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Board of Trustees

11-21-1983

November 21, 1983 Meeting Minutes

Shawnee State University

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M I N U T E S
SHAWNEE STATE COMMUNITY COLLEGE
Board of Trustees Meeting
November 21, 1983

The meeting was called to order by Vice Chairman Gerald Jenkins.

ROLL CALL

Members Present: Dr. White, Mr. Brown, Dr. Carson, Mr. Morgan, Mr. Jenkins

Members Absent: Mr. Baxter, Mr. Hyland, Mrs. Kennedy, Mr. Rittenour

APPROVAL OF MINUTES

Dr. Carson moved and Mr. Morgan seconded the motion to approve the minutes of the October 17, 1983 meeting and to approve Resolution 82-83 with one vote changing to abstain instead of nay.

Ayes: Dr. White, Mr. Brown, Dr. Carson, Mr. Morgan, Mr. Jenkins

Nays: None

PRESIDENT'S REPORT

Mr. Taylor read a letter from Speaker of the House of Representatives, Mr. Vern Riffe, expressing his appreciation for the Resolution passed by the Board of Trustees in his honor, given to him at the recognition dinner on September 29, 1983. (letter attached).

Mr. Hyland, Chairman of the Board of Trustees, has asked Mr. Morgan, Dr. Carson, and Mr. Jenkins to serve on a nominating committee to bring to the December meeting a slate of officers for 1984. Mr. Morgan will serve as chairman of this committee.

Mr. Taylor reported to the Board members that he had acted on their recommendation to approach parties interested in developing student housing for Shawnee State students again to see if they were indeed interested. Two groups were approached and neither was interested in pursuing the development of student housing.

The idea had been mentioned of selling revenue bonds to develop college owned properties for student housing. Mr. Tom Dues of Landmarks Corporation was present to discuss the development of student housing as was Mr. McCurdy, college attorney, to advise Board members regarding revenue bond selling and the development of student housing.

Mr. Taylor first introduced Mr. Dues to speak on the development of student housing. Mr. Dues offered three plans for development of student housing. These plans and recommendations are attached to these minutes. After much discussion, the consensus of the Board members present was that all of these plans would have to be studied, discussed, and decided upon as soon as possible. The Board will take under consideration all of these plans and will meet for further discussion.

RESOLUTION 87-83 - Approval of Easement Rights

Dr. Carson moved and Dr. White seconded the motion to approve Resolution 87-83, granting easement rights to Ohio Power Company.

Ayes: Dr. White, Mr. Brown, Dr. Carson, Mr. Morgan, Mr. Jenkins

Nays: None

Mr. Brown asked a question concerning the possibility of establishing a program for the maintenance and repair of computers. Mr. Foti indicated that the request has been made to the Ohio Board of Regents to approve such a program to be offered at Shawnee State College.

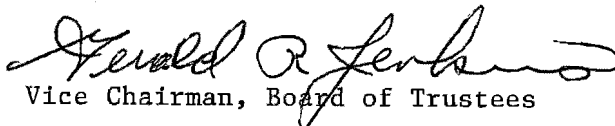
Dr. White indicated concern that there will be less health career jobs available in the future and that perhaps these programs should be upgraded to give students more education in their chosen fields. Mr. Foti indicated that these programs are locked into hours required by the Ohio Board of Regents and the state and national licensing boards of each program.

The question of insurance on houses owned by the college was answered in the affirmative.

ADJOURNMENT

Mr. Brown moved adjournment.

The vote for adjournment was a unanimous voice vote.


Vice Chairman, Board of Trustees


Secretary, Board of Trustees

Mr. McCurdy, college attorney gave Board members a copy of the section of the Ohio Revised Code that governs Community Colleges. He explained to the members that it would be difficult for Shawnee State to sell revenue bonds unless a Declaratory Judgment was made in their favor or a change was 'careted in' the section of the Ohio Revised Code that governs community colleges adding the words "student housing". (Section 3354.121). (Attached)

Mr. Taylor reported that Richard Norman from the Ohio Board of Regents stated in a telephone conversation that the Board of Regents would have to approve the college selling revenue bonds. Mr. McCurdy stated that he felt at this time the college could not sell revenue bonds, nor would the approval of the Ohio Board of Regents assist with the statutory problems as outlined by Mr. McCurdy. Mr. Jenkins thanked Mr. McCurdy for his input on the matter of selling revenue bonds.

COMMITTEE REPORTS

There were no committee meetings this month, therefore no committee reports.

NEW BUSINESS - RESOLUTION 83-83 - Approval of Pixley Grant Applications

Mr. Morgan moved and Dr. White seconded the motion to approve Resolution 83-83, Pixley Grant applications.

Ayes: Dr. White, Mr. Brown, Dr. Carson, Mr. Morgan, Mr. Jenkins.

Nays: None

RESOLUTION 84-83 - Retirement Pick-Up

Mr. Brown moved and Dr. Carson seconded the motion to adopt Resolution 84-83, Retirement Pick-Up.

Ayes: Dr. White, Mr. Brown, Dr. Carson, Mr. Morgan, Mr. Jenkins.

Nays: None

RESOLUTION 85-83 - Policy Regarding Student Development Materials

Mr. Morgan moved and Dr. White seconded a motion to adopt Resolution 85-83, policy concerning student developed materials.

Ayes: Dr. White, Mr. Brown, Dr. Carson, Mr. Morgan, Mr. Jenkins

Nays: None

RESOLUTION 86-87 - Resignation of Betty Spaulding

Dr. Carson moved and Mr. Morgan seconded the motion to accept the resignation of Betty Spaulding.

Ayes: Dr. White, Mr. Brown, Dr. Carson, Mr. Morgan, Mr. Jenkins

Nays: None

RESOLUTION 82-83

Whereas Sallie C. Schisler has resigned as Director of Public Relations,
and

Whereas Mr. Taylor has advertised, interviewed, and recommends Susan Warsaw
be appointed to the position of Director of Public Relations,

Now, therefore be it resolved that the Board of Trustees of Shawnee State
Community College approves this appointment beginning November 7, 1983 and
running June 30, 1983, said appointment to be on a ten-month contract basis,
at a pro-rated salary of \$7,136. (30 hours per week).

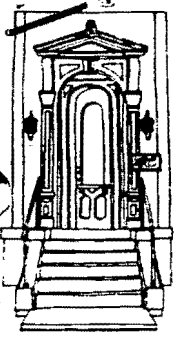
Telephone Vote

Ayes:

F. D. Hyland
Walter Brown
Duncan Baxter
Dr. Raymond Carson
Gerald Jenkins
John Rittenour
Phyllis Kennedy
Victor Morgan

~~Walter Brown~~
Walter Brown

Dr. George White



Landmarks Renaissance Corporation

10001 Lebanon Pike

Dayton, Ohio 45459

513-885-4912

November 21, 1983

Shawnee State Community College
940 Second Street
Portsmouth, Ohio 45662

Attn: Mr. Frank C. Taylor, President

Subject: Shawnee State Community College
Student Housing

Dear Mr. Taylor:

Landmarks has completed the analysis which you requested for Shawnee State Community College proceeding with the Student Housing Project by issuing Industrial Revenue Bonds.

The attachments are as follows:

1. The Summary of Student Housing includes addresses of the properties under consideration, the number of students for each of these properties and the various mix of one, two and three bedroom units.
2. The Project Cost Summary outlines the costs for the revision to the architectural plans, a construction management fee for bidding to subcontractors and material suppliers, the estimated hard construction costs and the estimated furniture costs for Phase I and Phase II. The summary of costs per student for each of the Phases is also outlined in this summary.
3. The Income Analysis is intended to show the feasibility of developing the Student Housing on an income and expense basis. The assumptions which have been made for the project feasibility are as follows:
 - a. Rent would be \$140.00 per month per student with a twelve month utilization.
 - b. Utilities would be prorated to each student per house.
 - c. No real estate taxes would be paid since the College is a State Institution.

Ohio House of Representatives



OFFICE OF THE SPEAKER
PHONE: 614-466-3246

STATE HOUSE
COLUMBUS, OHIO 43215

Vern Riffe
Speaker

November 1, 1983

F. D. Hyland, Chairman
Shawnee State Community College Board of Trustees
Shawnee State Community College
720 Second Street
Portsmouth, Ohio 45662

Dear Dick:

Thank you and your fellow board of trustee members for the resolution passed in my honor.

My work in promoting the growth of Shawnee State Community College is one of my proudest accomplishments. It means a great deal to me to be recognized by you for my commitment to Shawnee State.

Your resolution helped to make September 29, 1983 a day I will always remember as special.

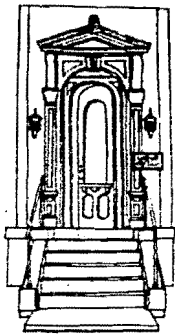
Again thank you and best wishes.

Sincerely,

A handwritten signature in dark ink, appearing to read "Vern", is written over a horizontal line.

VERN RIFFE
Speaker
Ohio House of Representatives

VGR/dlm



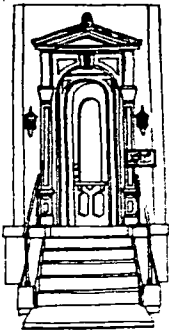
Shawnee State Community College -2- November 21, 1983

D. The cost of the bonds is assumed to be 11% for fifteen years based upon the construction costs, not including the costs of the bond sale.

4. The Cost Per Student Per Month Analysis is intended to summarize the feasibility study on a per student per month basis so that analysis can be made as to the potential lease rates in the future. This is for Phase I and for Phase II.

Landmarks feels that this information should be adequate for the College to make a decision as to how it wishes to proceed with the Student Housing proposal. We feel that there are three possibilities for the future development of Student Housing. They are as follows:

1. The College issues Industrial Revenue Bonds for the construction of the Student Housing Units utilizing a Historic Standard where applicable for the renovation of the units. This method would impose the following requirements.
 - a. Prevailing wage requirement on all labor supplied to the job.
 - b. The subcontractors will need to bond all of their work.
 - c. State specification for the renovation will be followed rather than the local or municipal specifications for renovation.
 - d. Landmarks Renaissance Corporation will provide the revised architectural drawings and bid package to contractors as well as construction management services as outlined on the attached contract.
2. The second possibility is for the College to lease-back the Student Housing Units on a turnkey basis. This would involve the College signing a contract with Landmarks Renaissance Corporation to lease-back the 123 Units at a rate equal to \$90.00 per month per student with a 4% increase per year over the life of the 15 year lease. This would allow the College to operate the Units, however not actually get involved in the construction process or its financing.



Shawnee State Community College

-3-

November 21, 1983

3. The third proposal would be for the College to lease-back the Student Housing including management for the sum of \$125.00 per month per student with a 4% increase per year for a term of 15 years. The College responsibilities would then be to supply the students and to obviously collect the rent but not to actually manage the Units (i.e., maintenance, repairs, snow removal, grass cutting, policing the Student Handbook or operating the Student Housing Office).

It is Landmarks intention to assist the College in whatever means the Board decides it wishes to pursue. We are concerned that the project proceed at an early date and that a decision be made to complete the Student Housing at a fair and economical rate for the students. If a schedule is to be maintained for a Fall occupancy, decisions will need to be made fairly quickly on how the College wishes to proceed.

If we can be of any further assistance, please let us know.

Thank you.

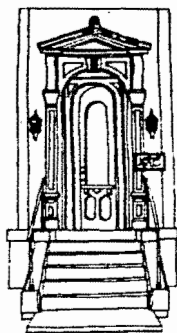
Sincerely,

LANDMARKS RENAISSANCE CORPORATION

Thomas L. Dues
President

TLD:wnc

Enclosures

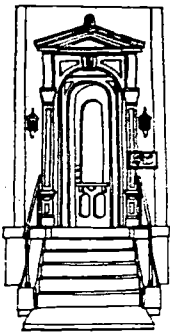


SHAWNEE STATE COMMUNITY COLLEGE

SUMMARY OF STUDENT HOUSING

November 21, 1983

<u>Address</u>	<u>No. of Students</u>	<u>Mix</u>
<u>PHASE I</u>		
1. 921 Second Street	9	(3-2 bed, 3-1 bed)
2. 929 Second Street	6	(2-2-bed, 2-1 bed)
3. 941 Second Street	6	(3-2 bed)
4. 949 Second Street	9	(1-1 bed, 4-2 bed)
5. 1104 Second Street	11	(1-1 bed, 2-2 bed, 2-3 bed)
6. 1112 Second Street	14	(3-1 bed, 1-3 bed, 2-2 bed, 1-4 bed)
7. 1122 & 1118 (lot) Second Street	6	(3-2 bed)
8. 1126 Second Street	7	(3-1 bed, 2-2 bed)
9. 1141 Second Street	13	(3-1 bed, 2-2 bed, 2-3 bed)
10. 1004 (Aged) Second Street	<u>42</u>	(21-2 bed)
Sub-Total	123	
<u>PHASE II</u>		
11. 1010 Second Street	14	(2-3 bed, 4-2 bed)
12. 1147 Second Street	7	(1-1 bed, 3-2 bed)
13. 1202 Second Street	8	(1-1 bed, 1-3 bed, 2-2 bed)
Sub-Total	29	
TOTAL	<u>152</u>	



SHAWNEE STATE COMMUNITY COLLEGE

STUDENT HOUSING

PROJECT COST ESTIMATE SUMMARY

November 21, 1983

PHASE I (123 Students)

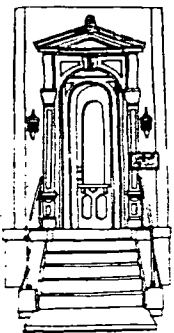
1. State specification bid revisions and new plans for 949 and 1004 Second Street	\$ 52,400	
2. Construction Management fee	63,700	
3. Estimated construction costs (bid by subcontractors & material suppliers)	831,200	
4. Estimated furniture costs as specified including appliances and window treatments	<u>184,620</u>	
Total Costs Phase I (123 Students)		\$1,131,920

PHASE II (29 Students)

1. State specification bid revisions	\$ 12,680	
2. Construction Management fee	15,020	
3. Estimated construction costs (bid by subcontractors & material suppliers)	196,850	
4. Estimated furniture costs as specified including appliances and window treatments	<u>46,870</u>	
Total Costs Phase II (29 Students)		\$ 271,420
Total Costs Phase I & II (152 Students)		<u>\$1,403,340</u>

COST PER STUDENT

Phase I (123 Students)	\$ 9,202.60
Phase II (29 Students)	\$ 9,359.31
Phase I and II (152 Students)	\$ 9,232.50



SHAWNEE STATE COMMUNITY COLLEGE

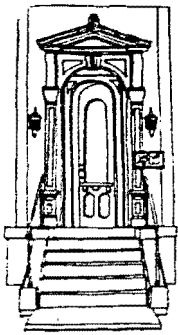
INCOME ANALYSIS

COLLEGE DEVELOPED PROPERTIES

November 21, 1983

	<u>Phase I</u> <u>(123 Students)</u>	<u>Phase I & II</u> <u>(152 Students)</u>
<u>INCOME</u>		
Rent - Number of Students at \$140 per month at 12 month utilization	\$ 206,640	\$ 255,360
<u>EXPENSE</u>		
Utilities (prorated by house to each Student)	-0-	-0-
Insurance	7,000	9,000
Maintenance and repairs	12,000	15,000
Manager's fee (Student Housing Office)	15,000	16,000
Expense	\$ 34,000	\$ 40,000
Net Operating Income	\$ 172,640	\$ 215,360
<u>BOND SERVICE</u> (Not including cost of bond sale)		
Phase I (1,131,920 @ 15 yrs @ 11%)	154,393	
Phase I & II (1,403,340 @ 15 yrs @ 11%)		191,416
Allowance for Vacancy	\$ 18,247	\$ 23,944

(2) Land cost
planning cost.



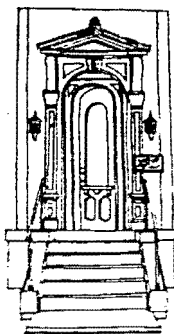
SHAWNEE STATE COMMUNITY COLLEGE
COST PER STUDENT PER MONTH ANALYSIS

November 21, 1983

COLLEGE DEVELOPED PROPERTIES
Phase I Phase I & II
(123 Students) (152 Students)

EXPENSES PER MONTH

Insurance	\$ 4.74	\$ 4.93
Maintenance & Repair	8.13	8.22
Managers Fee	<u>10.16</u>	<u>8.77</u>
Total Operating Expenses	\$ 23.03	\$ 21.92
Bond Service	<u>104.61</u>	<u>105.00</u>
Total Expenses at Cost Per Student Per Month	\$127.64	\$126.92
 Total Dollar Cost Per Month	 \$ 15,699.72	 \$ 19,291.84
Total Dollar Cost Per Year	\$188,396.64	\$231,502.08

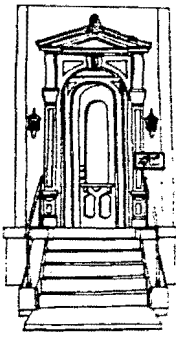


SHAWNEE STATE COMMUNITY COLLEGE

LEASE RATE TO COLLEGE
INCLUDING ALL COSTS TO DEVELOP
THE PROJECT ON A TURNKEY BASIS
(NO MANAGEMENT)

November 21, 1983

<u>YEAR</u>	<u>PER STUDENT RATE PER MONTH</u>	<u>PER STUDENT RATE PER YEAR</u>
Year One	\$ 90.00	\$ 1,080.00
Year Two	93.60	1,123.20
Year Three	97.34	1,168.08
Year Four	101.24	1,214.88
Year Five	105.29	1,263.48
Year Six	109.50	1,314.00
Year Seven	113.88	1,366.56
Year Eight	118.43	1,421.16
Year Nine	123.17	1,478.04
Year Ten	128.10	1,537.20
Year Eleven	133.22	1,598.64
Year Twelve	138.55	1,662.60
Year Thirteen	144.10	1,729.20
Year Fourteen	149.86	1,798.32
Year Fifteen	<u>155.85</u>	<u>1,870.20</u>
Average for 15 Years	\$ 120.14	\$ 1,441.70



SHAWNEE STATE COMMUNITY COLLEGE

LEASE RATE TO COLLEGE

INCLUDING ALL COSTS & EXPENSES TO
DEVELOP & MANAGE THE PROJECT

November 21, 1983

<u>Year</u>	<u>Per Student Rate Per Month</u>	<u>Per Student Rate Per Year</u>
Year One	\$ 125.00	\$ 1,500.00
Year Two	130.00	1,560.00
Year Three	135.20	1,622.40
Year Four	140.61	1,687.32
Year Five	146.23	1,754.76
Year Six	152.08	1,824.96
Year Seven	158.16	1,897.92
Year Eight	164.49	1,973.88
Year Nine	171.07	2,052.84
Year Ten	177.91	2,134.92
Year Eleven	185.03	2,220.36
Year Twelve	192.43	2,309.16
Year Thirteen	200.13	2,401.56
Year Fourteen	208.13	2,497.56
Year Fifteen	<u>216.46</u>	<u>2,597.52</u>
Average of 15 Years	\$ 166.86	\$2,002.34

§ 3358.10 [Application to state community college districts.]

Sections 3354.10, 3354.121 [3354.12.1], 3354.122 [3354.12.2], 3354.15, and 3354.16 of the Revised Code apply to state community college districts and their boards of trustees.

HISTORY: 137 v S 229. EN 11-4-77.

*Approaches.
Indicating Judgment*

[§ 3354.12.1] § 3354.121 Issuance of revenue bonds.

To provide all or part of the moneys for acquiring, constructing, equipping, furnishing, repairing, remodeling, renovating, enlarging, and improving buildings, structures, and facilities for vehicle parking, dining and food preparation, bookstores, health centers and infirmaries, student services and activities, athletic and recreational purposes, auditoriums, and any one or more or combination thereof, and acquiring real estate and interests in real estate in connection therewith, all being referred to as "facilities" in sections 3354.121 [3354.12.1] and 3354.122 [3354.12.2] of the Revised Code, including costs connected with or incidental thereto and the financing thereof, and to repay or restore moneys borrowed or advanced for such purposes or temporarily used therefor from other funds of such community college district, the board of trustees of any community college district may, by resolution, provide for borrowing money and issuing bonds, notes, and other evidences of indebtedness, all being referred to as "bonds" in section 3354.

*II. Legislation
Credit for 1977
ORC 3354.121
Housing - (2100)*

121 [3354.12.1] and 3354.122 [3354.12.2] of the Revised Code, which bonds may be secured by a pledge of and lien on such revenues of the district from the operation or ownership of such facilities, present or future, designated in said resolution, including but not limited to the facilities to which proceeds of such bonds are to be applied, as the board may pledge in said resolution, but the bonds may be secured otherwise or additionally by a pledge of and lien on such rentals, charges, fees, revenues, pledges of gifts, and other receipts of such district from sources other than taxation, as the board may designate in such resolution. The bonds may be additionally secured by a covenant of the board to maintain such rates, charges and fees as will produce revenues sufficient to meet costs of operating, maintaining, and repairing such facilities and to meet the principal and interest requirements of such bonds and to establish and maintain reserves for the foregoing purposes. Fee variations provided for in division (C) of section 3354.09 of the Revised Code need not be applied to fees pledged to secure bonds.

HISTORY: 152 v S 406, § 1. EN 8-16-67.

Cross-References to Related Sections

Financing capital facilities, pledge of receipts for, RC § 154.21.

See RC § 3358.10 which refers to this section.

Research Aids

Revenue bonds:

O-Jur2d: Public Secur. § 87

Am-Jur2d: Public Secur. §§ 199, 420

that defendant was guilty of embezzlement in the amount found.

143 OS 39, 53 NE(2d) 808 (1944), *State v McNicol*. Finding by jury in its verdict as the "amount embezzled," of an amount that is less than that set out in the bill of particulars is not prejudicial to defendant and does not invalidate such verdict.

2919.12 INJURING OR DEFRAUDING UNDER COLOR OF OFFICE

115 App 271, 184 NE(2d) 921 (1961), *State v Herrman*. A sergeant in a municipal police department is a "ministerial officer" within the meaning of 2919.12.

2921.42 Having an unlawful interest in a public contract

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of his office to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest;

(2) Authorize, or employ the authority or influence of his office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which he, a member of his family, or any of his business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, and not let by competitive bidding, or let by competitive bidding in which his is not the lowest and best bid;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected;

(5) Have an interest in the profits or benefits of a public contract which is not let by competitive bidding when required by law, and which involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public servant, member of his family, or any of his associates shall not be considered as having an interest in a public contract or the investment of public funds, when all of the following apply:

(1) The interest of such person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, which is the contractor on the public contract involved, or which is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by such person do not exceed five per cent of the outstanding shares of the corporation, and the amount due such person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) Such person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving his exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract

in which a public servant, member of his family, or one of his business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public servant's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public servant, member of his family, or business associate, and the public servant takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(E) As used in this section, "public contract" means any of the following:

(1) The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the state or any of its political subdivisions, or any agency or instrumentality of either;

(2) A contract for the design, construction, alteration, repair, or maintenance of any public property.

HISTORY: 1972 H 511, eff. 1-1-74

LEGISLATIVE SERVICE COMMISSION NOTE (1973)

This section consolidates and expands upon former prohibitions in the criminal code relating to public officials having an improper interest in certain contracts. It includes contracts for services by or for the use of public agencies or the state and its subdivisions, and also includes a provision specifically prohibiting public officers from employing their position to broker or facilitate brokering the investment of public funds when they or their family or associates will reap unconscionable benefits thereby.

The purpose of this section is to insure that public agencies stand on at least an equal footing with others with respect to necessary business dealings. Accordingly, the section does not prohibit public servants from all dealings in which they may have some interest, no matter how remote or above-board. It prohibits only those dealings in which there is a risk that private considerations may detract from serving the public interests. Thus, there is no violation of this section where a public servant's connection with a contracting party is as a stockholder or creditor with a strictly limited stake which is fully revealed, provided there is no purpose to defraud. Similarly, there is no violation of the section when obtaining necessary supplies or services from a contractor in which a public servant has an interest, as part of a course of dealing established before the public servant assumed office, provided the transaction is at arm's length, and provided the agency's only alternatives to dealing with the contractor are to pay more or do without the supplies or services involved.

RESOLUTION 83-83

Whereas grant proposals have been solicited and developed for submission to the Scioto County Area Foundation for consideration of awards through the Bess A. Pixley estate, and

Whereas, Mr. Taylor approved of the same,

Now, therefore be it resolved that the Board of Trustees of Shawnee State Community College hereby approves all grant applications as submitted.

RESOLUTION 84-83

Whereas the employer may elect to "pick-up" all or a portion of the required employee contribution for the State Teacher and Public Employees Retirement program in accordance with Revenue Ruling 77-462, and supported by Attorney General Opinions 78-149 and 82-097, and,

Whereas such "pick-up" may be implemented via a salary adjustment technique at no cost to the College, and,

Whereas all employee groups, (faculty, administrators, and hourly employees), have been solicited as to acceptance or rejection of the "pick-up" as well as the technique to initiate the "pick-up", and

Whereas, all groups do accept the plan as outlined

Now, therefore, be it resolved that the Board of Trustees of Shawnee State Community College hereby approves the State Teachers and Public Employees Retirement "pick-up" plan via the salary adjustment procedure and such program to be effective retroactively to July 1, 1983.

RESOLUTION 85-83

Whereas the administrative staff have become aware of possible difficulties regarding ownership of student developed material, and

Whereas the institution attorney feels such a policy is needed, and proper, and

Whereas, the President of the Collge has reviewed and recommends said policy,

Now, therefore be it resolved that the Board of Trustees of Shawnee State Community College approves said policy, (see attachment).

Policy

Computer programs, documentation, tape recordings or video productions for advertising and recruiting developed by students utilizing staff ideas, needs, or suggestions, whether developed on or off college premises, and whether developed with or without the use of college equipment, for earning grades in Shawnee State Community College classes, are the property of Shawnee State Community College, unless written contractual agreements are made with the college, prior to the development of the materials.

RESOLUTION 86-83

Whereas Ms. Betty Spaulding has resigned her position as faculty secretary in the T & I department to accept employment at another firm, and

Whereas Mr. Foti recommends that the college accept this resignation,

Now, therefore be it resolved that the Board of Trustees accepts Ms. Spaulding's resignation.

RESOLUTION 87-83

As per the request of the Ohio Power Company, the Board of Trustees of Shawnee State Community College hereby grants an easement for electric lines on the properties owned by the college and listed on the attached easement agreement.

his wife (or unmarried), herein called "Grantor", whether one or more persons, hereby grants unto OHIO POWER COMPANY, an Ohio corporation, Canton, Ohio, the Grantee, its successors, assigns, lessees and licensees, hereafter collectively called "Company", a right of way and easement for a distribution system in, on, under, over, through and across the following described lands situate in Wayne

Township, County of Scioto, State of Ohio, being part of Section No. 20,

Township No. 1N, and Range No. 21W, and described as follows:

On the north by lands of the City Addition, Peck Bond & Sinton Addition, Kehoe Addition, J. P. Terry Est. Sub. D. and the Thos Waller Est.

On the east by lands of the Thompson Addition

On the south by lands of the U.S. of America

On the west by lands of U.S. Grant Bridge

including the following rights:

To locate, lay, re-lay, construct, reconstruct, inspect, protect, maintain, repair, renew, operate and remove facilities for the distribution of electric energy and associate uses, consisting of poles, wires, and cables, anchors, grounding systems, counterpoises, transformers, service pedestals, and other incidental equipment and fixtures; to add to the number of wires, cables, anchors, grounding systems, counterpoises, transformers, service pedestals, and other incidental equipment; to relocate poles within the easement area hereafter defined; to trim, cut and/or otherwise control and at Company's option remove any and all trees, overhanging branches or other obstructions within said easement area and any and all other trees which in the opinion of Company's engineers may endanger the safety of or interfere with the location, construction, operation or maintenance of such facilities as are overhead; and the right of ingress and egress over the above described lands and any adjoining lands of the Grantor at any and all times for the purpose of exercising any rights herein described in and on the above described lands and any lands adjoining them either of Grantor or others.

TO HAVE AND TO HOLD the same unto the Company

It is understood and agreed that:

Said distribution system shall be located within the area designated as "Easement Area" on Drawing No. 6-0-132C entitled, "Shawnee State Community College" dated 10/18/83, attached hereto and made a part hereof.

Grantor, and Grantor's successors and assigns reserve the right to use the above described lands in any way not inconsistent with the rights herein granted; however, Grantor, for Grantor and Grantor's heirs, successors and assigns, agrees that they will not cause or permit any structure or building to be built or placed within the easement area where overhead facilities are to be located and will not cause or permit any excavation deeper than eighteen (18) inches within said easement area except for utilities, but such other utilities shall not interfere with the Company's right to locate, construct, operate and maintain its facilities as herein granted.

Grantor has full power to convey this right of way and easement, and warrants and will defend the same against all claims by any persons.

This instrument expresses the entire agreement between the two parties, and the agent securing this grant has no authority to bind Company by any verbal representation or promise not herein expressed.

Gerald R. Jenkins

STATE OF OHIO,

Scioto County

ss.

Before me, a _____ Notary Public _____ in and for said County, personally appeared the above named

~~FRANK C. TAYLOR, President and GERALD R. JENKINS, Trustee~~

who acknowledged that they did sign the within instrument and that the same is their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 21st day of

October A.D. 1983

Mary I. Carter

Notary Public

MARY I. CARTER

NOTARY PUBLIC, STATE OF OHIO

MY COMMISSION EXPIRES MAY 23, 1984

My commission expires _____, 19____

STATE OF OHIO,

County

ss.

Before me, a _____ in and for said County, personally appeared the above named

who acknowledged that _____ did sign the within instrument and that the same is _____ free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this _____ day of

A.D. 19____

Notary Public

My commission expires _____, 19____

THIS INSTRUMENT PREPARED BY OHIO POWER COMPANY

Received for Record	_____ M _____ 19____
Recorded in Deed Records	_____ 19____
Volume	_____ Page _____
of _____	Recorder _____
State of _____	County _____

Name	_____
Address	_____
Line	_____
Eas. No.	_____ Map No. _____