

Special Meeting

May 4, 2020

At 9:00 A.M. Deborah Shaw called meeting to order. The meeting was held via Zoom video conference. Answering roll call were: Mike Agosta, Scott Allen, Michael Linton and Heidi White. Also present: Superintendent Tim Williams and Treasurer Steve McAfee.

Adoption of Agenda

A motion was offered by Michael Linton to adopt the agenda as presented. Mike Agosta seconded this motion. Upon vote call: Linton, aye; Agosta, aye; Allen, aye; White, aye; Shaw, aye.

Major Item of Business

OFCC Memorandum of Understanding

A motion was offered by Michael Linton to enter into a Memorandum of Understanding (MOU) with the Ohio Facilities Construction Commission (Commission) concerning proceeding with design work and preconstruction services on its Classroom Facilities Project and payment of those services as well as payment of related services provided by an Owner's Agent or Commissioning Agent until the State's share of the Project fund is available:

WHEREAS, the Commission, created pursuant to ORC Section 123.20, is a body corporate and politic, an agency of state government and an instrumentality of the State of Ohio (State), performing essential government functions of the State; and

WHEREAS, the District is acting as an agency of state government, performing essential functions of government pursuant to ORC Chapter 3318; and

WHEREAS, the District and the Commission have approved a Classroom Facilities Assistance Plan or a Classroom Master Facilities Plan describing the classroom facilities needs of the applicable student population of the District, and the total budget for the Project; and

WHEREAS, pursuant to Ohio Revised Code (ORC) Section 3318.08, the Commission and the Board of Education of the Logan Elm Local School District, Pickaway County (School District Board), entered into a project agreement (Project Agreement) effective December 9, 2019; and

WHEREAS, pursuant to Chapter 3318 of the ORC and the Project Agreement, the State and District shares for projects are to be spent concurrently; and

WHEREAS, pursuant to ORC Section 3318.08(R), if a school district certifies to the Commission that expenditure by the school district is necessary to maintain appropriate tax status of the school districts share of the project cost or to comply with applicable temporary investment periods or spending exceptions provided for under federal law in regard to those notes or bonds, the school district may commit to spend, or spend, a greater portion of the funds it provides during any specific period than would otherwise be required under this division; and

WHEREAS, the Project Agreement further provides if any local funds necessitate federal spending requirements (e.g., federal prevailing wage) or are necessary to maintain the federal tax status or tax-exempt status of notes or bonds issued by the school district to pay for its share of the project cost or to comply with applicable temporary investment periods or spending exceptions to rebate as provided for under federal law in regard to those notes or bonds, the Commission may require the school district to commit to spend, or spend, a greater portion of the funds it provides during any specific period than would otherwise be required for proportional spending.

WHEREAS, the State Share of the Project Cost identified in the Project Agreement may be delayed for an indeterminant amount of time due to the timing of State capital funding; and

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WHEREAS, the District has determined and certified that time is of the essence as it relates to proceeding with the Project, including tax impacts to its local investments that comprise the District's local share; and

WHEREAS, the District has acknowledged that there is risk moving forward without the State Share of the Project Cost; and

WHEREAS, it is the intent of the Commission to secure funding at some point in the future subject to all statutory limitations and approvals; and

WHEREAS, the Parties understand that when State funding becomes available, the Commission's payments to the district over the remaining course of the project shall be adjusted to reflect disbursements by the District associated with the portion of expenses incurred by the District prior to the availability of funds.

NOW THEREFORE, the Parties agree to proceed as follows:

1. The District agrees to fund and disperse payment for the services identified below with the District's Share of the Local Cost (Fund 010) in lieu of funding concurrently:

- a. Fanning/Howey Associates, Inc. (Architect Services – Design Phase only)
- b. Motz Engineering - Commissioning Agent Firm (Commission Agent Services – Design Phase only)
- c. Summit Construction Company, LLC (Construction Manager at Risk - Preconstruction Services only)

2. The Parties agree that all other terms of the Project Agreement remained unchanged.

Scott Allen seconded this motion. Upon vote call: Linton, aye; Allen, aye; Agosta, aye; Shaw, abstain; White, aye.

Adjourn

At 9:10 A.M. Michael Linton motioned to adjourn. Scott Allen seconded this motion.

Deborah Shaw, President

Steve McAfee, Treasurer