

Held _____ 20 _____

HILLSDALE LOCAL BOARD OF EDUCATION – February 9, 2021 at 7:00 P.M.

The Hillsdale Local Board of Education Regular Board Meeting was called to order by President Vella King at 7:00 P.M in the Hillsdale High School Media Center. Roll call was taken by Treasurer Rick Blahnik with the following Board members present: Nicholas Atterholt, John Cutlip, W. Eugene Anderson, Amy Jarvis and Vella King.

#21-16 APPROVAL CONSENT AGENDA ADDITIONS/DELETIONS

Moved by Anderson, seconded by Jarvis to approve the consent agenda Additions/Deletions for the Regular February 9, 2021 Board of Education Meeting.

Anderson, aye; Atterholt, aye; Cutlip, aye; Jarvis, aye; King, aye. Motion passes 5-0.

#21-17 TREASURER'S CONSENT AGENDA

Moved by Jarvis, seconded by Cutlip to approve the Treasurer Consent Agenda.

- A. Approval of the January 12, 2021 Board Minutes as presented.
- B. Approval of the January 2021 Financial Reports as presented.
- C. Approval of the Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor as presented.
- D. Approved the following donations:
 - Received \$50,000.00 from the Hillsdale Athletic Boosters to be used for turf for new football field. Deposited into 070-9019 Capital Project Fund
 - Received \$152.50 from an anonymous donor to purchase boys coaching shirts uniforms. Deposited into 340-950A Athletic Fund.
- E. Approval to open Star Ohio cash "Building Project" account for the purpose of investing inactive funds up to a maximum of \$10,000,000.00 designated for our capital project.
- F. Transfer funds from Star Plus cash account to newly established Star Ohio cash account and close the Star Plus cash account.
- G. Approval of the following resolution to approve Attorney-Client Contract and authorize litigation.

WHEREAS, electronic cigarette and other nicotine vapor product ("vaping") use and abuse by minor students in the United States has reached epidemic levels; and

WHEREAS, vaping companies' irresponsible marketing strategies have targeted and have led to increased instances of nicotine addiction amongst America's students; and

WHEREAS, nicotine and other harmful chemicals contained in vaping products leads to health issues and jeopardizes student development; and

WHEREAS, students across the United States, including students within the Hillsdale Local School District, have been negatively impacted by the vaping epidemic; and

WHEREAS, the District has expended funds to address students' use of vaping products;

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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WHEREAS, in 2019, Frantz Law Group, APLC filed a mass tort action lawsuit against JUUL Labs, Inc. on behalf of several California schools in the United States District Court for the Northern District of California (“Lawsuit”); and

WHEREAS, the Lawsuit is captioned *In re: Juul Labs, Inc. Marketing, Sales Practices & Products Liability Litigation*, Case No. 3:19-md-2913-WHO; and

WHEREAS, the Lawsuit has been approved for trial and is set to commence in January 2022; and

WHEREAS, the law firms of Peters, Kalail & Markakis Co., LPA and Frantz Law Group, APLC (“Law Firms”) have entered into a co-counsel agreement to join Ohio schools into the Lawsuit; and

WHEREAS, the Law Firms have offered to jointly represent the Hillsdale Local School District in the Lawsuit pursuant to an Attorney-Client Fee Contract (“Agreement”); and

WHEREAS, a copy of the Agreement has been attached and fully incorporated herein; and

WHEREAS, under the terms of the Agreement, the District shall be not be charged attorneys’ fees, nor shall the District bear any costs or expenses, if there is no recovery from the Lawsuit;

NOW THEREFORE, BE IT RESOLVED THAT the Board of Education of the Hillsdale Local School District approves and enters into the Agreement with the Law Firms, and directs the Board President, Superintendent, and Treasurer to execute the Agreement and return the same to the Law Firms; and

BE IT FURTHER RESOLVED THAT it is hereby found and determined that all formal action of the Board of Education concerning and/or relating to the adoption of this Resolution was taken in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public and conducted in compliance with all legal requirements, including Section 121.22 of the Revised Code.

BE IT FURTHER RESOLVED THAT the Board of Education authorizes the Law Firms to file a complaint in the appropriate United States District Court(s) having jurisdiction over the Lawsuit;

BE IT FURTHER RESOLVED THAT the Board of Education authorizes the Superintendent, Treasurer and other administrators and staff to provide reasonable assistance to the Law Firms to enable the handling of the Lawsuit;

Anderson, aye; Atterholt, aye; Cutlip, aye; Jarvis, aye; King, aye. Motion passes 5-0.

#21-18 SUPERINTENDENT’S CONSENT AGENDA

Moved by Atterholt, seconded by Cutlip to approve the Superintendent’s Consent Agenda:

- A. Approved to place the following on the negotiated master salary schedule due to advanced training effective second semester, 2020-21 school year:

Nichole Blosser – Masters +30

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- B. Accepted the following resignations:
- Virginia Sparrow as playground aide, effective January 14, 2021
Julia Crider as Bus Driver, effective January 13, 2021.
Sadie Moffett as Full Time Relief School Bus Driver/Van Driver effective January 13, 2021.
- C. Approved Sadie Moffett as Bus Driver, Experience 5, effective January 14, 2021.
- D. Approved Steve Gilbert as Full Time Relief School Bus Driver/Van Driver, Experience 0, effective February 3, 2021.
- E. Approved Esther Abel as a substitute teacher as needed.
- F. Approved the following to supplemental contracts effective 2020-21 school year/season:
- Michael Mack – 7 & 8 Wrestling – Classification G; Experience 13 for 40% of year.
- G. Approve the following to supplemental contracts effective 2020-21 school year/season:
- Megan Bradford – Assistant Softball Coach – Classification E; Experience 2
LeeAnn Heffelfinger–Co-Assistant Softball Coach–Classification E; Experience 2
Nicole Smith – Co-Assistant Softball Coach – Classification E; Experience 1
Ed Yetzer – Assistant Baseball Coach – Classification E; Experience 5
Dex Rogers – Assistant Baseball Coach – Classification E; Experience 5
- H. Approved the following to supplemental contracts effective 2020-21 school year/season:
- Rachel A. Kelly – Musical Director - Classification G; Experience 5
- I. Approve the following volunteers for the 2020-21 school year/season:
Kirk Ebert – Volunteer Softball
Dan Fulk – Volunteer Softball
Tom Williams – Volunteer Baseball
- J. Approved the following to supplemental contracts effective 2021-22 school year/season:
- Tom Williams – Assistant Football – Classification D; Experience 18
Mark Jump – Assistant Football – Classification D; Experience 7
Ed Yetzer – Assistant Football – Classification D; Experience 12
Josh Barr – Assistant Football – Classification D; Experience 5
- K. Approved the following volunteers for the 2021-22 school year/season:
Seth Ebert – Volunteer Football
- L. Approved the continued participation in the Statewide Open Enrollment Program for the 2021-22 school year.
- M. Approved the purchase of a 2022 - 78 Passenger, (Gas) School Bus from Cardinal Bus Sales in the amount of \$87,143.00. Billing and delivery after July 1, 2021

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N. Approved Resolutions designating March as Music in our Schools Month and Youth Art Month.

O. First Reading of the 2021-22 Hillsdale Local Schools Calendar.

#21-19 RESOLUTION APPROVING CHANGE ORDER

Moved by Cutlip, seconded by Jarvis to approve the Superintendent’s recommendation to approve a Change Order for the New PK-12 Building Project (the “Project”) to accept certain alternates under Guaranteed Maximum Price (“GMP”) Amendment No. 3 for the Building Package.

Rationale:

1. The Board previously approved GMP Amendment No. 3 with Simonson-Regency Construction Services (the “CMR”) for the Building Package for the Project in the not-to-exceed amount of \$62,920,657.
2. In the interest of efficiently managing the Project, the CMR prioritized the buyout of certain subcontractor scopes of work and the CMR will buyout the remainder of the subcontractor scopes of work at a later date.
3. To-date, the actual Cost of Work for the subcontractor scopes of work for Building Package which have been bought out so far is \$4,676,022.94 less than the associated Maximum Cost of the Work for such scopes of work established by the GMP Amendment No. 3 (such “Buyout Savings”); under the terms of the Agreement between the Board and CMR, such Buyout Savings are retained by the Owner for use in its discretion.
4. GMP Amendment No. 2 contained certain alternates that were not included in the base scope, which the Board now wishes to accept using the realized Buyout Savings; specifically, the Board intends to accept:
 - a. Alternate No. 1 Security glazing at select entry locations
 - b. Alternate No. 2 Additional security glazing at select locations
 - c. Alternate No. 3 First floor classrooms and offices security glazing
 - d. Alternate No. 6 HVAC Air system purification (Ionization)
 - e. Alternate No. 11 Precast modular block retaining wall staining
5. A net no-cost Change Order has been prepared to add the above alternates to the CMR’s scope of work for the total amount of \$ 703,628.00 and to also realize an equal amount of Buyout Savings.
6. The remainder of the Buyout Savings will be reconciled in a subsequent Change Order.

The Hillsdale Local School District Board of Education resolves as follows:

1. The Board approves a net no-cost Change Order to add the above-identified Alternates to the CMR’s scope of work for the Building Package in the amount of \$703,628 and to realize an equal amount of Buyout Savings.
2. The Board authorizes the Superintendent, Treasurer, and other officials and administrators to execute such Change Order and any other related documentation on behalf of the Board, consistent with this approval.

Anderson, aye; Atterholt, aye; Cutlip, aye; Jarvis, aye; King, aye. Motion passes 5-0.

#21-20 RESOLUTION APPROVING TIER 1 SUBCONTRACTORS

Moved by Anderson, seconded by Atterholt to approve the Superintendent’s recommendation to ratify the issuance of a notice to Simonson-Regency Construction Services, LLC (the “CMR”) to proceed with the work for the Carpentry Package subcontract scope of work for the Building Package for the District’s New PK-12 Building Project (the “Project”).

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1. The Board previously approved the Guaranteed Maximum Price Amendment for the Building Package for the Project and previously approved a Notice to Proceed on certain subcontractor scopes of work.
2. In the interest of efficiently managing the Project, the CMR prioritized the buyout of certain subcontractor scopes of work and the CMR will buyout the remainder of the subcontractor scopes of work at a later date.
3. The CMR received subcontractor bids for the Carpentry Package and reviewed the bids with the subcontractors to confirm the scope of work and accuracy of the bids.
4. The CMR provided a tabulation of bids received and identified the subcontractor to which it intends to award the subcontract.
5. The District and Owner's Representative have reviewed the bid tabulation and the recommended subcontractor and now wishes to authorize the CMR to proceed with the work.
6. To avoid delay on the project in ordering long-lead items within this scope of work, the Superintendent issued the Notice to Proceed to the CMR for the Carpentry Package.

The Board of Education resolves as follows:

1. The Board ratifies the issuance of a notice to the CMR to proceed with the work for the Carpentry Package subcontractor scope of work for the Building Package.
2. The Board authorizes the Superintendent and other administrators to execute the Notice to Proceed and any documentation necessary to effectuate this approval, consistent with this resolution.

Anderson, aye; Atterholt, aye; Cutlip, aye; Jarvis, aye; King, aye. Motion passes 5-0.

#21-21 EXECUTIVE SESSION

Moved by Jarvis, seconded by Atterholt to go into Executive Session for the purpose of discussion of matters to be kept confidential by law at 7:59 P.M.

Anderson, aye; Atterholt, aye; Cutlip, aye; Jarvis, aye; King, aye. Motion passes 5-0.

#21-22 RESUME REGULAR SESSION

Moved by Anderson, seconded by Atterholt to resume regular session at 9:38 P.M.

Anderson, aye; Atterholt, aye; Cutlip, aye; Jarvis, aye; King, aye. Motion passes 5-0.

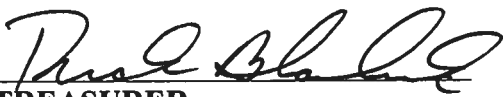
#21-23 ADJOURNMENT

Moved by Anderson, seconded by Atterholt to adjourn the Board meeting at 9:40 P.M.

Anderson, aye; Atterholt, aye; Cutlip, aye; Jarvis, aye; King, aye. Motion passes 5-0.



 BOARD PRESIDENT



 TREASURER