

WESTLAKE CITY SCHOOLS BOARD OF EDUCATION MINUTES

Sunday, February 20, 2005 – 7:30 p.m. – Special Meeting
Administration Building – Board Room
27200 Hilliard Blvd.

Call to Order: Time: 7:35 p.m.

Roll Call:

Mrs. D'Ettorre Wargo	<u>Present</u>
Ms. Rocco	<u>Present</u>
Mr. Beal	<u>Present</u>
Mr. O'Malley	<u>Present</u>
Mr. Smanik	<u>Present</u>

Entered the meeting at 7:40 p.m.

Motion to Dispense with Pledge of Allegiance

Motion by Mrs. D'Ettorre Wargo

Seconded by Ms. Rocco

Roll Call Vote:

Mrs. D'Ettorre Wargo	<u>AYE</u>
Ms. Rocco	<u>AYE</u>
Mr. Beal	<u>AYE</u>
Mr. Smanik	<u>AYE</u>

Approval of Agenda

Motion by Ms. Rocco

Seconded by Mr. Beal

Roll Call Vote:

Mrs. D'Ettorre Wargo	<u>AYE</u>
Ms. Rocco	<u>AYE</u>
Mr. Beal	<u>AYE</u>
Mr. Smanik	<u>AYE</u>

Acknowledgment of Visitors – None.

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

A. Work Session - Levy

Wargo: Made a general statement concerning the untimely ballot issue document filing to the Cuyahoga County Board of Elections.

Treasurer Pepera: Briefly addressed the Board about the unfortunate incident and apologized for any disruption it has caused.

Superintendent Costanza: Provided the board with several options concerning the ballot issue filing:

1. The Board may request to be heard at the next Cuyahoga County Board of Elections meeting on March 7, 2005.
2. If unsuccessful, the Board may file a Writ of Mandamus with the Court of Appeals. Legal counsel should be consulted prior to doing so.
3. The District's communication consultants do not recommend filing the writ if the District is unsuccessful at the Board of Elections level. Instead, they recommend acknowledging the mistake and moving forward with a levy request in August or November.

Beal: How much would a legal challenge or a special election cost?

Costanza: A challenge would run between \$15,000-\$20,000. A special election would cost between \$20,000-\$30,000.

Smanik: Will constituents support the cost of a challenge, or are we talking about petitioning the Board of Elections?

O'Malley: All filings go before the Board of Elections as a matter of course.

Smanik: Would support a letter to the Board of Elections explaining the District's position on the matter.

Wargo: The Board needs to move forward. Her opinion is to minimize the situation and focus on the need for a levy.

Rocco: The Board needs to acknowledge the error with the local papers.

Wargo: Will get a statement to the papers acknowledging the error and indicate the Board will move forward on this issue.

Rocco: Are we appealing to the Board of Elections? She supports the petition to the Board of Elections.

O'Malley: Not in favor of filing a lawsuit. He feels there will be too much negative publicity.

Smanik: Is there more of a negative outcome with the appeal than not? It is his understanding the Board of Elections has never overturned a decision like this.

Wargo: The communication consultants recommend we minimize the error and move forward.

Costanza: Agrees with Mrs. Wargo's assessment.

Rocco: As a matter of responsibility, the Board needs to follow through and appeal to the Board of Elections.

Beal: Is there a withdrawal procedure for the levy request submission?

O'Malley: The Board should consider speaking at the Board of Elections meeting on March 7th.

Wargo: How do we communicate to the public that we are moving forward?

Smanik: We should communicate a mistake was made, and the Board has the option to pursue the matter on March 7th and will investigate this option further.

Wargo: What additional information does the Board need answers on?

Smanik: Given the circumstances, we will wait to hear the official outcome on March 7th, and if not successful, the District should go on the ballot in November. He indicated three main messages need to be communicated:

1. A mistake was made.
2. The Board will pursue the hearing at the Board of Elections on March 7th.
3. If unsuccessful, the District will most likely be on the ballot in November.

In any event, the District should document the 'new process' to handle levy documents in the future and communicate this to the public.

Costanza: Who are our key constituencies, and what are we going to communicate?

Wargo: We will communicate to the community and the media the following:

1. Mistake
2. Investigate further and pursue in May.
3. If unsuccessful, consider other options.

All communication with the press on this matter should go through Mrs. Wargo.
Mr. Pepera will provide a letter to the staff on the situation.

B. Adjournment

President D'Ettorre Wargo adjourned the meeting at 7:44 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.

February 20, 2005
05-108

[This Page Intentionally Left Blank]