

March 28, 2012

The Board of Education met in special session on March 28, 2012 at 7:00 p.m. in the Circleville District Office, 388 Clark Drive, Circleville, Ohio. President Chris Williams called the meeting to order and led the group in the Pledge of Allegiance.

On roll call, the following members were present: Dan Bradhurst, Amy DeLong, Tony Reeser, Todd Stevens and Chris Williams.

On a motion by Mrs. Williams, seconded by Mr. Stevens, the board approved the minutes of the March 14, 2012 regular board meeting.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

On a motion by Mrs. Williams, seconded by Mrs. DeLong, the board approved the following personnel items:

**A. Resignation:**

**Classified:**

Jeffrey Spencer

Evening Custodian

Circleville High School

Effective: March 19, 2012

**B. Employment: (For the 2011-2012 school year pending certification and clearance from BCI Report)**

Beth Wadlington

Home Instruction Tutor

Retroactive: 3/26/12

Hourly Rate: \$28.76

(Hours to be determined by the Special Needs Coordinator)

**Extra Curricular/Supplemental Positions:**

**Professional Development: (\$25 per hour)**

***Blackboard Training:***

Aaron Lamb

Jessica Romshak

Fred Styers

Mary Anne Edsall

Robert Wright

Jessica Liddle

Lindsay Shankle

Gwen Minor

Jona Wright

Butch Hughes

Donna Reed

Eric Evans

Mary Hampp

Julia Long

Sarah Binkley

Eddie Sims  
Shirley Cain  
Janice McMunn  
Megan Filipic  
Cheri Farmer  
Natalie Martin

Lindsey Cox

Extra Mile Tutor (Substitute)  
Hourly Rate: \$25.16

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

On a motion by Mrs. DeLong, seconded by Mr. Bradhurst, the board approved the following resolution:

**ESTABLISHING A CAPITAL PROJECTS FUND FOR THE  
PURPOSE OF ACCUMULATING RESOURCES FOR THE  
ACQUISITION, CONSTRUCTION, OR IMPROVEMENT OF FIXED  
ASSETS**

(RC 5705.13)

**WHEREAS**, pursuant to Section 5705.13(C), Ohio Revised Code, a school district may establish a capital projects fund for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the school district; and

**WHEREAS**, the School District desires to establish and maintain a capital projects fund to acquire, construct and improve certain fixed assets in connection with its Ohio School Facilities Commission project and desired Locally Funded Initiatives;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CIRCLEVILLE CITY SCHOOL DISTRICT, COUNTIES OF PICKAWAY, STATE OF OHIO, THAT:**

The School District hereby establishes a capital projects fund (the "Capital Projects Fund") to be used for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets. The Capital Projects Fund shall be funded by transfer(s) from the General Fund in the initial amount of \$100,000.00 and by such other amounts from such other sources as the Board may determine from time to time. Monies unexpended in the Capital Projects Fund after a period of ten (10) years shall be returned to the fund(s) from which they originated.

It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board 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 including Section 121.22 of the Ohio Revised Code.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams – yes

On a motion by Mr. Stevens, seconded by Mrs. Williams, the board approved the following resolution:

**APPROVING CONSTRUCTION DOCUMENTS DESIGN PHASE SUBMISSION  
FOR THE NEW ELEMENTARY SCHOOL BUILDING, AUTHORIZING  
SUPERINTENDENT TO SIGN THE DESIGN PHASE SUBMISSION FOR THE NEW  
ELEMENTARY SCHOOL BUILDING, AND AUTHORIZING THE SOLICITATION OF  
BIDS FOR THE WORK**

**WHEREAS**, the Board of Education of the Circleville City School District (the "Board") is designing and constructing three new school buildings for elementary, middle, and high school classroom facilities through the Ohio School Facilities Commission's Classroom Facilities Assistance Program, based upon a master facilities plan prepared by the Ohio School Facilities Commission ("OSFC") and accepted by the Board, which may also include certain improvements that are not part of the co-funded OSFC project (all of which is referred to as the "Project"); and

**WHEREAS**, SHP Leading Design, the Board's Architect for the Project, prepared the construction documents design phase drawings for the new elementary school building, and Lend Lease, the Construction Manager for the Project, reviewed the drawings prepared by the Architect and provided comments on the drawings for conformity with the design phase submission requirements for the Project and

**WHEREAS**, the Construction Manager assembled a construction documents design phase submission dated March 28, 2012, for the new elementary school building included in the Project, which includes an updated Form Agreement for Local Funded Initiatives (LFI) document required by the OSFC to describe the locally funded initiative items included in the Project for the new school building based upon the design phase; and

**WHEREAS**, the Board wishes to approve the construction documents design phase submission for the new elementary school building and to authorize the Architect and Construction Manager, working with the Superintendent and Treasurer, to proceed with the placement of the required advertisements to solicit bids for the building trades packages for the new elementary school project, subject to approval of the OSFC;

**NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Circleville City School District as follows:**

1. The construction documents design phase submission prepared for the new elementary school building included in the Project, which is dated March 28, 2012, is approved, subject to approval of the OSFC.
2. The Superintendent and Treasurer are authorized to sign the updated OSFC Form Agreements for Local Funded Initiatives (LFI) document prepared for the new elementary school building included in the Project, based upon the construction documents design phase documents prepared to date, which includes the Locally Funded Initiative Funding Plan describing LFIs included for the new building.
3. The Board authorizes the Superintendent and Treasurer, working with the Architect and Construction Manager, to prepare and place the required form of

advertisement to solicit bids for the building trades packages for the new elementary school, with the first advertisement anticipated to be placed on April 16, 2012, and bids to be opened on or around May 17, 2012, unless the date is extended by the Superintendent, as the Board's designated representative, or by addendum or law.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams – yes

On a motion by Mr. Bradhurst, seconded by Mrs. Williams, the board approved the following resolution:

**APPROVING CONSTRUCTION DOCUMENTS DESIGN PHASE SUBMISSION  
FOR THE NEW MIDDLE SCHOOL AND HIGH SCHOOL BUILDINGS,  
AUTHORIZING SUPERINTENDENT TO SIGN THE DESIGN PHASE SUBMISSION,  
AND AUTHORIZING THE SOLICITATION OF BIDS FOR THE NEW HIGH SCHOOL  
WORK**

**WHEREAS**, the Board of Education of the Circleville City School District (the "Board") is designing and constructing three new school buildings for elementary, middle, and high school classroom facilities through the Ohio School Facilities Commission's Classroom Facilities Assistance Program, based upon a master facilities plan prepared by the Ohio School Facilities Commission ("OSFC") and accepted by the Board, which also includes certain improvements that are not part of the co-funded OSFC project (all of which is referred to as the "Project"); and

**WHEREAS**, SHP Leading Design, the Board's Architect for the Project, prepared the construction documents design phase drawings for the new middle school and high school buildings, and Lend Lease, the Construction Manager for the Project, reviewed the drawings prepared by the Architect and provided comments on the drawings for conformity with the design phase submission requirements for the Project and

**WHEREAS**, the Construction Manager assembled a construction documents design phase submissions dated March 28, 2012, for the new middle and high school buildings included in the Project, which includes an updated Form Agreement for Local Funded Initiatives (LFI) document required by the OSFC to describe the locally funded initiative items included in the Project for each of the new school buildings based upon the design phase; and

**WHEREAS**, the Board wishes to approve the construction documents design phase submissions for the new school buildings and to authorize the Architect and Construction Manager, working with the Superintendent and Treasurer, to proceed with the placement of the required advertisements to solicit bids for the building trades packages for the new high school project, subject to approval of the OSFC;

**NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Circleville City School District as follows:**

1. The construction documents design phase submission prepared for the new middle and high school buildings included in the Project, which are dated March 28, 2012, are approved, subject to approval of the OSFC.

2. The Superintendent and Treasurer are authorized to sign the updated OSFC Form Agreements for Local Funded Initiatives (LFI) documents prepared for the new high school and middle school buildings included in the Project, based upon the construction documents design phase documents prepared to which, include the Locally Funded Initiative Funding Plan describing LFIs included for each of the new buildings.
3. The Board authorizes the Superintendent and Treasurer, working with the Architect and Construction Manager, to prepare and place the required form of advertisement to solicit bids for the building trades packages for the new high school, with the first advertisement anticipated to be placed on April 2, 2012, and bids to be opened on or around May 1, 2012, unless the date is extended by the Superintendent, as the Board's designated representative, or by addendum or law.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

On a motion by Mrs. Williams, seconded by Mrs. DeLong, the board approved the following resolution:

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
CIRCLEVILLE CITY SCHOOL DISTRICT  
CONSENTING TO THE ESTABLISHMENT OF AND MEMBERSHIP IN  
SOUTH CENTRAL OHIO COMPUTER ASSOCIATION  
REGIONAL COUNCIL OF GOVERNMENTS**

**WHEREAS**, this Board is a member of the South Central Ohio Computer Association (SCOCA), which provides computer and data processing services to this school district and is presently organized under R.C. 3313.92, and

**WHEREAS**, in order to allow SCOCA to operate in a more independent and flexible manner, including the employment of its own Fiscal Officer and other employees, so as to more efficiently carry out the financial and technical functions of the cooperative, to allow it to enter contracts to sell temporary excess computer capacity and services to nonmembers, and to permit it to expand into new areas of technology, a Council of Governments format is necessary, and

**WHEREAS**, the intent of this Resolution is to terminate the Agreement forming the South Central Ohio Computer Association and approving the Agreement forming the Council of Governments, which shall supersede it, and said Agreement is hereby authorized, provided all member school districts agree to the establishment of and membership in this Council of Governments.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Superintendent and Treasurer of this District are hereby authorized and directed to execute on behalf of this Board the Agreement for the formation of the South Central Ohio Computer Association Regional Council of Governments, which is attached hereto as Exhibit A.

2. That in accordance with Section 18.1 of the Constitution of the South Central Ohio Computer Association, this Board hereby consents to the termination of this Agreement effective at 11:59 p.m. on June 30, 2012.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams – yes

On a motion by Mrs. Williams, seconded by Mrs. DeLong, the board approved Cathy Kint for unpaid leave on March 26, 2012.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

On a motion by Mr. Bradhurst, seconded by Mrs. Stevens, the board approved the SOAR Collaborative Agreement as presented.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

On a motion by Mrs. DeLong, seconded by Mrs. Williams, the board approved the contract addendum:

### Pickaway County ESC / Circleville City Schools

#### Extra Mile/Milestone Agreement

This addendum agreement made by and between the Pickaway County Educational Service Center and Circleville City Schools is for the purpose of extending and provided funds as needed to cover services provided by Paraprofessionals/teachers for the 2011/2012 Extra Mile / Milestone Program that includes Summer School services. The dollar amount will not exceed the Extra Mile/ Milestone budget as set forth by the 21<sup>st</sup> Century Grant Budget guidelines.

Upon receipt of this signed agreement Circleville City School will release funds as needed to the Educational Service Center.

Circleville City Schools agrees to hold harmless the Pickaway Count Educational Service Center for any unemployment claims as a result of the position, and understands that any unemployment claims shall be invoiced separately from the amount stated above.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

On a motion by Mrs. Williams, seconded by Mrs. DeLong, the board approved the following ratification:

**RATIFICATION OF THE AGREEMENT TO TERMINATE THE FULL  
REQUIREMENTS NATURAL GAS SALES & SERVICE AGREEMENTS  
WITH A MUTUAL RELEASE OF CLAIMS  
AND  
NATURAL GAS SALES & SERVICE AGREEMENT**

#### WITNESSES

WHEREAS, The Metropolitan Educational Council (“MEC”), an association of state funded, not for profit school districts, public libraries and independent elementary

and secondary schools has conducted a negotiation to terminate the existing Full Requirements Natural Gas Sales & Service Agreement with EnergyUSA – TPC Corp. relating to natural gas supply for schools, school districts and public libraries located in the Columbia Gas of Ohio Service Area; and

WHEREAS, MEC has arranged for a natural gas supply program with Constellation NewEnergy – Gas Division, LLC (“CNEG”) for schools, school districts and public libraries located in the Columbia Gas of Ohio service area; and

WHEREAS, Circleville City Schools (“School Participant”) is a member in good standing of the MEC; and

WHEREAS, School Participant has reviewed *The Agreement to Terminate the Full Requirements Natural Gas Sales & Service Agreements with a Mutual Release of Claims* (the “Termination Agreement”) and the *Natural Gas Sales & Service Agreement* (“Agreement”), both of which are attached hereto and incorporated as part of this ratification;

NOW THEREFORE, in consideration of the premises and the mutual covenants and other good and valuable consideration, School Participant agrees as follows:

1. School Participant hereby represents and warrants that it is a member in good standing of MEC.
2. School Participant hereby acknowledges receipt of a copy of the Agreement and Termination Agreement, and ratifies, accepts and agrees to comply with and be bound by the Agreement and the Termination Agreement as if its signature appeared on both said Agreement and Termination Agreement.
3. School Participant hereby appoints and authorizes MEC as its agent to act on School Participant’s behalf in all matters regarding natural gas supply and related products and services. MEC has full and complete authority to (i) engage in communication with CNEG in regard to the obligations within the Agreement and any natural gas transactions, (ii) have access to all information, notices, billing data and any other information relating to natural gas supply from CNEG, and (iii) act on School Participant’s behalf to discuss, negotiate, execute and deliver binding natural gas agreements and transaction confirmations involving the purchase of natural gas and related products. School Participant acknowledges that School Participant shall remain responsible for all obligations incurred on its behalf by MEC and School Participant will be bound by any gas supply related agreements entered into by MEC on School Participant’s behalf as if executed by School Participant directly.
4. School Participant hereby authorizes and agrees to the formation of a School Implementation Committee as called for in the Termination Agreement and further authorizes the School Implementation Committee

to act on behalf of the School Participant with respect to the implementation of the Termination Agreement and authorizes MEC to appoint, at its sole discretion, a representative to the School Implementation Committee.

5. School Participant acknowledges and agrees that its ratification of the Agreement and Termination Agreement shall not make or be construed to make the School Participant liable for the unpaid balance of any other past or present member of the MEC natural gas program.
6. This ratification shall obligate the School Participant to pay for any natural gas supply or service obligations incurred on its behalf pursuant to the terms and conditions of the Agreement and this ratification, and shall obligate the School Participant to pay for any amounts due and owing by the School Participant to EnergyUSA – TPC Corp. in accordance with the terms and conditions of the Termination Agreement.
7. The signatory parties to this ratification acknowledge and agree that the Agreement and the Termination Agreement as attached hereto cannot be changed or otherwise modified without the express written approval of MEC and ratification by the School Participant.

IN WITNESS WHEREOF, the individual executing this ratification on behalf of the School Participant has all necessary authority and has been duly authorized to execute this ratification and bind the School Participant. The other signatories on behalf of the other parties have all necessary authority and have been duly authorized to execute this ratification and bind the respective party. Parties hereto have executed this ratification to be effective as of the execution date of this ratification by the School Participant.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

On a motion by Mrs. DeLong, seconded by Mr. Reeser, the board approved the following fiscal items:

a. Donations:

Gary and Sandy Wisecup donated \$20 for school supplies to Court Street Intermediate School

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

On a motion by Mrs. Williams, seconded by Mrs. DeLong, the board voted to go into executive session at 7:35 p.m. for the purpose of the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or officials, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official licensee, or regulated individual requests a public hearing; and the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal prove interest is adverse to the general public interest.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes



The board returned from executive session at 8:40 p.m.

On a motion by Mrs. Williams, seconded by Mr. Bradhurst, the board approved the following resolution:

**AUTHORIZING PARTICIPATION IN THE METROPOLITAN EDUCATIONAL COUNCIL'S ("MEC") NATURAL GAS PROGRAM FOR A FIVE YEAR PERIOD UNDER THE TERMS AND CONDITIONS OF THE NATURAL GAS SALES AND SERVICE AGREEMENT WITH CONSTELLATION NEWENERGY – GAS DIVISION, LLC NEGOTIATED BY THE OHIO SCHOOL CONSORTIUM AND AUTHORIZING RATIFICATION OF THE AGREEMENT TO TERMINATE THE FULL REQUIREMENTS NATURAL GAS SALES & SERVICE AGREEMENT WITH ENERGYUSA-TPC CORP.**

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

WHEREAS, MEC has joined with other school councils of governments and major school districts (collectively known as the "Ohio School Consortium") to obtain more favorable terms for natural gas service by negotiating for gas service on behalf of 150 school districts and public libraries; and

WHEREAS, the School District now purchases its natural gas service pursuant to the existing *Full Requirements Natural Gas Sales & Service Agreement* with EnergyUSA-TPC Corp. negotiated by the Ohio School Consortium, and that agreement is to be terminated with outstanding gas hedges to be liquidated and replaced by a new, more favorable natural gas sales and service agreement with Constellation NewEnergy – Gas Division, LLC ("Constellation NewEnergy"); and

WHEREAS, this School District by its membership in MEC may continue to participate via the natural gas sales and service program arranged by the Ohio School Consortium with Constellation NewEnergy under the terms and conditions of the new *Natural Gas Sales & Service Agreement*, attached hereto, if the School District ratifies both the new agreement and the *Agreement to Terminate the Full Requirements Natural Gas Sales & Service Agreements with a Mutual Release of Claims*, a copy of which is attached hereto; and

WHEREAS, the Board finds that it is in the School District's best interest to terminate the existing gas supply arrangement with EnergyUSA-TPC Corp. and enter into the proposed natural gas supply arrangement with Constellation NewEnergy;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CIRCLEVILLE CITY SCHOOL DISTRICT, COUNTY OF PICKAWAY, STATE OF OHIO, as follows:

Section 1. The Board of Education of this School District does hereby elect to terminate the existing *Full Requirements Natural Gas Sales & Service*

*Agreement with EnergyUSA-TPC Corp. in accordance with the terms and conditions of the Agreement to Terminate the Full Requirements Natural Gas Sales & Service Agreements with a Mutual Release of Claims.*

Section 2. The Board of Education of this School District does hereby elect to continue to participate in MEC's natural gas program in accordance with the term and conditions of the *Natural Gas Sales & Service Agreement* with Constellation NewEnergy – Gas Division, LLC.

Section 3. This Board of Education hereby authorizes the Superintendent or his designated alternate to execute the attached ratification on behalf of the Board of Education for this School District.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – nay; Mrs. Williams - yes

On motion by Mrs. Williams, seconded by Mrs. DeLong, the board voted to adjourn the meeting.

Mr. Bradhurst – yes; Mrs. DeLong – yes; Mr. Reeser – yes; Mr. Stevens – yes; Mrs. Williams - yes

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President

ATTEST

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Treasurer