

_____ moved the adoption of the following

RESOLUTION # 17 -18

**AUTHORIZING LAWSUIT AGAINST
PARTIES RESPONSIBLE FOR HVAC SYSTEM FAILURE AND REPLACEMENT**

WHEREAS, the Board of Education of the Pioneer Career & Technology Center (the “Board”), in cooperation with the Ohio School Facilities Commission/Ohio Facilities Construction Commission (“OSFC” or “OFCC”) through its vocational facilities assistance program, had building renovations performed to the Pioneer Career & Technology Center (“Pioneer CTC”) as a part of the Pioneer Career & Technology Center, Phase II Building Renovations Project (the “Project”); **AND**

WHEREAS, the Board has been experiencing failures in the HVAC system installed as a part of the Project; incurred expense in addressing the HVAC system failures; and, along with the OSFC, attempted to work with the responsible parties to have the HVAC system replaced with equipment from the HVAC system manufacturer to correct the problems; **AND**

WHEREAS, negotiations with the HVAC system manufacturer have been ongoing for a significant period of time with no results; **AND**

WHEREAS, it has become necessary for the OSFC/OFCC and Pioneer CTC to contract with other HVAC system manufacturers and installers to replace the system; and the resulting project caused the OSFC/OFCC and Pioneer CTC to incur additional expenses related to the replacement of the HVAC system; **AND**

WHEREAS, the OFCC will be filing a lawsuit against responsible parties and has requested that the Board participate in the litigation;

WHEREAS, the Superintendent recommends that the Board authorize its legal counsel, Bricker & Eckler LLP, to initiate a lawsuit seeking damages and other appropriate relief for the HVAC system failures and replacement.

NOW THEREFORE, BE IT RESOLVED, that the Board of Education of the Pioneer Career and Technology Center authorizes the Board’s legal counsel to initiate a lawsuit to seek appropriate relief from any party responsible for damages related to the HVAC system failures and replacement.

_____ seconded the motion.

VOTE: Yeas;

NAYS;

Adopted this 17th day of September 2018

Pioneer Board of Education President

Pioneer Treasurer

Pioneer Superintendent

Gregory D. Nickoli
Superintendent

Mary Lee Barr
Director of Business Affairs

Linda K. Schumacher
Treasurer