



FLOYD COUNTY BOARD OF EDUCATION
Anna Whitaker Shepherd, Superintendent
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Linda C. Gearheart, Board Chair - District 1
William Newsome, Jr., Vice-Chair - District 3
Dr. Chandra Varia, Member - District 2
Keith Smallwood, Member - District 4
Steve Slone, Member - District 5

Consent Agenda Item (Action Item): Consider/Approve sealed bids for the McDowell Elementary School property located at Ky Route 680, McDowell Ky 41647, pending KDE approval.

Applicable State or Regulations: 702 KAR 4:090 Property Disposal

Fiscal/Budgetary Impact: Appraisal fee of \$2,750 and advertisement cost of \$1,829.10.

History/Background:

July 24, 2017

Board declared property surplus (Order #19245)

December 18, 2017

Sealed Bids were opened and read aloud to the public.

January 22, 2018

The Board rejected the bids (Order #19303).

April 23, 2018

Correspondence sent to KDE requesting Floyd County Fiscal Court take possession of the property pending KDE approval. (Order #19326). To my knowledge we received no direction back from KDE about this request.

July 9, 2021

Phone call was made to Greg Dunbar (KDE) requesting he look at the correspondence and provide us with a decision. He requested another appraisal be done on the property and move forward with the disposal.

July 26, 2021

Property appraised by Dixon Nunnery. All buildings have been extensively vandalized and are listed in very poor condition.

August 23, 2021

Board approved advertising and accepting sealed bids to dispose of property (Order #19920).

September 8, 2021

Advertisement was ran in the Floyd County Chronicle on September 8th, 15th, 22nd and posted on social media websites with KEDC and Floyd County Schools Facebook.

September 28, 2021

Sealed bids were opened and read aloud to the public at 2:00 PM. Two bids were received. Dale Stumbo \$20,101.00 and Danny Meade \$10,000.00 (Bid was not on proper form so it's not acceptable).

Recommended Action: To consider the sealed bid of \$20,101.00 and submit an unexecuted purchase agreement prepared by the boards legal counsel, for review and approval by KDE or if rejected, recommend an auctioneer to auction the property.

Contact Person(s): Linda Hackworth / 874-9569

N/A
Principal

Linda Hackworth
Director

Anna Whitaker Shepherd
Superintendent

Date: October 15, 2021

**Floyd County Board of Education Regular
Meeting Addendum
August 23, 2021 6:30 PM
Floyd County Board of Education/Gymnasium
Eastern, KY**



1. Chair's Welcome/Call to Order
 - A. Roll Call/Welcome
 - B. Review Focus Areas- Safety and Health of Students and Staff; Remain Fiscally Solvent; Attendance 94%; Social Emotional Well-Being of All Students & Staff; Postsecondary Readiness; Proficiency in All Academic Areas; ACT 19.5
 - C. Reminder for a Request to Speak
 - D. Pledge of Allegiance
 - E. Moment of Individual Silent Reflection: "Why are we here?"
 - F. The Adoption of Agenda
2. Spotlight on Student/Staff/Community Achievements, Report on Student Work By Stumbo Elementary School Principal and SBDM Council
3. Community Comments to the Board of Education
 - A. Students
 - B. Parents, PTA/PTO
 - C. SBDM Councils
 - D. Classified Employees
 - E. Certified Employees/FCEA
 - F. Principals' Association
 - G. Members of the Board of Education
 - H. Public Comment
4. Action or Special Reports - Student Learning
5. Action or Special Reports - Student Support
 - A. *Receive Report of Superintendent Superintendent
 - B. Receive Utility Report for Stumbo Elementary School
 - C. *Receive Report from RossTarrant Architects about roofing options for the Bus Garage
6. Action by Consent
 - A. Consider Approval of Minutes
 - B. Consider Payment of Bills and Claims
 - C. Superintendent's Report on Personnel
 1. Actions Taken
 2. Consider Requests for Leaves of Absences
 - D. Consider/Approve Prestonsburg Elementary School To work with Kona Ice for a school-wide fundraiser

- E. Consider/Approve Prestonsburg Elementary School to work with School Spirit Vending for a school-wide fundraiser**
- F. Consider/Approve Prestonsburg Elementary School to work with Bumblebee (Charleston Wrap) for a school-wide fundraiser**
- G. Consider/Approve Duff-Allen Central Elementary to work with Scholastic Book Fairs for a school-wide fundraiser in the fall and spring semesters**
- H. Consider/Approve Prestonsburg High School Volleyball Team to travel and play in the Rocky Top Classic Volleyball tournament in Sevierville, TN on September 10th through September 12th**
- I. Consider/Approve Surplus buses (904, 1704, 1404, 1504, 1104, 1004, 304)**
- J. Consider/Approve an agreement between the Floyd County Board of Education and 7 Mindsets to provide SEL curriculum, lessons, resources, materials and text for grades K-12**
- K. Consider/Approve Prestonsburg High School Baseball Team to participate in the Cal Ripken Experience, March 29-April 1, 2022 in Myrtle Beach**
- L. Consider/Approve a service agreement with Shred-All to destroy Special Education records at Floyd Central High School, Prestonsburg High School and Betsy Layne High School**
- M. *Consider/Approve Memorandum of Understanding between Office of Vocational Rehabilitation and the Floyd County Board of Education for the provision of Community Work Transition Program for the 2021-2022 school year**
- N. Consider/Approve agreement between the Floyd County Board of Education and Kentucky Department of Education for the provision and reimbursement of administrative claiming activities for the SBAC Program**
- O. Consider/Approve Betsy Layne High School Boys Basketball Team to travel to Las Vegas, Nevada to play in the Las Vegas Prep High School Championship Tournament December 26-30, 2021 via plan**
- P. Consider/Approve James D. Adams Middle School to have Mountain Comprehensive Care Center provide services to students through the "Shifting Boundaries" program throughout the 2021-2022 school year**
- Q. Consider/Approve Floyd County School of Innovation Fundraisers for Bumblebee Fundraising Popcorn Sales, T-Shirt Sales, Rada Manufacturing Sales, Knickerbocker Sales, Krispy Kreme Donut Sales**
- R. Consider/Approve abolishing 1 Instructional Consultant and adding extra service and extended days to the existing position**
- S. Consider/Approve creating a 120 day Instructional Interventionist for Writing and the accompanying job description**
- T. Consider/Approve the Memorandum of Agreement between Floyd County Board of Education and Eastern Kentucky University**

U. Consider/Approve evaluation instrument used to evaluate superintendent effectiveness

V. Consider/Approve the professional growth plan of the superintendent

W. Consider/Approve the 2021-2022 (30-60-90 Day Plan) by the superintendent for the School District

X. Consider/Approve to place the existing Girls Softball Scoreboard located at Betsy Layne High School into surplus

Y. Consider/Approve the resolution authorizing Quarantine Leave during the 2021-2022 school year pursuant to 702 KAR 1:191E

Z. Consider/Approve resolution for the Floyd County Board of Education to support the Council for Better Education

AA. *Consider/Approve Memorandum of Agreement with the Division of FRYSC-FRYSC Corps program to participate in Americorp for the 2021-2022 school year at Prestonsburg Elementary School

BB. *Consider/Approve the Floyd County 2021-2022 Student Handbook and Code of Conduct

CC. *Consider/Approve the 2021-2022 Floyd County Early College Academy (FCECA) Handbook

DD. *Consider/Approve Telehealth Partnership with Appalachian Regional Healthcare, Inc. and ARH Tug Valley Health Services, Inc

EE. *Consider/Approve the Floyd County School District Return to School Plan

FF. *Consider/Approve Bates Security Bid for School Access Control Systems

GG. *Consider/Approve disposal of McDowell Elementary School property located at KY Route 680, McDowell, KY 41647

7. Executive Session

8. Adjournment

5 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Yes
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes

GG. *Consider/Approve disposal of McDowell Elementary School property located at KY Route 680, McDowell, KY 41647

Order #19920 - Motion Passed: Approval of disposal of McDowell Elementary School property located at KY Route 680, McDowell, KY 41647 passed with a motion by Mr. Keith Smallwood and a second by Dr. Chandra Varia.

5 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Yes
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes

7. Executive Session

8. Adjournment

Order #19921 - Motion Passed: Motion to adjourn passed with a motion by Mr. Steve Slone and a second by Mr. Keith Smallwood.

5 Yeas - 0 Nays

Ms. Linda Gearheart	Yes
Mr. William Newsome	Yes
Dr. Chandra Varia	Yes
Mr. Steve Slone	Yes
Mr. Keith Smallwood	Yes

CHAIR

SECRETARY

McDowell Property
September 28, 2021
Bid Opening 2:00 pm

Name

Contact Number

<u>Ed Stump</u>	<u>606 339 7501</u>
<u>Donna Lee</u>	<u>377-6607</u>
<u>Linda Hochwirth</u>	<u>226-5673</u>
<u>Mary Holtrek</u>	<u>791-4036</u>
<u>Negoy Adams</u>	<u>226-5622</u>
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McDowell Property
September 28, 2021
Bid Opening 2:00 pm

Name

Bid Amount

Danny Meade

10,000.00 — not on proper form.

Dale Stumbo

20,101.00

702 KAR 4:090. Property disposal.

RELATES TO: KRS 156.160

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the State Board for Elementary and Secondary Education to promulgate administrative regulations dealing with the disposal of real and personal property owned by local boards of education. This administrative regulation is necessary to provide for real property disposal, leases, and easements in accordance with an approved educational program. KRS 156.070 provides that the Kentucky Board of Education shall have the management and control of the common schools.

Section 1. Disposition of Real Property. (1) School property proposed for disposal shall be surplus to the educational program need of the district as determined by the effective district facility plan. Surplus property includes real property designated as a "Transitional Center" or not listed on the effective district facility plan. Request for approval to dispose of real property shall be submitted in writing to the Kentucky Department of Education. The request shall identify the property by its address and last reported name and include a plan for resolving mortgage liens or other encumbrances. Upon receipt of written contingent approval from the department, the district may start the disposal process using one (1) of the following methods that secures the fair market value for the property and ensures that the district retains no residual interest as owner or lender:

(a) By public auction;

(b) By accepting sealed bids; or

(c) By setting a minimum acceptable price, which is at least the fair market value of the property.

(2) For property disposal by public auction or sealed bids, the proposed sale shall be advertised in accordance with KRS 424.130(1)(b), and the legal notice shall include the following statement: "The board of education reserves the right to reject any and all bids and final approval by the Kentucky Department of Education is required." Following the conclusion of the auction or receipt of bids, the local board of education shall submit the following to the department for review and final approval:

(a) The appraisal;

(b) An affidavit attesting to the publication of legal notice;

(c) Results of the public auction or sealed bids;

(d) The proposed sale agreement reviewed and approved by the board's attorney; and

(e) The local board order approving the sale contingent on approval by the department.

(3) For property disposal by setting a minimum acceptable price, the minimum acceptable price shall be the fair market value, which shall be determined by an appraisal from a certified general real property appraiser commissioned by the school district and obtained in connection with the disposal of the property. Following receipt of an acceptable offer to purchase, the local board of education shall submit the following documentation to the department for review and final approval:

(a) The appraisal;

(b) The proposed sale agreement reviewed and approved by the board's attorney; and

(c) The local board order approving the sale contingent on approval by the department.

(4) Upon receipt of written final approval from the department, the local school district may execute the sale agreement. The district shall provide the department with a copy of the executed agreement within thirty (30) days from the date of execution.

Section 2. Disposition by Easement. (1) Prior to the execution of a proposed easement upon school property, the agreement shall be reviewed by the local district's board attorney. The reviewed agreement and an appraisal from a certified general real property appraiser commissioned by the school district and obtained in connection with the easement shall be submitted to the local board of education for its consideration. Upon approval, the local school district's written board order shall be forwarded to the department for review and approval. The local board of education shall include assurance that disposal will not affect the integrity or usefulness of property crucial to the educational needs of the district.

(2) Proposed easement agreements, including utility and access easement agreements, shall include:

(a) The parties to the agreement;

(b) A legal description of the easement;

(c) Documentation regarding receipt of fair market value as determined by an appraisal from a certified general real property appraiser commissioned by the school district and obtained in connection with the disposal of the property or equivalent valuable consideration;

(d) A reversionary clause that reverts the property back to the exclusive unrestricted control of the local board of education when the need for the easement no longer exists; and

(e) A plat by a licensed surveyor indicating the easement boundaries, acreage, and its relationship to the larger property.

(3) Upon receipt of written final approval from the department, the local school district may execute the agreement. The district shall provide the department with a copy of the executed agreement within thirty (30) days from the date of execution.

(4) Temporary and construction easements shall not require department approval but shall include provisions related to the amount of time in effect, and a requirement that any disturbed areas shall be returned to original condition.

Section 3. Disposition by Lease (District as Lessor/Landlord). (1) Prior to the execution of a proposed lease agreement for school property, the proposed lease agreement shall be reviewed by the local district's board attorney and the board's insurance carrier. The proposed lease agreement shall be submitted to the local board of education for its consideration and a written board order forwarded to the department for review and approval. The local board of education shall provide assurance that the disposal will not affect the integrity or the usefulness of the property subject to the educational need of the district.

(2) The proposed lease agreement shall include the following provisions:

(a) The parties to the agreement;

(b) The proposed use and occupation;

(c) A description of the leased space including square footage and description of common areas if applicable;

(d) Use of site and parking;

(e) Term of lease including beginning and ending dates. The term shall include annual renewal and cancellation provisions;

(f) Determination of fair market value and how payments are to be made;

(g) Insurance requirements of the parties;

(h) Identification of the parties' responsibilities for payment of utilities, performance of maintenance, and related supplies;

(i) Notice provisions;

(j) Provisions for security;

(k) Requirements for compliance with established board policies if tenants will be in contact with students; and

(l) Any other applicable terms or conditions.

(3) Upon receipt of written final approval from the department, the local school district may execute the lease agreement. The district shall provide the department with a copy of the executed agreement within thirty (30) days from the date of execution.

Section 4. Conflict of Interest. (1) If a local school board uses a third party to dispose of or lease property, the third party shall not have any financial interest in the transaction or adjacent property beyond a standard commission approved by the school board. If the third party has any financial interest in the transaction or adjacent property beyond a standard commission, the third party shall publicly disclose his or her conflict of interest to the local school board and the conflict shall be spread on the local school board's meeting minutes. The local school board shall provide minutes of any such meeting to the department when requesting approval under any section of this administrative regulation. (SBE 22.070; 1 Ky.R. 1049; eff. 6-11-1975; 8 Ky.R. 329; eff. 12-2-1981; 17 Ky.R. 2029; eff. 2-7-1991; Crt eff. 11-16-2018; 47 Ky.R. 545, 1409, 1557; eff. 5-4-2021.)