

**STATE OF WEST VIRGINIA
COUNTY OF LOGAN**

A special meeting of the Logan County Board of Education was held at the Administrative Offices of Logan County Schools, Conference Room on Friday, June 30, 2017 at 10:08 a.m. The start of the meeting was delayed waiting on member Debbie Mendez to arrive.

Purpose of special meeting discussion and or possible action on contract between Logan County Board of Education and BCS is void ab initio

Call to order

The meeting was called to order by Board President Paul Hardesty. Those present were, Jeremy Farley, Dr. Ed White, Dr. Pat J. White, Secretary – Patricia Lucas, Interim Superintendent.

Should the need be presented, President Paul Hardesty (or designee) recommended the Board enter into Executive Session in accordance with WV Code 6-9A-4:

Executive Session – WV Code 6-9A-4

At 10:10 a.m. Dr. Pat J. White made the motion to enter into Executive Session in accordance with WV Code 6-9A-4 for the purpose to consider matters involving or competition has been the purchase, sale or lease of property, advanced construction planning, the investment of public funds or other matters involving commercial competition which if made public, might adversely affect the financial or other interest of the State or any political subdivision:. Dr. Ed White seconded the motion. Motion carried. Vote was 4-0.

Mrs. Mendez arrived to the meeting at 10:15 a.m. and joined the other members in executive session.

Return from Executive Session

At 10:30 a.m. Dr. Pat J. White made the motion to return from executive session. Dr. Ed White seconded the motion. Motion carried. Vote was 5-0.

Action Items

Mrs. Mendez made the motion to approve the following recommendation. Mr. Farley seconded the motion. Motion carried, vote was 5-0.

Superintendent Lucas made the following recommendation:

- At this time, I believe that the Logan County Board of Education does not have a binding contract with PCS Inc.
- I recommend that they will vacate the Chapmanville project immediately.
- I recommend that we demand that the SBA revise their grant agreement and allow the Logan County Board of Ed. to utilize funds originally intended to pay PCS to offset the cost of these changes in the delivery method.
- Any residual money from the grant be used to enhance the project.
- Also, I request the SBA hire in conjunction with the Logan County Board of Ed., a competent, full time Clerk of the Works as part of the grant funds.
- Also, to ensure that the money that is saved by the changes be accrued to the Logan County Board of Education, not the SBA.
- Also, with regard to PCS the Logan County Board of Ed. would ask that PCS provide an itemized list of all work done to the project to date with attributed costs.
- We could use that itemized list as a starting point as we try to recapture funds already paid to PCS.
- The monthly fee that PCS was charging the Logan County Board of Ed. during pre-construct phase was seen as merely a cash flow for PCS.
- Also we need to document all the deficiencies that have been found with PCS project to date.
- Also recommending hiring a professional photographer to record the exact condition, the status, and progress of the project. Video and pictures in case of a legal challenge.
- Also our treasurer, John Brennan, recommend that he needs to do the same with the financial situation, a record of how much we have paid PCS,
- We need to make a statement to the SBA and the WV Board of Education that Logan County Board of Ed. will not pay any anticipated profits as stated in the void contract.
- When this contract is ruled non-binding, then we can decide what action to recapture monies, whether it be from the SBA or PCS.

Board Member/Superintendent Discussion/Comments

- Mr. Hardesty - At our last meeting, we had a special meeting where we as a board approved to send a letter to the School Building Authority, in hope they would take this up at their on June 26, 2017. The board did draft that letter, and the SBA was in possession of it. It is my understanding from news articles and reading the agenda – that issue was tabled. There was no action. Having dealt further into this unfortunate situation – we have here in front of us now. We have been advised by numerous counsel that we do not have a binding contract. This 117 page contract – bears the signature of David Sneed - who at that time was Director of the SBA. On the signature page - there is a spot where the Superintendent of Schools and the Board President – both of those are blank. The former Superintendent of Schools did sign electronically in one place, as we have been shown on this document, and via signature in another. One board member cannot bind the board, and she cannot sign for anything over \$100,000. There is no record in SBA minutes or Logan County Board of Education minutes to formalize any kind of action to this contract. I would like to compliment the Superintendent of Schools for the recommendation. Basically we feel that Logan County Schools – that the PCS was pushed on Logan County by the SBA. It was not executed properly and therefore, I think a lot of these remedies – hope to get a quick response from the School Building Authority. These issues are between the School Building Authority and PCS - they will have to address these in a timely fashion. We do intend to recapture as much money as we can. The schedule of payment to PCS – when we see the itemized work schedule there is no way they have done \$300,000 worth of work for us. We hope to get a quick resolution. I told the gentleman from PCS - this is not personal – this is business. It is sad the former administration of this school system operated in the manner which they did. Also, think it's sad the way SBA forced this situation on Logan County Schools. We serve the taxpayers of Logan County and the children. We have fiduciary responsibilities to try to provide the best value and do what we think is right and just on behalf of all Logan County.

Adjournment

There being no further business, Dr. Ed White made the motion to adjourn, with Mr. Farley seconding the motion. Motion carried, vote was 5-0. The meeting adjourned at 10:38 a.m.

PRESIDENT

SECRETARY