

**LAKE COUNTY EDUCATIONAL SERVICE CENTER
GOVERNING BOARD
SPECIAL MEETING**

Thursday, December 13, 2018, Technology Learning Center, 6:00 p.m.

Minutes

Call to Order 6:07 p.m.

Roll Call:

Board Members: Mrs. Jean Brush, Dr. Susan Culotta, Mr. Geoffrey Kent, Dr. Brian Kolkowski and Mr. Erik Walter

Staff Present: Dr. Brian Bontempo and Mrs. Sherry Williamson

18-140 Adoption of the Agenda

A motion was made by Dr. Culotta and seconded by Mr. Walter to approve the adoption of the December 13, 2018 Special Board Meeting Agenda.

Roll Call:

Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent, Dr. Kolkowski and Mr. Walter

Nays: None

President declared the **motion carried**.

18-141 Recess into Executive Session

Governing Board Member Dr. Culotta motioned for the Governing Board to recess into consecutive executive sessions at 6:08 p.m. pursuant to R.C. 121.22(G) to consider the appointment, employment, and compensation of public employees and officials.

Upon conclusion of these executive sessions, the Governing Board President will gavel the Governing Board back into open session at this location. All matters discussed in these executive sessions are designated to the public officials and employees as confidential pursuant to R.C. 102.03(B) because of the status of the proceedings and/or the circumstances under which the information will be received, and preserving its confidentiality is necessary to the proper conduct of government business.

Governing Board Member Mrs. Brush seconded the motion.

Return to Open Session at 7:50 p.m.

Roll Call:

Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent, Dr. Kolkowski and Mr. Walter

Nays: None

President declared the **motion carried**.

18-142 Joint Resolution to Terminate any and All Shared Service Agreements

Governing Board Member Mrs. Brush moved the adoption of the following resolution:

WHEREAS, the Governing Board and Board entered into certain shared service agreements including, but not limited to, shared service agreements with respect to the Superintendent and Treasurer.

WHEREAS, the Governing Board and Board desire to terminate these shared service agreements effective at 12:00 p.m., on December 31, 2018.

NOW THEREFORE BE IT JOINTLY RESOLVED, by the Governing Board and Board that:

1. The Governing Board and Board shall terminate any and all shared service agreements between the Governing Board and Board including, but not limited to, any and all shared service agreements with respect to the Superintendent and Treasurer effective at 12:00 p.m., on December 31, 2018.
2. The termination of any and all shared service agreements between the Governing Board and Board shall become effective at 12:00 p.m., on December 31, 2018.
3. Following the termination of any and all shared services agreements between the Governing Board and Board, the Governing Board shall be the sole employer of Superintendent **Brian Bontempo** until his resignation for retirement purposes at 11:59 p.m., on December 31, 2018.
4. Following the termination of the shared service agreements by the Governing Board and Board, the Governing Board shall be the sole entity responsible for any and all severance payments and/or retirement benefits with respect to Superintendent **Brian Bontempo**.

Governing Board Member Dr. Culotta seconded the motion on behalf of the Lake County Educational Service Center Governing Board.

Roll Call:

Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent and Mr. Walter

Nays: Dr. Kolkowski

President declared the **motion carried**.

Dr. Kolkowski requested it be on the record that he is not in favor of terminating the shared service agreements because it is not in the best interest of Auburn Career Center.

18-143 Resolution to Adopt Amended Governing Board Policy

Governing Board Member Mr. Walter moved the adoption of the following resolution:

1. The Governing Board adopts the following amended policy with respect to the Superintendent:

SEVERANCE PAY

Pursuant to R.C. 124.39(B), the Governing Board provides more severance benefits than those set forth in R.C. 124.39(B) for the Superintendent. Specifically, it is the current policy and practice of the Governing Board that, the Superintendent covered under either R.C. 124.38 or R.C. 3319.141, who qualifies and accepts retirement benefits under STRS/SERS, and with ten (10) or more years of service with the state, any political subdivisions, or any combination thereof, shall qualify for a one-time severance payment. The severance payment shall be one-third (1/3) of all accumulated but unused sick leave up to a maximum of one hundred twenty (120) days times the calculated daily rate.

Severance pay shall be based upon the employee's rate of pay at the time of retirement and eliminates the employee's entire sick leave accrual upon payment.

For purposes of this policy, "retirement" means service retirement under the State Teachers Retirement System or School Employees Retirement System and does not include disability retirement.

This policy shall become null and void effective January 1, 2019, at 12:01 a.m., upon which date R.C. 124.39(B) shall govern the severance policy for the Superintendent unless this policy is otherwise amended or repealed.

2. The Treasurer shall record the adoption of this amended policy in the minutes of the Governing Board and the amended policy shall be printed in the Governing Board policy manual.

Governing Board Member Dr. Culotta seconded the motion.

Dr. Kolkowski doesn't feel the severance policy needs to be changed as there was no resignation letter for the purpose of retirement presented to the Board.

Roll Call:

Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent and Mr. Walter

Nays: Dr. Kolkowski

President declared the **motion carried**.

18-144 Resolution to Adopt Amended Governing Board Policies

Governing Board Member Mrs. Brush moved the adoption of the following resolution:

1. The Governing Board adopts the following amended policies with respect to the Superintendent and Treasurer:

HOLIDAYS

The Superintendent and Treasurer shall be entitled to paid holiday leave – if any – consistent with Governing Board policies as may be amended from time to time, Governing Board administrative guidelines as may be amended from time to time, and any and all applicable laws of the State of Ohio.

This policy shall become null and void with respect to the Superintendent and Treasurer effective July 31, 2021, unless this policy is otherwise amended or repealed.

VACATION LEAVE

The Superintendent and Treasurer shall be entitled to eleven and three quarters (11.75) vacation days for the period commencing January 1, 2019, and ending July 31, 2019, and twenty (20) vacation days for each subsequent three hundred sixty five (365) day contract-year period.

No unused vacation days shall accrue or carry over from year to year. For example, if the Superintendent or Treasurer does not use any paid vacation leave prior to July 31, 2019, the Superintendent or Treasurer shall have zero (0) days of paid vacation leave on August 1, 2019. Nor shall the Superintendent or Treasurer ever use more than a combination of ten (10) consecutive vacation and personal days (either collectively or independently) in any given contract year without a prior resolution of the Governing Board approving the same. The Governing Board may, at its sole discretion, compensate the Superintendent or Treasurer for unused vacation days.

This policy shall become null and void with respect to the Superintendent and Treasurer effective July 31, 2021, unless this policy is otherwise amended or repealed.

SICK LEAVE

The Superintendent and Treasurer shall be entitled to sick leave days in accordance with either R.C. 124.38 or R.C. 3319.141.

PERSONAL LEAVE

The Superintendent and Treasurer shall be entitled to one and three fourths (1.75) personal days for the period commencing January 1, 2019, and ending July 31, 2019, and three (3) personal days for each subsequent three hundred sixty five (365) day contract-year period.

No unused personal days shall accrue or carry from year to year. For example, if the Superintendent or Treasurer does not use any days of paid personal leave prior to July 31, 2019, the Superintendent or Treasurer shall have zero (0) days of paid personal leave on August 1, 2019. The Governing Board may, at its sole discretion, compensate the Superintendent or Treasurer for unused personal days.

This policy shall become null and void with respect to the Superintendent and Treasurer effective July 31, 2021, unless this policy is otherwise amended or repealed.

2. The Treasurer shall record the adoption of the amended policy in the minutes of the Governing Board and the amended policy shall be printed in the Governing Board policy manual.

Governing Board Member Mr. Kent seconded the motion.

Roll Call:

Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent and Mr. Walter

Nays: Dr. Kolkowski

President declared the **motion carried**.

18-145 Resolution to Accept the Resignation of Superintendent for Retirement Purposes

Governing Board Member Dr. Culotta moved the adoption of the following resolution:

The Governing Board accepts the resignation of Superintendent **Brian Bontempo** for retirement purposes, effective 11:59 p.m., December 31, 2018.

Governing Board Member Mrs. Brush seconded the motion.

Roll Call:

Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent and Mr. Walter

Nays: Dr. Kolkowski

President declared the **motion carried**.

Dr. Kolkowski is opposed for reasons as set forth in the Auburn Career Center Board meeting and the learning about the retirement at the last minute.

18-146 Resolution to Appoint and Employ Superintendent

Governing Board Member Mr. Walter moved the adoption of the following resolution: (Contingent upon Geauga County ESC offering and approve the same)

1. The Governing Board offers **Jennifer Felker** the Superintendent Contract, a copy of which is attached hereto and incorporated herein with the following amendments to the contract: 6F IRS Mileage Rate, Deleting Item 6G, 6I and 8B (Vacation Buyback)
2. The Governing Board appoints and employs **Jennifer Felker** as the Superintendent under an R.C. 3319.01 employment contract for a term commencing on January 1, 2019, and ending July 31, 2021.
3. The Superintendent Contract specifically supersedes any and all contractual terms and conditions – either written or verbal – as well as any and all past and current practices regarding the employment of any R.C. 3319.01 employee including, but not limited to, the Superintendent Contract as well as any shared service agreements.

Governing Board Member Mrs. Brush seconded the motion.

Dr. Kolkowski feels the contract is fair but will be abstaining because he does not agree with the process used to get to this point.

Roll Call:

Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent, and Mr. Walter

Nays: None

Abstain: Dr. Kolkowski

President declared the **motion carried**.

18-147 Resolution to Appoint and Employ Treasurer

Governing Board Member Mr. Walter moved the adoption of the following resolution: (Contingent upon Geauga County ESC offering and approve the same

1. The Governing Board offers **Suzanne Sotkovsky** the Treasurer Contract, a copy of which is attached hereto and incorporated herein the following amendments to the contract: 5A1a. to \$21,200, 5A1b. to \$36,500, and deleting 6G, 6I, and 8B (Vacation Buy Back)
2. The Governing Board appoints and employs **Suzanne Sotkovsky** as the Treasurer under an R.C. 3313.22 employment contract for a term commencing on January 1, 2019, and ending July 31, 2021.
3. The Treasurer Contract specifically supersedes any and all contractual terms and conditions – either written or verbal – as well as any and all past and current practices regarding the employment of any R.C. 3313.22 employee including, but not limited to, the Treasurer Contract as well as any shared service agreements.

Governing Board Member Mr. Kent seconded the motion.

Dr. Kolkowski feels the contract is fair but will be abstaining because he does not agree with the process used to get to this point.

Roll Call:

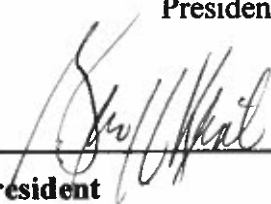
Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent, and Mr. Walter
 Nays: None
 Abstain: Dr. Kolkowski
 President declared the **motion carried.**

18-148 Adjourn

A motion was made by Mr. Walter and seconded by Dr. Kolkowski to adjourn the meeting at 8:00 p.m.

Roll Call:

Ayes: Mrs. Brush, Dr. Culotta, Mr. Kent, Dr. Kolkowski and Mr. Walter
 Nays: None
 President declared the **motion carried.**



President



Treasurer

Next Regular Board Meeting, Tuesday, January 15, 2019, 5:45 p.m. at Technology Learning Center