

NOTICE OF PUBLIC MEETING

LUDINGTON BOARD OF EDUCATION - LUDINGTON AREA SCHOOL DISTRICT
809 E. Tinkham Avenue, Ludington, Michigan 49431 – Phone 231-845-7303

This is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated on the agenda.

Mission: The Ludington Area Schools, in partnership with the community, will achieve excellence in a positive environment where motivation and quality instruction ensure learning and equip students for success in society.

MEETING: Special Meeting
DATE: June 15, 2021
TIME: 6:00 p.m.
PLACE: Administration Offices
ADDRESS: 809 E. Tinkham Ave., Ludington, MI 49431

SPECIAL MEETING

- I. CALL TO ORDER and ROLL CALL
☑ Steve Carlson ☑ Josh Snyder ☑ Bret Autrey ☑ Mike Nagle ☑ Stephanie Reed ☑ Leona Ashley ☑ Scott Foster
- II. AGENDA MODIFICATION
- III. CITIZEN PARTICIPATION
- IV. DISCUSSION ITEMS
 - A. Contract Negotiations - LESPA Tentative Agreement
 - B. Elementary Bond Project Application and Certificate for Payment #14
 - C. Sale of the South Hamlin Building
- V. ACTION ITEMS
 - A. Approval and Ratification of the LESPA Agreement
 - B. Elementary Bond Project Application and Certificate for Payment #14
 - C. Sale of the South Hamlin Building
- VI. OTHER ITEMS OF BUSINESS & ANNOUNCEMENTS
- VII. ADJOURNMENT

Memorandum - Office of the Superintendent

TO: Board of Education
FROM: Jason Kennedy, Superintendent
RE: Special Meeting ~ Agenda Notes

CITIZEN PARTICIPATION

Review Board Policy 0167.3: Public Participation at Board Meetings

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

To permit fair and orderly public expression, the Board shall provide a period for public participation at every regular meeting of the Board and publish rules to govern such participation in Board meetings. The rules shall be administered and enforced by the presiding officer of the meeting.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business, or at the discretion of the presiding officer.
- B. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- C. Each statement made by a participant shall be limited to three (3) minutes duration.
- D. No participant may speak more than once.
- E. Participants shall direct all comments to the Board and not to staff or other participants.
- F. The presiding officer may:
 1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
 2. request any individual to leave the meeting when that person does not observe reasonable decorum;
 3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
 4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
 5. waive these rules with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.
- G. The portion of the meeting during which the participation of the public is invited shall be limited to thirty (30) minutes, but the timeframe will be extended, if necessary, so that no one's right to address the Board will be denied.
- H. Tape or video recordings are permitted. The person operating the recorder should contact the Superintendent prior to the Board meeting to review possible placement of the equipment, and agrees to abide by the following conditions:
 1. No obstructions are created between the Board and the audience.
 2. No interviews are conducted in the meeting room while the Board is in session.
 3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.
- I. Each Board agenda will include the following statement, "Public participation shall be permitted only as indicated on the order of business."

Revised: January 21, 2019

Legal: M.C.L.A. 15.263(4)(5)(6), 380.1808

Discussion Items:

Contract Negotiations - LESPA Tentative Agreement

We will discuss the tentative agreement between the Board and the Ludington Educational Support Personnel Association (LESPA), and will include this as an action item to approve and ratify the contract at the special meeting on Tuesday. Details of the Agreement will be presented at the special meeting.

Elementary Bond Project Application and Certificate for Payment #14

We will need an action item at the special meeting to approve the certificate for payment on the elementary school bond project and to authorize the District to pay the certificate for payment in the amount of \$1,691,626.17 as certified by the architect and construction manager, and as outlined in the Certificate for Payment. The District received the pay application information from the construction manager to process on May 28, 2021. The certified pay application documents have been provided to the Board for review prior.

Sale of the South Hamlin Building

The District has been leasing the South Hamlin building to Pennies from Heaven Foundation since 2014. The current lease agreement, which was renewed in January of 2020, and is effective until December of 2024, also identified the requirement of the District to replace the roof. The District has reviewed the process for roof replacement in alignment with the School Building Construction Act (SBCA) with our legal counsel, and has received legal guidance that confirms that the SBCA would apply to this scope of work. The SBCA requires that the District contract a certified architect to draw architectural plans for the project that must be submitted and approved by the State Bureau of Construction Codes before the work can commence. This has been, and continues to be, a lengthy process.

Due to the additional costs of contracting an architect, and the additional time involved with submitting architectural plans to this state department, the District has considered other options that might eliminate the extra steps, as well as added architectural costs for taxpayers on a building that we are no longer using. In working with our attorney at Thrun Law, we have determined that the best option available to the District is to sell the building to Pennies from Heaven now, and allow them to contract for the roof replacement. The SBCA would not apply to them as the owners of the building because they are not a PK-12 public school. They would be able to begin the work right away without incurring any architectural costs, or waiting for any state approval. This would save the District and taxpayers in excess of \$200,000 by the time the roof replacement and architectural costs were factored in for a building that we are no longer using.

Over the past seven (7) years, Pennies from Heaven Foundation has invested over \$600,000 into capital building improvements at the South Hamlin building. They have received a quote for \$187,500 to complete the roof replacement yet this year. Given the size of this total investment of almost \$800,000 already, and the fact that building in its current condition would appraise for less than this, we recommend consideration for a purchase price that is associated with the acreage, but does not include the value of the building. The lot size is eight (8) acres, and Pennies from Heaven Foundation has offered \$4,000 per acre; a total purchase price of \$32,000. The current price per acre in Mason County ranges from \$3,500 to \$4,000, so this offer at the high end of this range is a good faith effort to provide a competitive offer, while saving the taxpayers and District hundreds of thousands of dollars.

Action Item(s):

Approval and Ratification of the LESPA Agreement

We will need an action item to approve and ratify the Agreement between the Board and the Ludington Educational Support Personnel Association (LESPA), as discussed.

Elementary Bond Project Application and Certificate for Payment #14

We will need an action item at the special meeting to approve the certificate for payment on the elementary school bond project and to authorize the District to pay the certificate for payment in the amount of \$1,691,626.17 as certified by the architect and construction manager, and as outlined in the Certificate for Payment. The District received the pay application information from the construction manager to process on May 28, 2021. The certified pay application documents have been provided to the Board for review prior.

Sale of the South Hamlin Building

We will need an action item to approve the sale of the South Hamlin building in the amount of \$32,000 to the Pennies from Heaven Foundation, as discussed.