

**WESTLAKE CITY SCHOOLS  
BOARD OF EDUCATION MINUTES**

**Friday, April 12, 2013 – Special Meeting - 3:30 PM  
Administration Building - 27200 Hilliard Blvd.**

Call to Order: Time: 3:39 p.m.

Roll Call Vote:

Mr. Mays	<u>Present</u>
Ms. Winter	<u>Present</u>
Mr. Cross	<u>Present</u>
Mr. Falcone	<u>Absent</u>
Mrs. Leszynski	<u>Present</u>

Pledge of Allegiance – President Mays led the assembly in the Pledge of Allegiance.

Acknowledgment of Visitors – President Mays thanked all in attendance.

Approval of Agenda

Motion by Ms. Winter

Seconded by Mr. Cross

Roll Call Vote:

Mr. Mays	<u>AYE</u>
Ms. Winter	<u>AYE</u>
Mr. Cross	<u>AYE</u>
Mrs. Leszynski	<u>AYE</u>

**VISION STATEMENT**

The Westlake City School District will provide a dynamic, student centered, 21<sup>st</sup> Century learning environment. Our district will be characterized by high achievement, actively engaged learners, mutual respect, shared knowledge, pursuit of new skills and capabilities, collaborative learning, willingness to take action, a team commitment to data-driven continuous improvement, and tangible results.

**MISSION STATEMENT**

**WE EDUCATE FOR EXCELLENCE...**Empowering all students to achieve their educational goals, to direct their lives, and to contribute to society.

\*Hearing of Public (Agenda Items - 15 Minutes) – None.

A. Resolution to Authorize Construction Change Directive(s)

Exhibit A-1

\*Hearing of Public (15 Minutes) – None.

B. Adjournment

Motion by Mrs. Leszynski

Seconded by Ms. Winter

Roll Call Vote:

Mr. Mays AYE

Ms. Winter AYE

Mr. Cross AYE

Mrs. Leszynski AYE

President Mays adjourned the meeting at 3:47 p.m.

\_\_\_\_\_  
President

\_\_\_\_\_  
CFO/Treasurer

The public may address the Board during the periods of the meeting designated for public participation. Each person addressing the Board shall give his/her name and address. If several people wish to speak, each person is allotted three minutes until the total time allotted is used. During that period, no person may speak twice until all who desire to speak have had the opportunity to do so. The period of public participation may be extended by a vote of the majority of the Board present and voting.

EXHIBIT A-1  
RES. #13-112

RESOLUTION TO APPROVE CONSTRUCTION CHANGE DIRECTIVE(S)

RESOLVED that the Westlake Board of Education approves the following Construction Change Directive(s) as follows:

**AUTHORIZING CCDs AND CHANGE ORDERS FOR STEEL WORK  
IN THE ROTUNDA AREA OF THE NEW HIGH SCHOOL**

WHEREAS, issues have been identified with the steel in the rotunda area of the new high school, and the Architect has prepared Bulletins 77, 77B, 77C, 77D, and 77E that have been issued to address the issues through the performance of remedial work in this area; and

WHEREAS, the work required by the bulletins impacts general trades, masonry, HVAC, electrical, and plumbing, and the Construction Manager, with the Architect, has requested pricing for the required work from the affected contractors, and all have responded at this point except the electrical contractor; and

WHEREAS, the Construction Manager has prepared construction change directives (“CCDs”) directing the contractors to proceed with the work and has included pricing for the work to be performed by each contractor based upon the required scope of remedial work described in the bulletins, which pricing will be the subject of further negotiations; and

WHEREAS, the CCD for Jeffrey Carr Construction (General Trades) additionally has a reservation of the Board’s right to seek reimbursement of costs if Jeffrey Carr Construction is determined to be responsible for the required remedial work; and

WHEREAS, the CCD for M.W. Mielke (Plumbing) will actually be a credit estimated to be approximately \$5,000; and

WHEREAS, and the amounts in these CCDs will become the basis for change orders, once agreed upon by the Contractors, for each contract impacted by the work; and

WHEREAS, the District Supervisor of Construction Projects has been working with the Construction Manager and the Architect to prepare the CCDs and to provide for the continued work in the rotunda area, and will continue to work with the Construction Manager and Architect to finalize the CCDs and negotiate the change orders, and requests authority on behalf of the Board to sign the CCDs and any resulting change orders so that the work can proceed expeditiously to address the issues and to maintain the project schedule;

EXHIBIT A-1  
(Page 2)

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

1. Based upon the recommendation of the District Supervisor of Construction Projects, the Board authorizes the District Supervisor of Construction Projects, working with the Superintendent, to negotiate and sign construction change directives, and resulting change orders, for remedial work to be performed in the rotunda area with the following contractors in amounts up to:

Jeffrey Carr Construction (General Trades) (with a reservation of the Board's rights)	\$219,637.34
Foti Contracting (Masonry & Concrete)	\$155,276.30
Bay Mechanical (HVAC)	\$1,911.48
Enertech Electrical (Electrical)	\$10,000.00
M.W. Mielke (Plumbing)	\$0.00

2. The Treasurer is authorized to sign the funding certificates for each CCD, and resulting change order, with amounts not to exceed those stated above.

Board Discussion:

Superintendent Keenan noted any additional cost for the construction change directives will not ultimately be borne by the school district. Mr. Cross asked if the Board still has reserved its right to pursue additional vendors should they be found responsible even though they are not noted in the resolution. Dave Puffer stated the resolution authorizes the change directive but doesn't preclude the Board to hold other parties responsible (in addition to MKC and Jeffrey Carr Construction). Mr. Mays then clarified the response that the wording in the resolution as drafted by the Board attorney attempts to deal directly with the directive work, but does not preclude the district from holding other potential parties responsible.

Motion by \_\_\_\_\_ Ms. Winter

Seconded by \_\_\_\_\_ Mrs. Leszynski

Roll Call Vote:

Mr. Mays	_____ AYE
Ms. Winter	_____ AYE
Mr. Cross	_____ AYE
Mrs. Leszynski	_____ AYE