain, aye. Motion carried.**

## EXECUTIVE SESSION

Mrs. McClain moved seconded by Mr. Hayes to move into Executive Session to discuss personnel and property purchase.

**Roll call: McClain, aye; Hayes, aye; Fraker, aye; Ader, aye; Guthrie, aye. Motion carried.**

Executive Session began at 8:40 a.m. with the Board and Superintendent to discuss personnel and property purchase.

The Board and Superintendent returned from Executive Session after having discussed personnel and property purchase at 9:01 a.m.

## ADJOURNMENT

Mr. Hayes moved seconded by Mrs. McClain to adjourn at 9:01 a.m.

**Roll call: Hayes, aye; McClain, aye; Fraker, aye; Ader, aye; Guthrie, aye. Motion carried.**