

The South Point Local Board of Education met in special session on June 29, 2009 with the following members present: Mr. Keffer, Mr. Sherman, and Mr. West. Mrs. Cogan and Mr. Roberts were absent

154-09 PROPERTY/FLEET/LIABILITY INSURANCE APPROVED

Mr. Sherman moved second by Mr. Keffer to approve property, fleet and liability insurance for the 2009-10 school year with the Ohio School Plan at a total cost of \$40,377

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

155-08 ADVANCES APPROVED

Mr. Sherman moved second by Mr. Keffer to approve the following advances from the General Fund to cover negative balances at 6/30/09: \$11,462.60 to Fund 439-9009, Preschool and \$8,654.31 to Fund 516-9009, IDEA-B. All advances will be repaid to the General Fund when funds are received from ODE.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

156-09 AMENDED APPROPRIATIONS FY08-09 APPROVED

Mr. Sherman moved second by Mr. Keffer to approve amended appropriations for fiscal year 2008-09 to reflect actual expenditures plus encumbrances at 6/30/09 using the SETBAL program provided by SCOCA. Appropriations will be reported at the fund level.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

157-09 PERMANENT APPROPRIATIONS FY09-10 APPROVED

Mr. Keffer moved second by Mr. Sherman to approve permanent appropriations for fiscal year 2009-10 at 102% of 2008-09 expenditures.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

158-09 AMENDED CERTIFICATE FY08-09 APPROVED

Mr. Keffer moved second by Mr. Sherman to approve Amended Certificate of Estimated Resources for fiscal year 2008-09 as presented by the Treasurer.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

159-09 CERTIFICATION OF FUND BALANCES @ 6/30/09

Mr. Keffer moved second by Mr. Sherman to allow Treasurer to certify fund balances that exist at June 30, 2009 to the Lawrence County Auditor.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

160-09 HB 412 METHOD FOR SET-ASIDES

Mr. Sherman moved second by Mr. Keffer to approve the HB412 method for determining instructional and capital set-aside amount for fiscal year 2008-09.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

161-09 CAREER TECHNOLOGY FUNDING METHOD

Mr. Keffer moved second by Mr. Sherman to approve the Weighted Funding Method regarding Career Technology funding from the Ohio Department of Education.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

162-09 HB412 BUDGET RESERVE

Mr. Sherman moved second by Mr. Keffer to maintain HB412 Budget Reserve funds of \$67,581 to offset any budget deficit the District may experience in the future.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

163-09 BUDGET RESERVE

Mr. Sherman moved second by Mr. Keffer to maintain HB412 Budget Reserve funds of \$67,581 to offset any budget deficit the District may experience in the future.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

164-09 AUTHORIZED SIGNATURES ON DISTRICT PURCHASES

Mr. Sherman moved second by Mr. Keffer to approve a resolution authorizing the Treasurer and/or Superintendent to act as authorized signature on continuing purchases such as utilities and insurance; and on other purchases not exceeding the competitive bidding limit.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

165-09 BLANKET PURCHASE ORDER USE

Mr. Keffer moved second by Mr. Sherman to approve a resolution authorizing the use of blanket purchase orders not exceeding \$60,000 for the Foodservice Fund and not exceeding \$40,000 for other governmental funds.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

166-09 WAIVER DAYS REQUESTED

Mr. Keffer moved second by Mr. Sherman to allow the Superintendent to request two (2) waiver days during the 2009-10 school for the purpose of teacher professional development

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

167-09 EXECUTIVE SESSION

Mr. Sherman moved second by Mr. Keffer to go into executive session to discuss personnel, district facilities and finances.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

Out 6:25

168-09 RETURN FROM EXECUTIVE SESSION

Mr. Sherman moved second by Mr. Keffer to return from executive session.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

President said personnel, district facilities and finances were discussed. Upon roll call, the following members were present: Mr. Keffer, Mr. Sherman and Mr. West. Mrs. Cogan and Mr. Roberts were absent.

Back 8:25

169-09 TRANSFER APPROVED, FOODSERVICE FUND

Mr. Sherman moved second by Mr. Keffer to approve an \$89,000 transfer from General Fund to Fund 006, Foodservice Fund to cover the negative balance at 6/30/09.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

170-09 TRANSFER APPROVED, SEVERANCE FUND

Mr. Keffer moved second by Mr. Sherman to approve a \$150,000 transfer from General Fund to Fund 035, Severance Benefit Fund to cover upcoming liability of employee retirements.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

171-09 TRANSFER APPROVED, SPS YEARBOOK FUND

Mr. Sherman moved second by Mr. Keffer to approve an \$18,892 transfer from General Fund to Fund 200-9231, SPS Yearbook to cover negative balance at the beginning of fiscal year 2009.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

172-09 AMY FRASURE HIRED, SPS GIRLS' BASKETBALL

Mr. Keffer moved second by Mr. Sherman to hire Amy Frasure as assistant girls' basketball coach at South Point High School for the 2009-10 school year.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

173-09 DAVID LANNING HIRED, BURLINGTON ELEM ADMIN ASS'T

Mr. Sherman moved second by Mr. Keffer to hire David Lanning as Administrative Assistant at Burlington Elementary for the 2009-10 school year as recommended by the Superintendent. Mr. Lanning's salary will be based on current teachers' salary schedule plus 20 days extended time.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea;
Mr. Roberts, absent; Mr. Sherman, yea;
Mr. West, yea. Motion carried.

174-09 DOUG SHILOT TRANSFER TO CLASSROOM TEACHER

Mr. Sherman moved second by Mr. Keffer to transfer Doug Shilot from the Assistant Principal position back to the position of Intervention Specialist at South Point Middle School effective with the 2009-10 school year as recommended by the Superintendent.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

175-09 SETTLEMENT APPROVED, J&H REINFORCING & STRUCTURAL ERECTORS INC.

Mr. Sherman moved second by Mr. Keffer to approve the following resolution:

APPROVING SETTLEMENT WITH CONTRACTOR AND DECLARING AN URGENT NECESSITY, WAIVING COMPETITIVE BIDDING, AND APPROVING FLOOR APPLICATION FOR NEW HIGH SCHOOL AND MIDDLE SCHOOL

WHEREAS, the Board of Education of the South Point Local School District (the "Board") is constructing a new High School and Middle School building through the Ohio School Facilities Commission's Classroom Facilities Assistance Program (the "Project"); and

WHEREAS, the Board entered into a contract with J&H Reinforcing and Structural Erectors ("J&H") to perform the General Trades work on the Project; and

WHEREAS, a dispute arose between the Board and J&H related to delays on the project and VCT floor problems in the building; and

WHEREAS, the dispute was mediated in two different mediation sessions between J&H on one side and the Board and the Ohio School Facilities Commission ("OSFC") on the other side, with the project Architect and the project Construction Manager each participating and consulting with the Board and OSFC representatives during the mediations; and

WHEREAS, the Board and the Superintendent have considered this matter under advisement with the OSFC, Project Construction Manager, and Project Architect and have determined that it is in the best interest of the Board to resolve the above dispute with J&H in the form of a deduct change order issued to J&H, deducting the specified amounts from J&H's contract, in order to avoid the expense of protracted litigation over the dispute and the potential for an unfavorable outcome; and

WHEREAS, the OSFC, the Board and the Superintendent have further considered the options for addressing the VCT floor defects and have determined that the best option is to have a seal coat applied to the floor surface which will remediate the floor defects and will also save the Board expense on annual maintenance of the floors; and

WHEREAS, the VCT floor defects in the building need to be

addressed before students return to school in the fall; and
175-09 J&H SETTLEMENT (CON'T)

WHEREAS, as a result, a proposal was obtained from First Finishes to apply the seal coat to the VCT floors in the approximate amount of \$120,000, contingent on its measurement of the actual square footage of the building; and

WHEREAS, the OSFC has approved the seal coat work to be funded with the Project funds; and

WHEREAS, questions have been raised concerning bidding out the seal coat work; and

WHEREAS, the schedule provided by First Finishes currently allows for the seal coat work to be performed over the summer months so as not to interfere with class sessions offered at the school; and

WHEREAS, bidding out the seal coat work, even with a reduction of the advertisement requirements in Ohio Revised Code Section 3313.46, will jeopardize the completion of the work within the summer months and, thus, interfere with the use and occupancy of the school building by the students and staff of the school, which will negatively impact the quality of education offered to the students; and

WHEREAS, the Board also has serious concern that, if the work is bid out, there will be a lack of bidders, or that the price for the work will increase significantly, due to, among other factors, the work will have to be performed later in the summer season, or while students are in the building in early fall, due to the time delay associated with bidding;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the South Point Local School District as follows:

1. The Board authorizes the Board President and Treasurer to execute a deduct change order to J&H's contract, resolving the dispute.
2. The Board declares an urgent necessity, pursuant to the discretion granted in Ohio Revised Code Section 3313.46, and waives the statutory competitive bidding requirements set forth in Ohio Revised Code Section 3313.46 for the seal coat work, based on the need to complete the seal coat work as expeditiously as possible so that the building can be used as part of the District's educational program and not interfere with other educational and related activities scheduled for the facility.
3. The Board finds that it is in the best interest of the Board and the District to accept the Proposal from First Finishes, so that the seal coat work can proceed and be accomplished within the timeframe proposed by First Finishes.
4. The Board authorizes its Superintendent, Ken Cook, to sign a contract with First Finishes in an amount not to

exceed \$120,000, and to sign any related documents, which amount will be paid by the Project fund.

175-09 J&H SETTLEMENT (CON'T)

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

176-09 ADJOURN

Mr. Sherman moved second by Mr. Keffer to adjourn the meeting.

The vote was: Mrs. Cogan, absent; Mr. Keffer, yea; Mr. Roberts, absent; Mr. Sherman, yea; Mr. West, yea.
Motion carried.

PRESIDENT

TREASURER