

WESTLAKE CITY SCHOOLS BOARD OF EDUCATION AGENDA

Wednesday, June 29, 2005 – 7:45 a.m. – Work Session
Administration Building – Board Room
27200 Hilliard Blvd.

Tentative Agenda – Items may be added or deleted prior to meeting.

Call to Order: Time _____

Roll Call:

Mrs. D'Ettorre Wargo _____
 Ms. Rocco _____
 Mr. Beal _____
 Mr. O'Malley _____
 Mr. Smanik _____

Pledge of Allegiance

Acknowledgment of Visitors

Approval of Agenda

Motion by _____
Seconded by _____

Roll Call Vote:

Mrs. D'Ettorre Wargo _____
 Ms. Rocco _____
 Mr. Beal _____
 Mr. O'Malley _____
 Mr. Smanik _____

***Hearing of Public (15 Minutes)**

A. Treasurer's Report/Recommendations

1. Action Items

- | | | |
|----|--|---------------|
| a. | Resolution to Authorize Treasurer to Transfer Funds | Exhibit A-1-a |
| b. | Resolution to Adjust Final FY05 Appropriations | Exhibit A-1-b |
| c. | Resolution to Approve FY06 Temporary Appropriations | Exhibit A-1-c |
| d. | Resolution To Provide for the Deferral of Severance Pay for
Certain Employees Under a Section 403(b) Plan | Exhibit A-1-d |

B. New Business

1. Action Items

- | | | |
|----|---|---------------|
| a. | Resolution to Approve Certificated Employment | Exhibit B-1-a |
| b. | Resolution to Approve the Special Use of School Buses | Exhibit B-1-b |
| c. | Resolution to Approve Resignation for the Purpose of Retirement | Exhibit B-1-c |

C. Adjournment

Time _____

- * 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.

RESOLUTION TO AUTHORIZE TREASURER TO TRANSFER FUNDS

RESOLVED THAT

the Westlake Board of Education authorize the Treasurer to transfer \$50,000 from the General Fund (001) to the Athletic Fund (300).

Motion by_____

Seconded by_____

Roll Call Vote:

Mrs. D'Ettorre Wargo _____

Ms. Rocco _____

Mr. Beal _____

Mr. O'Malley _____

Mr. Smanik _____

RESOLUTION TO ADJUST FINAL FY05 APPROPRIATIONS

RESOLVED THAT

the Westlake Board of Education adjust the final FY05 appropriations (see attached).

Motion by_____

Seconded by_____

Roll Call Vote:

Mrs. D'Ettorre Wargo _____

Ms. Rocco _____

Mr. Beal _____

Mr. O'Malley _____

Mr. Smanik _____

RESOLUTION TO APPROVE FY06 TEMPORARY APPROPRIATIONS

RESOLVED THAT

the Westlake Board of Education approve the FY06 temporary appropriations (see attached).

Motion by_____

Seconded by_____

Roll Call Vote:

Mrs. D'Ettorre Wargo _____

Ms. Rocco _____

Mr. Beal _____

Mr. O'Malley _____

Mr. Smanik _____

RESOLUTION TO PROVIDE FOR THE DEFERRAL OF SEVERANCE PAY
FOR CERTAIN EMPLOYEES UNDER A SECTION 403(B) PLAN

WHEREAS, the Board has previously engaged in collective bargaining with the Westlake Teachers Association (the “WTA”) regarding this matter, and has agreed to the implementation of a “severance pay deferral plan” that will provide for a mandatory deferral of the severance pay, the terms of which are to be adopted by the Board; and

WHEREAS, pursuant to applicable board policies, other non-bargaining employees are, upon retirement, entitled to receive certain types of severance pay and/or retirement incentive pay; and

WHEREAS, after consultation with outside legal counsel, and in accordance with certain provisions of the federal income tax law, the Board previously took action to establish a plan that will provide, for certain non-bargaining and bargaining employees, for the deferral of their severance pay into an annuity contract pursuant to a retirement plan jointly sponsored by AIG VALIC and Bencor, Inc. (the “Bencor Plan”) that is intended to meet the tax-qualification requirements of Internal Revenue Code (“IRC”) Section 403(b) (a “TSA”); and

WHEREAS, the Bencor Plan is no longer available for use by the School District, and the Board otherwise wishes to continue to provide for the deferral of severance pay pursuant to a plan into a TSA; and

WHEREAS, the Board has engaged in additional bargaining with the WTA and the parties have agreed to the implementation of a “403(b) Plan” to provide for the deferral of severance pay as a replacement for the Bencor Plan, in accordance with 403(b) Plan terms that are specified in the collective bargaining agreement with the WTA (the “CBA”) and that may subsequently be contained in a plan document adopted by the Board;

WHEREAS, wishes to approve certain modifications of the CBA to reflect the foregoing approach; and

WHEREAS, the Board wishes to provide that the terms of the 403(b) Plan that are contained in the CBA will also be applied for certain non-bargaining employees as specified in this resolution as a replacement for the Bencor Plan;

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

Section 1. That the Board hereby approves revisions to the terms of the CBA that are substantially similar to the terms described in Exhibit A; and the Superintendent and Treasurer are hereby each individually authorized to sign formal amendments to the CBA to reflect the foregoing.

Section 2. Effective as of the date of this resolution, all employees who are represented by the WTA shall have a mandatory deferral of their severance pay as is provided in the CBA. In addition, the terms of the CBA that establish a 403(b) Plan to replace the Bencor Plan shall likewise be applied to the non-bargaining employees of the Board specified below, subject to the modifications specified below:

Section 3. Employees who meets the following requirements shall be “Non-Bargaining Participants” in the 403(b) Plan:

- (a) The employee is employed as an administrator under a contract described in Section 3319.02 of the Ohio Revised Code, as the Treasurer or Superintendent of the School District, or otherwise in a position of employment that is not part of a collective bargaining unit; and
- (b) The employee has become entitled to severance pay attributable to accumulated but unused sick days, vacation pay or retirement incentive pay on account of retirement from the School District.

There is no requirement that an employee specified above have attained age 55 or any other minimum age at the time of retirement.

Section 4. The following rules shall apply to the Non-Bargaining Participants, notwithstanding any contrary provisions of the 403(b) Plan:

- (a) The term “Severance Pay” shall include payments that are, upon retirement, attributable to:
 - (i) an employee’s unused sick days, to the extent that such payments are in excess of the value of one fourth (1/4) the first 120 days of such unused sick days,
 - (ii) vacation pay, and
 - (iii) retirement incentive pay.
- (b) The timing of the payments into the AIG VALIC contract shall generally be made at the same time or times as such payments otherwise would be made in accordance with applicable Board policies pertaining to the type of Severance Pay; provided, however, that In the calendar year of retirement, or in any other calendar year, the total amount of Severance Pay that may be paid to a TSA under the 403(b) Plan shall not exceed the maximum contribution amount allowable under the federal income tax law for TSAs that are intended to be tax qualified under IRC Section 403(b). If the amount payable to the 403(b) Plan in any calendar year would exceed the maximum amount that is permitted under the applicable federal income tax law for that year, the excess amount shall be contributed to the 403(b) Plan after the first payroll date in January of the next calendar year. This process shall be repeated for up to five calendar years

following the year of retirement, in each such year not to exceed the maximum amount permitted under the applicable federal income tax law for that year; and if there are still any remaining excess amounts in the fifth calendar year after retirement, the remaining excess shall be paid in cash to the retired employee.

Section 5. The Treasurer of the School District is hereby authorized to adopt rules and regulations relating to administration of the 403(b) Plan that provides for the deferral of severance pay under IRC Section 403(b) as, in the Treasurer’s sole judgment, shall be necessary or desirable for plan administration and compliance with the federal income tax law. In addition, the terms of the 403(b) Plan providing for the deferral of severance pay may be subsequently incorporated into the terms of a plan document that is adopted to comply with the requirements of IRC Section 403(b).

Section 6. If a non-bargaining employee is entitled to Severance Pay and is not a Non-Bargaining Participant in the 403(b) Plan, that employee will continue to be eligible for any and all Severance Pay in accordance with existing Board policies, and may elect to defer such payments to a TSA as permitted by law and Board policy.

Section 7. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 8. This Resolution shall be in full force and effect from and immediately upon its adoption.

Motion by _____
Seconded by _____
Roll Call Vote:
Mrs. D’Ettorre Wargo _____
Ms. Rocco _____
Mr. Beal _____
Mr. O’Malley _____
Mr. Smanik _____

RESOLUTION TO APPROVE CERTIFICATED EMPLOYMENT

RESOLVED THAT

the Westlake Board of Education approves certificated employment below for the 2005-2006 school year, contingent upon full and complete compliance with all State of Ohio and Westlake Board of Education employment eligibility criteria and paid from General Fund unless otherwise noted.

<u>Employment:</u>	Jessica Dorin	Effective: 08/23/05	Rate: BA, Step 0
	Bassett – Grade 1		

Motion by_____

Seconded by_____

Roll Call Vote:

Mrs. D'Ettorre Wargo_____

Ms. Rocco_____

Mr. Beal_____

Mr. O'Malley_____

Mr. Smanik_____

RESOLUTION TO APPROVE THE SPECIAL USE OF SCHOOL BUSES

WHEREAS, Crocker Park has requested the use of school buses to transport community members from Crocker Park to Clague Park for the city's fireworks display on July 4, 2005; and

WHEREAS, the special use of school buses is permissive for this purpose under the Ohio Revised Code,

THEREFORE, BE IT RESOLVED that the Board of Education of the Westlake City School District will permit the use of district school buses for community transportation on July 4, 2005, and the district will be reimbursed for the costs associated with activity.

Motion by _____

Seconded by _____

Roll Call Vote:

Mrs. D'Ettorre Wargo _____

Ms. Rocco _____

Mr. Beal _____

Mr. O'Malley _____

Mr. Smanik _____

RESOLUTION TO APPROVE CLASSIFIED RESIGNATION
FOR THE PURPOSE OF RETIREMENT

RESOLVED THAT

the Westlake Board of Education approves the resignation for the purpose of retirement of the following classified staff member:

Elsie Foster
WHS Cashier

Effective: 06/30/05

Motion by_____

Seconded by_____

Roll Call Vote:

Mrs. D'Ettorre Wargo_____

Ms. Rocco_____

Mr. Beal_____

Mr. O'Malley_____

Mr. Smanik_____