

**Ohio Facilities Construction Commission
September 26, 2019 Meeting
William McKinley Room, Statehouse
1:30 PM**

MINUTES

Madam Chair Murnieks called the meeting to order at 1:30 PM.

Madam Chair Murnieks welcomed everyone to the September 26, 2019 meeting of the Ohio Facilities Construction Commission.

Roll Call

Members present: Madam Chair Kimberly Murnieks, Vice Chair Matthew Damschroder, Director Mary Mertz, Representative Jones, Benjamin Lynn for Representative Sobecki, Joseph Soza for Senator Fedor and Kate Millen for Senator Manning.

Adoption of the August 22, 2019 Minutes

Vice Chair Damschroder moved to approve the August 22, 2019 minutes. Director Mertz seconded the motion.

Approval: Vote 3-0.

Public Testimony

Madam Chair Murnieks noted that Marietta CSD (Washington) and Washington State Community College were invited to present today because they plan to make a motion at the October 24, 2019 meeting related to recent language changes to H.B. 166 that will be in effect on October 17, 2019.

William Hampton, Superintendent from Marietta CSD and Dr. Vicky Wood, President from Washington State Community College, presented for public testimony to discuss a partnership between the district and the college. Superintendent Hampton and Dr. Wood's written comments are incorporated into the minutes.

Superintendent Hampton started the presentation by thanking the Commission for allowing them to present today. Superintendent Hampton proposes an educational model to the Commission that would be the first partnership between a PK-12 district and a community college in Ohio. Superintendent Hampton stated that southeast Ohio faces challenges related to education, workforce, quality of life and economy. Superintendent Hampton is concerned that because their school buildings are old and the technology is outdated, the district will not be able to deliver 21st century education to current and future students. The plan is to have one educational campus for all students.

Dr. Wood added that their plan aligns with Ohio's strategic education goal built on equity, partnerships and quality schools. Their partnership goal focuses on every student graduating with a diploma that potentially includes an industry credential, college credits, acceptance to the military, an internship/apprenticeship or immediate employment. The learning environment of their partnership will expose children as early as kindergarten to career choices.

Superintendent Hampton concluded the presentation by asking the Commission to grant the additional 35% state share allowed under R.C. 3318.036.

Director Mertz congratulated Superintendent Hampton and Dr. Wood on their innovative different approach to education. Director Mertz asked when bringing together the physical space and the variety of ages, how do you factor in the strategy for dealing with these issues? Dr. Wood replied that the property will have significant division between the two campuses. The younger children will be separated from the college students.

Madam Chair Murnieks asked how did this innovative idea and partnership arise? Superintendent Hampton replied that the ideas started 2 years ago. They started looking at how their kindergarten students come to the district unprepared for school. One reason is because of all the aging school buildings are scattered throughout the city. Superintendent Hampton strongly believes that bringing everyone together in one place will give students what they need. Dr. Wood added that with their state-of-the-art facilities, and the focus on career technical education, and bringing everyone together, they could transform education and do something better for the students.

Guidelines and Policies Update Presentation Presented by Jon Walden

Director Walden presented potential edits to the ELPP Guidelines, Segmenting Projects Policy, Priority Order of Assistance Policy and Community Schools Grants Guidelines.

The first three policies are updated to address statutory changes included in H.B 166.

ELPP Guidelines and Segmenting Projects Policy

Minor changes were made to these guidelines and policies to reflect changes in legislation that now allows for districts that previously participated in CFAP Segmenting to now be eligible for ELPP and to be able to work on their projects and still get credit for the work.

Priority Order of Assistance Policy

This policy also has language updates to address changes from H.B. 166 including language referenced in the Marietta/Washington State Community College presentation that adds priority for districts that receive legislative priority under ORC 3318.036.

Community Schools Grant Project Guidelines

In June 2015, H.B. 64 authorized the creation of the Community School Classroom Facilities Grant Program and created an appropriation of \$25M for this purpose.

The law outlines key elements to be eligible:

1. School must be high-performing, as determined by ODE
2. School must provide a local match of at least half of project cost
3. Project must increase seats
4. Project must serve unmet student needs
5. Project must show innovation in design

These grants are competitive, and based upon previous grants, fewer than 10% of community schools meet the high-performing criteria as defined in law.

There is an eligibility determination by ODE, application window and deadline, joint review and evaluation of grant applications by OFCC and ODE, and award.

Awards are formalized by a grant agreement. In the grant agreement, the facility must provide an educational purpose for 10 years. Release of grant funds requires Controlling Board approval.

OFCC awarded grants in two previous rounds. Round 1 in 2016 included: 8 grants, \$17M. Round 2 in 2018 included: 4 grants, \$4M. Round 3 is required to be offered, per Section 503.85 of H.B. 438. Should the Commission consider and approve the guidelines in October, the schedule would be to complete grant awards by June 30, 2020.

The edits are minor changes to the dates as part of the due process. There is one substantive addition to clarify that a district must remain eligible through the time of the award process.

Commission Meetings Location Approval Presented by Jon Walden – Resolution 19-41

Director Walden presented Resolution 19-41 to address that the Commission will – consistent with our rules - on occasion hold regular meetings outside of Columbus – similar to what the Commission did in August with its noticed “Special Meeting” at the West Clermont LSD, where the Commission also participated in the dedication festivities for 2 PK-5 Schools serving approximately 1,300 students.

To ensure additional compliance with Ohio’s open meetings law, and in consultation with the AG’s office, Commission staff recommends acceptance of this Resolution to provide notice and Commission staff will update the website to further reflect the occasional change in the regular meeting location.

Consistent with the Resolution, the October Commission meeting will be held at the new Harrison Hills K-12 school facility in Cadiz, Ohio. The dedication occurred on August 10th, and it also happens to be the

school district where Representative Jones previously taught. Commission staff have been working with Superintendent Snider to have that district's senior government class participate and learn a little about open meetings and how a public meeting works.

Vice Chair Damschroder moved to approve Resolution 19-41.
Director Mertz seconded the motion.

Approval: Vote 3-0.

Settlement Agreements Approval
Presented by Matt Westerman – Resolutions 19-42 and 19-43

Matt Westerman, Senior Legal Counsel, presented two settlement agreements for Commission Approval. Mr. Westerman reminded Commission Staff that OFCC will bring settlement agreements to the Commission for its review and approval when a settlement requires that the Commission provide a release. Each of the settlements presented today require that the Commission provide a limited release. The minutes include a summary from materials presented to Commission members.

Akron CSD (Summit) Case Settlement-Vendrick Construction

VendRick Construction Inc., (VendRick) served as the General Trades Contractor on the Anne T. Case Community Learning Center PK-5 (Project) for the Akron City School District (District). During construction, the Project experienced significant delays and several contractors filed delay claims. The District and the Commission asserted that VendRick was responsible for the delays and withheld funds from VendRick to cover the costs of the delays. VendRick disputed that it was responsible for the delays and filed a claim related to the withheld funds. Following mediation and negotiation, the parties entered into a settlement agreement whereby the District and the Commission would retain funds in excess of \$77,000 and release to VendRick the remainder of the withheld funds. Commission staff recommends approval of the settlement.

Vice Chair Damschroder moved to approve Resolutions 19-42.
Director Mertz seconded the motion.

Approval: Vote 3-0.

Pettisville LSD (Fulton) Settlement Agreements-Buehrer Group and SecurCom

Buehrer Group Architecture and Engineering, Inc., (Buehrer) served as the Architect of Record on the Pettisville Local School District (District) New K-12 Project (Project). SecurCom, Inc. (SecurCom) served as a subcontractor on the Project for certain security and access control work. Following construction, the District began to experience issues with their security cameras as well as experiencing issues with certain technology equipment related to access control. Following investigation, it was determined that Buehrer

failed to include 14 Ohio School Design Manual (OSDM) scope items that should have been included in the security camera and access control specs that were not purchased in the technology package. SecurCom failed to perform 12 scope work items that were specified as part of the subcontract. Following negotiation, Buehrer and SecurCom agreed to each pay \$10,000 to the District for deposit in the Project fund.

Vice Chair Damschroder moved to approve Resolutions 19-43.
Director Mertz seconded the motion.

Approval: Vote 3-0.

Authority to File Suit Approval
Presented by Matt Westerman – Resolution 19-44

Matt Westerman presented an Authority to File Suit against BSHM Architects Inc., URS Corporation, and Giambrone Construction.

BSHM Architects Inc., (BSHM) served as the Architect on the Ravenna City School District (District) New High School Project (Project). URS Corporation (URS) and Giambrone Construction, Inc., (Giambrone) served as the Construction Manager and General Trades Contractor respectively. After completion of the construction, the District experienced significant water infiltration issues. After several attempts to fix the issues, the District and Commission engaged a consultant to investigate the water infiltration issues. The consultant's report found that there were design issues and significant workmanship issues. Commission staff and the District are in the process of completing remedial work with total costs for remediation exceeding \$2M. BSHM has worked with the District and Commission staff on the design of the remedial work as well as being involved in the construction administration but is denying further responsibility. Commission staff seeks approval to initiate litigation against BSHM, URS, and Giambrone to recoup the funds related to each party's failure to fulfill its contractual and standard of care duties. As a matter of standard practice, OFCC staff will again reach out to the responsible parties to give the parties a final opportunity to resolve this matter prior to litigation.

Representative Jones asked Mr. Westerman how long after this project was completed before the problems appeared? Or was this something immediate? Mr. Westerman responded that water infiltration issues appeared about 2 years after the Ravenna construction project was completed. Parties previously had a mediation to address an issue the district had with masonry work at the time, and the contractor agreed to the resolution and came back and fixed the issues. Typically, a lot of Commission post construction addresses a discreet issue and the Commission and district realize there is a more systematic issue at a later time.

Vice Chair Damschroder moved to approve Resolution 19-44.
Director Mertz seconded the motion.

Approval: Vote 3-0.

Executive Director Report

Director Walden began his report by thanking the staff for all the work in preparation for this meeting, especially Secretary Perry, who like himself has served the Commission in dual roles for several months.

Over the past month, Commission staff have been busy with on-going projects and helping districts dedicate new facilities across the state. Commission staff have attended several dedications including the DRC project for the Woman's Reformatory Nursery and the new dormitory. The inmates did a great presentation on training to help inmates reincorporate back into society. OFCC staff has also attended dedications on the new PK-8s in Cleveland, Ohio – including one this week at the Sunbeam school.

Commission staff have also been working with our State agency clients to work through master planning efforts to address facility and capital needs, evaluate processes that address the many competing interests, but keeping in mind the statutory authority and impact to the broad range of stakeholders.

Commission staff continues to have regular outreach and discussion with construction groups such as AIA/ACEC and AGC. Director Walden attended an AGC board meeting earlier this month and there remains interest in continuing to work together to improve efficiencies and consistency in Ohio's public construction area.

Over the past several weeks, Commission staff have met with AIA/ACEC, Commerce's BBS, school district groups and other stakeholders concerning the Storm Shelter study. Commission staff are on track with bringing the Storm Shelter Study to the Commission consistent with H.B. 166. Director Walden also had the good fortune to visit Dover CSD, a district with a nearly completed storm shelter. The Dover CSD storm shelter is one of two under construction in the Commission program. Costs were consistent with Commission estimates.

Director Walden congratulated David Beals on his retirement. Mr. Beals has many years of service and support to OFCC. Mr. Beals is a former colleague of Director Walden's from the AG's office. Director Walden thanked Mr. Beals for all of the time and effort he put forth on the Commission's behalf. Mr. Beals has a very diverse career background ranging from serving our country, teaching and finally practicing law. OFCC staff wishes Mr. Beals well as he looks to spend more time at his happy place in Maine.

Mr. Walden welcomed new staff, Scott Sugarman, who is with our legal group and is awaiting bar results. Also, our new staff member, J.C. Benton, who is serving as our new Communications Manager taking over for a soon to be retired staff member.

Finally, Director Walden thanked the Commission members for their continued support as he worked through his Interim Director role.

Personnel Matters

Presented by Madam Chair Murnieks – *Resolution 19-45*

Madam Chair Murnieks moved a motion for the consideration of a personnel matter. Madam Chair Murnieks reminded the Commission that at the May Commission meeting, the Commission delegated authority to the Chair to search for a new Executive Director for the Commission. Madam Chair Murnieks recommended that the Commission approve a Resolution appointing Cheryl Lyman as Executive Director for the OFCC. Ms. Lyman is currently a Fiscal Officer at the Ohio State University College of Food Agriculture and Environmental Science. Ms. Lyman has had senior roles with Otterbein University and the State of Ohio's Office of Budget and Management. Ms. Lyman served with the OSFC and then the OFCC from 2005-2013 as Chief of Program Services. Ms. Lyman also has a Master's and Bachelor's degree from the University of Virginia.

Madam Chair Murnieks moved to approve Resolution 19-45.
Director Mertz seconded the motion.

Approval: Vote 3-0.

Madam Chair Murnieks expressed her sincere thanks to Interim Director Jon Walden who has performed exemplary in his role this summer as the Interim Executive Director. Director Walden has kept all of the projects moving forward to a great success. Madam Chair Murnieks stated that she was honored to attend several of the groundbreaking and dedications over the last several months with Director Walden, and further stated it has been a pleasure working with Director Walden, and thanked Director Walden for his service in this interim role and his continued service with the OFCC.

The meeting was adjourned at 2:14 PM.



Kimberly Murnieks, Commission Chair



These meeting minutes were prepared by
Elizabeth Perry, Secretary to the Commission (Interim)

Testimony Request Slip

Commission Meeting Date 9/26/19

Please return the completed form and ten (copies) of your testimony and materials to the Commission Secretary prior to the start of the meeting.

Name: William Hampton, Superintendent and Vicki Wood, President of Washington State CCTitle/Organization Representing: Marietta City SchoolsAddress: 111 Academy Drive
Marietta, OH 45750Phone: 740-374-6500 E-mail: whampton@mariettaclsdcn.org

Topic to be addressed in testimony:

Marietta Project & Local SHARE
under revised 3318036

 Check if handouts or materials are provided

Ohio's First PreK-14 Campus
in Partnership with Washington State Community College



The Future Requires a New Approach to Education



65%

65 percent of today's school children will eventually be employed in jobs that currently do not exist



OUR FACILITIES



- Washington Elementary - - - Built in early 1900s
- Marietta Middle School - - - Built in the 1920s
- Phillips Elementary - - - - - Built in the 1950s
- Putnam Elementary - - - - - Built in the 1950s
- Harmar Elementary - - - - - Built in the 1950s
- Marietta High School - - - - - Built in 1967

The Education Campus of the Future



Modern Facilities



Student Equity



Advanced Technology

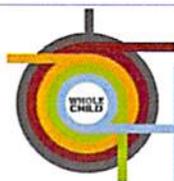


Centralized Student Support

BUILT ON THE FOUNDATION OF
INNOVATIVE EDUCATION PARTNERSHIP



A Model for Appalachia that Aligns with Ohio's Education Strategic Plan



Three Core Principles

- Equity
- Partnerships
- Quality Schools



Equity

Today	Future
Students in 6 buildings	Students centralized
Teachers in 6 buildings	Teacher collaboration
Class size disparity	Equal class size
CCP technical courses for those with transportation means	CCP technical course access for all
Middle 50% students exit with high school diploma	Diploma+ the first step in College or Career
Staff and services spread among 6 buildings	Services strengthened and expanded with all staff in one building



Graduate with a **Diploma+**

Next step in life...

- Industry Credential
- College Credit & Career Pathway
- College Certificate or Associate Degree
- Acceptance to Military or Apprenticeship

Partnerships



- Washington State Community College Connections with Business & Industry
- Pre-Apprenticeship Programs
- Training for Industry Certifications
- College credits, certificate, or degree



Quality Schools

Today	Future
6 buildings (53-107 years old)	➔ 1 building on one campus
6 buildings and community college campus	➔ 1 Education Campus
Limited access to technology	➔ State-of-the-art labs
Safety standards of 50+ years ago	➔ Current safety standards
Individual classrooms	➔ Open, collaborative learning environment



The Learning Environment of the Future: Career Exploration K-12

- Grades K-6 -- Explore Careers
- Grades 7-8 -- Hands-on Learning about Careers in WSCC's State-of-the-art Labs
- Grades 9-12 -- High School courses in WSCC labs, Career Technical Courses through CCP
- Develop a Career Plan and take the first step for Year 13



Collaboration & Resource Sharing

- Use WSCC's state-of-the-art Labs
- Tutoring and Academic Support
- Remediation Education
- College Prep Education
- Career Counseling & Preparation
- Security



Ohio Attainment Goal

Increase the number of residents with an associate degree or higher to **65%** by 2025



Where are we now?
Washington County: 29.3%



www.ohiohighered.org/attainment/dashboard

Significant Disparity in Community Wealth Indicators



Our Request for Additional Support to Build the Education Campus of the Future

R.C. 3318.036

"...new school building on land originally owned by a state community college..."

"...with the intention of collaboratively working with the state community college on workforce development programs and curriculum..."

We ask that you grant the additional 35% state share allowed under this provision.



Marietta City Schools

EACH CHILD, OUR FUTURE

A Model for Appalachia that Aligns with Ohio's State Education Plan



In the November 2019 election, Marietta City School District will propose a bond issue that supports the construction of facilities for K-12 students connected to the campus of Washington State Community College. This first-of-its-kind collaboration in our state will provide a foundation for community progress while helping to address many of the complex challenges facing families and children in Appalachian Ohio.

Marietta's plan to transform education encompasses the three Core Principles identified in Ohio's Education Plan: Each Child, Our Future.

EQUITY

Moving from six aging district buildings spread across the city to one campus will allow for critical collaboration among educators and centralized resources for all students. Close proximity to post secondary education partners will begin to level the playing field for disadvantaged students.

PARTNERSHIPS

Strong partnerships will enhance career exploration, build student aspiration, and create opportunity beginning in early education. The district goal is to graduate each Marietta student with a Diploma PLUS an industry credential, college credit/degree, acceptance to the military, acceptance to college, an apprenticeship or employment.

QUALITY SCHOOLS

The district currently includes six school buildings that range from 53 to 107 years old and are operating at 60% capacity, presenting significant challenges both academically and operationally. Modern classrooms with advanced technology, appropriate security features, climate control, and improved resources for educators are critical to complement new education design.

The challenges in our effort to transform this community are compounded by a significant disparity in district wealth indicators.

Economical Wealth by the OFCC formula: Ranked 71st percentile based on property value per student.
Economical Reality for the voting population: 21st percentile in state based on median income.

Marietta City School District asks that you grant the additional 35% state share allowed under the provisions set forth in R.C. 3318.036

To: Ohio Facilities Construction Commission (OFCC)
From: Marietta CSD (Marietta) and Washington State Community College (WSCC)
Date: September 26, 2019
Re: R.C. 3318.036 Compliance Summary

RC 3318.036(A)(1)(a)(ii)—two provisions:

“new school building on land originally owned by a state community college”

- Marietta has an agreement to purchase approximately 49 acres from WSCC and adjacent to the WSCC campus, contingent on the Marietta bond issue for the OFCC local share passing November 5, 2019.
 - WSCC has no current or future need for the property.
 - The property consists of multiple parcels, all of which have the State of Ohio on the deeds and some which also have WSCC. Sale will require following the state conveyance process and State Controlling Board approval.
 - Marietta is conducting its property acquisition due diligence at its expense to ensure a viable and buildable site.

“with the intention of collaboratively working with the state community college on workforce development programs and curriculum”

- Marietta's goal: every graduate having an industry credential or an associate's degree.
 - Marietta included the collaboration with WSCC in its ballot language: *“constructing, renovating and improving school facilities in collaboration with Washington State Community College and the Ohio Facilities Construction Commission...”*
 - WSCC has the largest percentage of Marietta's College Credit Plus students (91% of Marietta's CCP deduction).
 - Marietta and WSCC intend to expand existing career pathways to promote K-14.
 - Transportation will no longer be an obstacle for Marietta students to access WSCC classes and programs. The distance between Marietta's building and a WSCC building will be approximately 200 yards.
 - Collaborative use of space between Marietta and WSCC will be possible, e.g. WSCC labs.

RC 3318.036(A)(1)(b) “efficient use of facility space, including a reduction in the number of buildings”

- Marietta will move from six buildings (average age 75 years) to a single PK-12.
 - A new building will enhance programs, technology, ADA compliance and safety and security.
 - Staff collaboration within Marietta and between Marietta and WSCC will be enhanced.