

The South Point Local Board of Education met in special session on Friday, October, 3, 2008 to discuss the OSFC building project the consider a resolution of urgent necessity related to the project. The following members were present: Mrs. Cogan, Mr. Keffer, Mr. Sherman, and Mr. West. Mr. Roberts was absent

277-08 RESOLUTION OF URGENT NECESSITY

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

**DECLARING URGENT NECESSITY TO ADDRESS ACCESS ROAD EROSION,
WAIVING COMPETITIVE BIDDING TO PROCEED WITH THE WORK,
RATIFYING PAYMENTS MADE TO DATE, AND APPROVING
ADDITIONAL PAYMENTS TO COMPLETE THE WORK**

WHEREAS, the Board of Education of the South Point Local School District (the "Board") is a participant in the Classroom Facilities Assistance Program of the Ohio School Facilities Commission ("OSFC"), and the construction project includes a new 6-12 school building (referred to as the "Project"), which has been completed and is currently in use; and

WHEREAS, the Board was informed earlier during the spring of 2008 that erosion was threatening the asphalt access road around the Project, discussions were held with representatives of the OSFC and the project team, and it was determined that immediate action was necessary to prevent the road from slipping; and

WHEREAS, Conley Painting was asked to begin work to secure the road and prevent the road from slipping due to erosion on the site, and work began on April 7, 2008; and

WHEREAS, a complete scope of work required to address the road situation was never prepared, nor was an estimated construction cost for the work prepared, because of the condition of the road and the need to move quickly to prevent damage and to maintain the access road and to keep it in a safe condition for use; and

WHEREAS, certain invoices have been paid totaling \$49,535 for the work, and additional invoices totaling \$64,296.90 for work performed after May 16, 2008, have been submitted by Conley Painting, none of which exceeds \$25,000; and

WHEREAS, the Board believes that the action taken was necessary to protect and preserve the road and to maintain safe access to the 6-12 school building and surrounding school facilities and further wishes to declare an urgent necessity and waive competitive bidding for the corrective work, pursuant to the discretion granted to the Board in Ohio Revised Code Section 3313.46, so that the work can be completed and payment made for work authorized to address the slippage situation;

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

1. The Board declares an urgent necessity and waives competitive bidding, pursuant to its authority defined in Ohio Revised Code Section 3313.46, for the work required to repair the erosion situation in the area adjacent to the asphalt access road.

2. The Board ratifies payments made to date to Conley Painting in the total amount of \$49,535 as a co-funded expenditure of the OSFC Project for work performed by Conley Painting to shore up the access road and to grade the site to prevent further erosion and slippage of the road.
3. The Board authorizes payment to Conley Painting of \$24,406.75, contingent upon approval from the OSFC, as a co-funded expenditure of the OSFC Project for work performed by Conley Painting as an extension of efforts to shore up the access road and to grade the site to prevent further erosion and slippage of the road.
4. The Board authorizes payment to Conley Painting of \$39,890.15 based upon invoices submitted to the Construction Manager for work performed by Conley Painting for work in the area adjacent to the access road, with the understanding that the work is now complete and that the access road is now properly graded and secure.
5. The Board authorizes the Treasurer to issue a purchase order to pay Conley Painting for the remaining work performed to address the access road erosion situation.

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

Mrs. Cogan asked that the following comments be included as part of the meeting record.

Mrs. Cogan:

I would like to explain my position more clearly in regards to payment to Conley Painting and I would like my comments to be a part of the permanent written minutes. It is apparent that Conley Painting performed a valuable service from which our district definitely benefited. To my knowledge, they performed the work as directed by stewards of the district. Personally I am not convinced that all of the invoices were urgent necessity and that urgent necessity wasn't alleviated very quickly into their time on the job. But, because this is not my area of expertise and it is the expertise of our architect, MCB, I respectfully defer my personal opinions to their professional judgment. Therefore, I do vote to pay Conley Painting so that they may be paid in full.

However, it is my duty as an elected member of the Board of Education to monitor the actions of our administrators. I would be remiss if I did not express my grave concern for the seemingly extreme financial and administrative misconduct of our superintendent and former building consultant. I am all too aware that Bovis Lend Lease has been haphazard in many ways and that they have absolutely played a part in the downward spiral of this situation. It is also my opinion that Ken Cook and Herb Young deliberately withheld information from the Board of Education in order to further the project or projects in their own time with no regard to the proper channels of approval. I would like to recommend that this

matter be reviewed at length and that if any financial and/or administrative misconduct is found that the responsible party or parties are reprimanded.

Please be aware that I have a great deal of appreciation for both of these gentlemen for the work they have done on behalf of the district. This is not directed as a personal attack against either. It is apparent they both have a great deal of passion when it comes to working for our children. I sincerely hope that these gentlemen did not intend any malice in this situation and they simply felt that the direction they gave was in the best interest of our schools.

At the conclusion of Mrs. Cogan's statement, Mr. Sherman asked that his comments also be included in the meeting record.

Mr. Sherman:

I would like to state as part of the minute record that I totally disagree with Mrs. Cogan's comments. Mr. Cook has spent countless hours during the building project for the benefit of the students of South Point School district. Mr. Cook made numerous trips to Columbus to fight for improved facilities that the students of our district would not have had if not for his efforts. The process established by the State and OSFC requires Mr. Cook to work with the construction management firm and they are responsible for work directly related to the building project. The work related to the urgent necessity was under Bovis Lend Lease's control and they were responsible to keep Mr. Cook and the Board aware of work outside the project. If it had not been for Mr. Cook's hard work the students in the District would not have many of the excellent facilities they now have.

278-08 ADJOURN

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

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

PRESIDENT

TREASURER