

**WESTLAKE CITY SCHOOLS
BOARD OF EDUCATION MINUTES**

**Monday, September 12, 2011 – Work Session - 5:30 PM
Bassett Elementary School Gymnasium – 2155 Bassett Road**

Call to Order: Time: 5:31 p.m.

Roll Call Vote:

Mr. Mays	<u>Present</u>	
Ms. Winter	<u>Present</u>	
Mr. Cross	<u>Present</u>	Entered the meeting at 5:32 p.m.
Ms. Rocco	<u>Present</u>	Entered the meeting at 5:39 p.m.
Mr. Sullivan	<u>Present</u>	

Pledge of Allegiance: President Mays led the assembly in the Pledge of Allegiance.

Acknowledgment of Visitors: President Mays thanked all in attendance.

Approval of Agenda

Motion by Ms. Winter

Seconded by Mr. Sullivan

Roll Call Vote:

Mr. Mays	<u>AYE</u>
Ms. Winter	<u>AYE</u>
Mr. Sullivan	<u>AYE</u>

*Hearing of Public (Agenda Items - 15 Minutes) – None.

A. Presentation - International Baccalaureate - Bassett Staff

Ben Hodge, Bassett Principal, spoke about raising patriotic awareness and integration of the International Baccalaureate curriculum at the elementary school level.

B. Board Item

1. Resolution Confirming the Provisions of Resolution No. 11-207, Approved Exhibit B-1
August 15, 2011, Based on Updated Parcel Boundaries; and Related Matters

C. Discussion Items

1. Expiration of Union Contracts

Mr. Mays spoke about the status and the goal of the Board with respect to existing labor contracts. He acknowledged the ‘market’ has changed and stated that upon expiration, all contracts will be negotiated in a manner that is in the best interest of the District. Mr. Sullivan spoke about his frustration with the percentage level of labor costs within the District and their relationship to District revenues. He further commented about the reactions of some Board members on this topic and then questioned why the topic is on the agenda. Mr. Mays responded the topic was put on the agenda at the request of Mr. Cross. Mr. Sullivan then stated he has proposed two alternative plans to deal with the labor cost situation in relationship

to the budget. One plan would have an impact on employee costs, and the other is to establish a community committee to examine costs of the District. He further stated the community will only support a levy if the District establishes a cost reduction plan. Mr. Mays refuted some of Mr. Sullivan's comments and stated that all members of the Board have indicated a willingness to deal with these issues and most certainly when the labor contracts come up for re-negotiation. He further stated that it is easy to make global statements and offer sound bites on such matters but can assure the public that all decisions are above board, and ultimately the people of Westlake will decide if they want to support their schools. Mr. Sullivan stated he has made a list of excuses he had heard from other Board members regarding cost controls in the District. Mrs. Winter stated she disagreed with Mr. Sullivan's statements about lack of action with respect to controlling costs and cited some recent examples of District efforts in this regard. Mr. Sullivan indicated the Board is not being proactive about controlling costs and needs to be talking about contracts now. Mr. Cross confirmed he asked for this item to be on the agenda and wanted to hear other colleagues' views on how they would contain personnel costs. He then proceeded to speak about the lack of union concessions and the need for a strategy from the Board for the next levy cycle and a discussion on union contracts. Mr. Cross then went on to state he has heard the District is in a position to hold off for a levy until 2013 but doesn't recall a public discussion about that. While not adverse to a levy, he wanted further discussion on the topic. Mr. Mays commented that this particular topic is actually the next item on the agenda. Mr. Cross then commented further about the different efforts of the respective unions to discuss concessions and the importance of having a Board discussion on this topic. He further cited an example of a particular district employee's compensation, and at that point, Mr. Mays indicated to Mr. Cross his comments now are off the agenda topic. He further indicated to Mr. Cross the Board meeting should not be a venue for politicking but rather one to deal with happenings within the District. He stated the community forum would be a more appropriate place for that type of activity. He also reminded Mr. Cross that three members of the Board voted to authorize Dr. Keenan to seek concessions with the respective labor groups while Mr. Cross and Mr. Sullivan's declined to do so. He further noted Mr. Cross and Mr. Sullivan refused to provide input to the District's legal counsel with respect to questions relating to a levy or labor contract concessions. Mr. Cross indicated he did provide input to the Board attorney, and Mr. Sullivan indicated he had a different view of what transpired. Mr. Mays noted the continued efforts of the District and Board of Education to contain costs. Mr. Cross indicated his perspective is different on these matters and would leave his comments at that. Superintendent Keenan clarified his recommendation to the Board on seeking labor concessions, and then Mr. Mays followed his comments in speaking about the requirement for the District to certify any labor agreement. He then suggested the Board move on to the next topic on the agenda.

2. Board Levy Considerations

Superintendent Keenan and CFO Pepera provided examples of some key variables the Board needs to consider when discussing potential levy options. They indicated a desire for feedback from the Board on this topic. Mr. Sullivan indicated he would like to hear more about the Superintendent's position on contracts and referenced his initial discussions on the topic. Dr. Keenan reiterated it is important the Board obtain consensus on such matters in order to provide direction to the Superintendent and CFO. He cited as an example the Board previously achieving consensus on the acceptable level of District employee compensation to be in the bottom of the top third of comparison districts. Mr. Sullivan responded to Dr. Keenan that he regretted affirming that position. He further questioned why the District would push a levy out

till 2013 when the forecast shows no cash. Mr. Cross indicated he won't comment on the Board levy consideration process and the position of the Superintendent with respect to a levy in 2013. Superintendent Keenan responded that his understanding of the role of the Superintendent is to recommend and the Board's role is to provide guidance. Mr. Mays reminded the group this topic was placed on the agenda in response to information requested at the August 29th meeting. Mrs. Winter indicated that lack of communication is a big issue for the Board. She further commented that it might be a good idea to follow up with a consultant to help improve these relations. Mr. Mays then asked the Board to move on to their next topic.

3. Budget Presentation from August 29, 2011

Due to the lateness of the hour and the material previously discussed, the Board unanimously decided to skip this agenda topic and move onto the Hearing of the Public.

*Hearing of the Public

Russ Ezolt: He spoke about his support for keeping the meeting moving and forming a district committee to discuss teacher salaries. He further stated he is disturbed about the delay to take action on labor contracts.

Harry Applegate: He spoke about the recent conduct of the Board and false statements made in the paper by some members of the Board regarding lack of a levy discussion. He then asked Mr. Sullivan a question about the percentage amount of overhead in his own business.

Dave Albert: He spoke about his view on what to spend District savings on and brought to the Board's attention some issues he is encountering with public records. CFO Pepera then responded to Mr. Albert regarding his statements made with respect to the public records.

Karen Herzberger: She reminded the Board that union members are valued employees of the District, and consideration needs to be given to the financial impact concessions would have on members of her unit.

Duane VanDyk: He spoke about his support for healthy debate among members of the Board, and two different approaches one can take with respect to considering union contracts and a levy.

D. Adjournment

Motion by Mr. Sullivan

Seconded by Mr. Mays

Roll Call Vote:

Mr. Mays AYE

Ms. Winter AYE

Mr. Cross AYE

Ms. Rocco AYE

Mr. Sullivan AYE

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11-398

President Mays adjourned the meeting at 8:37 p.m.

President

Treasurer

The public may address the Board during the periods of the meeting designated for public participation. Each person addressing the Board shall give his/her name and address. If several people wish to speak, each person is allotted three minutes until the total time allotted is used. During that period, no person may speak twice until all who desire to speak have had the opportunity to do so. The period of public participation may be extended by a vote of the majority of the Board present and voting.

EXHIBIT B-1

BOARD OF EDUCATION OF THE WESTLAKE CITY SCHOOL DISTRICT
OF CUYAHOGA COUNTY, OHIO

September 12, 2011

RESOLUTION #11-239

A RESOLUTION CONFIRMING THE PROVISIONS OF RESOLUTION NO. 11-207, APPROVED AUGUST 15, 2011, BASED ON UPDATED PARCEL BOUNDARIES; AND RELATED MATTERS.

WHEREAS, on August 15, 2011, this Board adopted Resolution No. 11-207 (the "Original Resolution"), pursuant to which the Board waived certain statutory notice requirements, approved a tax increment financing ordinance (the "TIF Ordinance") to be passed by the City Council for the City of Westlake (the "City") and approved and authorized the execution of a compensation agreement (the "Compensation Agreement"); and

WHEREAS, as described in the Original Resolution, the owners of certain parcels of real property located in the City (the "Property," as first defined in the Original Resolution and as now defined in Exhibit A attached to this Resolution and incorporated herein by this reference) will develop the Property by constructing certain improvements thereon (the "Project," as further defined in the Original Resolution); and

WHEREAS, pursuant to Section 5 of the Original Resolution, this Board provided that the Original Resolution was expressly contingent upon, and shall not be effective until, there occurred a reduction in size of the Property (from the boundaries of the parcels identified by permanent parcel number in the Original Resolution to those boundaries now defined in Exhibit A and as generally depicted on the TIF map attached as Exhibit B hereto and incorporated herein by this reference) as a result of the filing of record of a replat necessary to permit the Project and the Public Infrastructure Improvements (as defined in the Original Resolution and the TIF Ordinance) to be constructed; provided, however, that the effective date of the Original Resolution was not dependent upon the timing of the issuance of new permanent parcel numbers; and

WHEREAS, a replat was filed of record with respect to parcel "3-P" (formerly a part of parcel number 211-25-002) as shown on that certain plat of survey and partition recorded on September 8, 2011 in the Cuyahoga County Recorder's Office as Map Vol. 367 Page 36, AFN 201109080402 (the "3-P Replat," a copy of which is attached hereto as Exhibit C and incorporated herein by this reference); and

WHEREAS, a replat was filed of record with respect to parcel "2-W" (formerly a part of parcel number 211-25-001) as shown on that certain plat of survey and partition recorded on September 8, 2011 in the Cuyahoga County Recorder's Office as Map Vol. 367 Page 37, AFN 201109080403 (the "2-W Replat," a copy of which is attached hereto as Exhibit D and incorporated herein by this reference); and

WHEREAS, the 3-P Replat and the 2-W Replat (collectively, the "Replat") reduce the size of the Property from the boundaries identified by the previous permanent parcel numbers and conform the boundaries of the Property to those defined in Exhibit A and generally depicted on Exhibit B; and

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WHEREAS, this Board desires to confirm the approvals contained in the Original Resolution, make the Original Resolution effective and approve the exemptions to be provided in the TIF Ordinance for the Property as it exists after the filing of the Replat, as the Property is defined in Exhibit A and generally depicted on Exhibit B;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Westlake City School District, County of Cuyahoga, State of Ohio, that:

SECTION 1. This Board hereby approves the exemptions to be provided in the TIF Ordinance for the Property, as the Property is defined in Exhibit A attached hereto and generally depicted on Exhibit B attached hereto, and acknowledges and agrees that the City need not further decrease the size of the Property or choose not to file DTE Form 24 with respect to any portion of the Property.

SECTION 2. All approvals contained in the Original Resolution, including, but not limited to, the approval of the Compensation Agreement in Section 4 of the Original Resolution, and all remaining provisions of the Original Resolution, including, but not limited to, the waiver of required notices in Section 2 of the Original Resolution, are hereby confirmed and the Original Resolution is now made effective, provided that the approvals are with respect to the definition of the Property set forth in Exhibit A attached hereto.

SECTION 3. This Board directs the Treasurer of the Board to certify and deliver true and complete copies of this Resolution, together with the attachments hereto, to the City Council as soon as practicable after the passage of this Resolution.

SECTION 4. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including R.C. Section 121.22.

SECTION 5. This Resolution shall take effect and be in force from and after its passage.

Upon roll call on the adoption of this Resolution, the vote was as follows:

Motion by _____ Ms. Rocco _____

Seconded by _____ Mr. Sullivan _____

Roll Call Vote:

Mr. Mays _____ AYE _____

Ms. Winter _____ AYE _____

Mr. Cross _____ AYE _____

Ms. Rocco _____ AYE _____

Mr. Sullivan _____ AYE _____

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TREASURER'S CERTIFICATION

I certify that this is a true and complete copy of the Resolution adopted by a majority of the full membership of the Westlake City School District Board of Education at its meeting held on September 12, 2011 as was recorded by me in the official proceedings of the Board.

Dated: September 13, 2011

Treasurer, Board of Education
Westlake City School District, Ohio

EXHIBIT A

DESCRIPTION OF THE PROPERTY

Summary

The Property is the real estate situated in the City of Westlake, County of Cuyahoga and State of Ohio consisting of the parcels listed below. The Property is generally depicted on the Crocker Park, LLC TIF District Map (the "TIF Map") attached to this Resolution as Exhibit B.

Parcels Constituting the Property

The Property consists of the following permanent parcel numbers, as existing in the records of the County Fiscal Officer as of August 29, 2011:

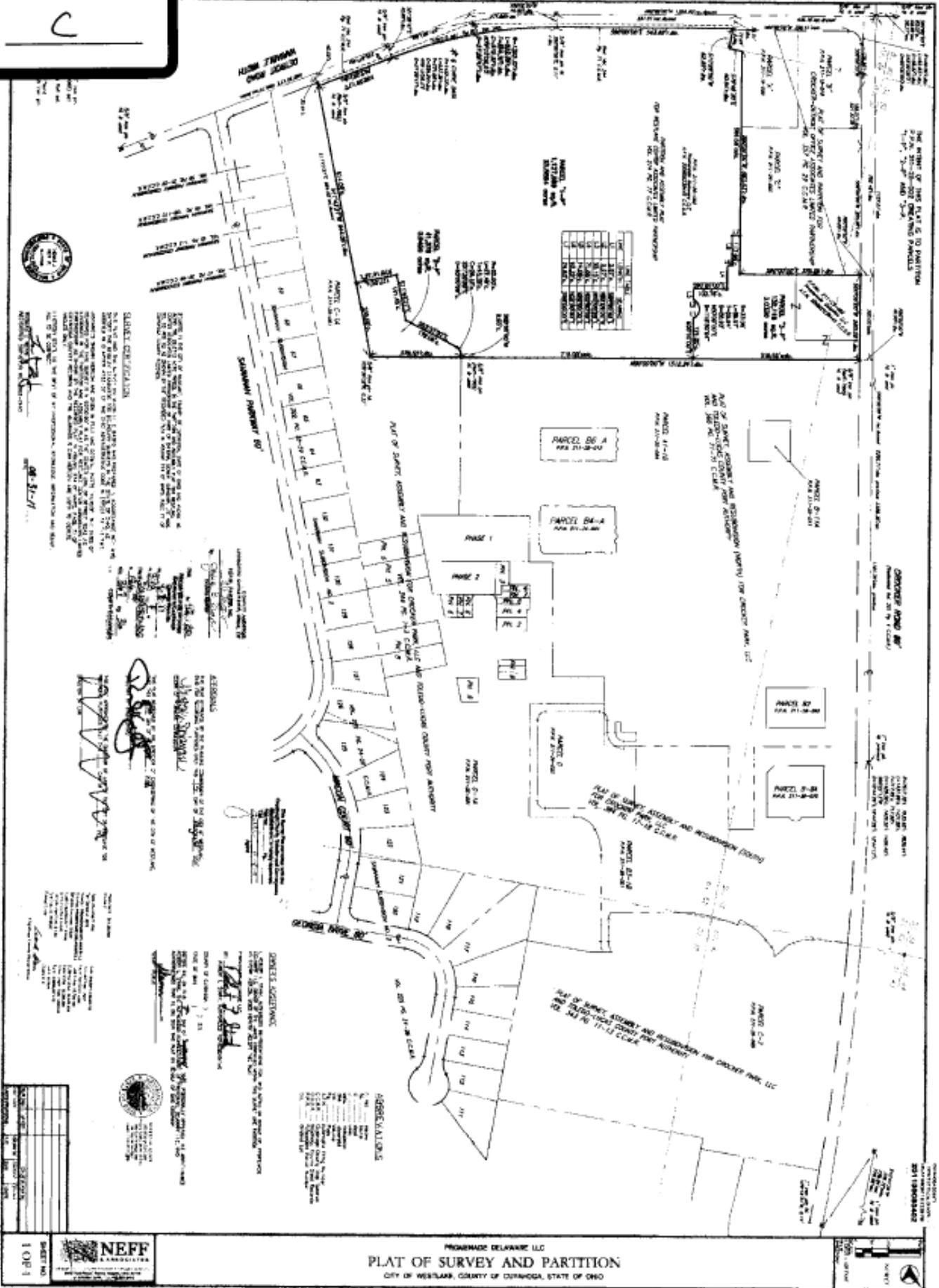
211-29-005
211-26-001
211-25-005
211-26-069

The Property also consists of the parcel identified as parcel "3-P" on the 3-P Replat attached to this Resolution as Exhibit C and generally depicted on the TIF Map as 3-P, which parcel has not yet been assigned a permanent parcel number by the County Fiscal Officer.

The Property also consists of the parcel identified as parcel "2-W" on the 2-W Replat attached to this Resolution as Exhibit D and generally depicted on the TIF Map as 2-W, which parcel has not yet been assigned a permanent parcel number by the County Fiscal Officer.

The parcels of the Property may be further subdivided or combined.

EXHIBIT
C



NEFF
 10P1

PLAT OF SURVEY AND PARTITION
 CITY OF WESTLAKE, COUNTY OF CUYAHOGA, STATE OF OHIO

DEVELOPER: LDC
 10P1

