

**WESTLAKE CITY SCHOOLS
BOARD OF EDUCATION MINUTES**

**Wednesday, June 8, 2005 – 5:30 p.m. – Work Session
Administration Building – Board Room
27200 Hilliard Blvd.**

Call to Order: Time: 5:36 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>

Pledge of Allegiance: President D'Ettorre Wargo led the assembly in the Pledge of Allegiance.

Acknowledgment of Visitors: President D'Ettorre Wargo thanked all in attendance.

Approval of Agenda

Motion by Mr. O'Malley
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. O'Malley	<u>AYE</u>
Mr. Smanik	<u>AYE</u>

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

**Adjourn Board Meeting to Conduct Library Tax Budget Hearing

Time: 5:38 p.m.

A. Porter Public Library Tax Budget Hearing

a. Paula Miller discussed the proposed 2006 tax budget for the Porter Public Library.

**Reconvene Board Meeting after Library Tax Budget Hearing

Time: 5:57 p.m.

B. Porter Public Library Action Item

1. Resolution to Approve Westlake Porter Public Library 2006 Tax Budget Exhibit B-1

C. New Business

1. Second Reading of Lee Burneson Middle School Student Handbook 2005-2006
 - a. Resolution to Approve LBMS Student Handbook 2005-06 Exhibit C-1-a
2. Second Reading of Parkside Intermediate School Student Handbook 2005-2006
 - a. Resolution to Approve Parkside Student Handbook 2005-06 Exhibit C-2-a
3. Second Reading of Westlake Early Childhood Program Handbook
 - a. Resolution to Approve Westlake Early Childhood Program Handbook Exhibit C-3-a
4. Resolution to Approve Participation in "Secure Our Schools" Program through the Federal Department of Justice Exhibit C-4

D. Discussion Items

1. Financial Issues

President D'Ettorre Wargo briefed the Board on the current facts relating to the additional millage available within the 10-mill limitation.

- a. It is confirmed that the Board has the ability to request an additional .1 mill within the 10-mill limitation.
- b. The Budget Commission held a meeting on Monday, June 6th, to discuss several issues relating to inside millage. Specifically, they discussed the difference between charter and voted millage and whether or not an additional .5 inside mills might be available to the schools or the City.

O'Malley: He believes the school district is required to assess the guaranteed minimum millage within the 10-mill limitation.

Treasurer Pepera: Indicated he does not agree with Mr. O'Malley and believes the school district has the choice to seek either 5.7 or 5.8 mills within the 10-mill limitation.

O'Malley: Believes a conflict of interest exists if the school district uses Squires to provide legal advice on accessing inside millage.

Rocco: What's the conflict?

O'Malley: He would like to see a letter sent to the County Budget Commission regarding questions relating to inside millage.

Wargo: Indicated the Board should direct Treasurer Pepera to send a letter to the Budget Commission to address such concerns.

O'Malley: The district should also seek outside legal counsel to provide advice on whether the district can ask for the .5 additional inside mills this year.

Smanik: If the legal opinion says the Board has a fiduciary responsibility to collect all of its guaranteed inside millage, the Board needs to know.

Beal: He agrees to get an opinion on whether the Board has a fiduciary responsibility to pursue the .1 mill and .5 mill issues.

Wargo: Why pursue a legal opinion?

O'Malley: It provides the basis for any legal challenge that might arise at a later date.

E. Action Items

RES. #05-151

1. Motion to send a letter to the county prosecutor's office to seek an opinion on fiduciary obligation of Ohio Revised Code 5705.31.

Motion by Mr. O'Malley

Seconded by Mr. Beal

Roll Call Vote:

Mrs. D'Ettorre Wargo AYE

Ms. Rocco AYE

Mr. Beal AYE

Mr. O'Malley AYE

Mr. Smanik AYE

RES. #05-152

2. Motion to seek an independent legal opinion from a firm other than Squire, Sanders & Dempsey on the fiduciary obligation of the Board as it relates to Ohio Revised Code 5705.31.

Motion by Mr. O'Malley

Seconded by Mr. Beal

Roll Call Vote:

Mrs. D'Ettorre Wargo AYE

Ms. Rocco AYE

Mr. Beal AYE

Mr. O'Malley AYE

Mr. Smanik AYE

RES. #05-153

3. Motion to give limited authority to the Superintendent and Treasurer to identify another law firm to provide an opinion regarding the fiduciary obligation of the Board as it relates to Ohio Revised Code 5705.31.

Motion by Mr. Beal

Seconded by Mr. O'Malley

Roll Call Vote:

Mrs. D'Ettorre Wargo AYE

Ms. Rocco AYE

Mr. Beal AYE

Mr. O'Malley AYE

Mr. Smanik AYE

Beal: Wants the Board to take a formal vote on specific matters discussed at the May 25, 2005 meeting.

Beal: Indicated he is not in favor of pursuing a sale and leaseback arrangement of the Administration facility nor the rescission of the diving well agreement. He does, however, support an income tax sharing agreement.

4. Motion to request the City of Westlake to forgive the annual payment terms contained in the agreement between the Westlake Board of Education and the City of Westlake for the current and past use of the diving facilities at the Westlake Recreation Center and, in addition, the Westlake Board of Education will also ask for a refund of all previous payments related to this agreement.

Motion by Mr. Beal

Seconded by Mr. O'Malley

Roll Call Vote:

Mrs. D'Ettorre Wargo	<u>NO</u>
Ms. Rocco	<u>NO</u>
Mr. Beal	<u>NO</u>
Mr. O'Malley	<u>AYE</u>
Mr. Smanik	<u>NO</u>

Motion failed.

5. Motion to request the City of Westlake to buy back the current Board of Education Administration building and property at the original purchase price and lease back the property for \$1 per year. In addition, the Westlake Board of Education will be responsible for any and all operating expenses, including insurance and taxes if applicable.

Motion by Mr. Beal

Seconded by Mr. O'Malley

Roll Call Vote:

Mrs. D'Ettorre Wargo	<u>NO</u>
Ms. Rocco	<u>NO</u>
Mr. Beal	<u>NO</u>
Mr. O'Malley	<u>AYE</u>
Mr. Smanik	<u>NO</u>

Motion failed.

RES. #05-154

6. Motion that the Westlake Board of Education request that the City of Westlake enter into an Income Tax Sharing Agreement which guarantees that the Westlake City Schools are reimbursed 100% of all real and personal property taxes foregone in tax abatement agreements, less any cash contributions from abated companies, if the City of Westlake has

growth in its income tax collections, both corporate and personal, greater than the Westlake City Schools net tax deficit.

Motion by Mr. Beal

Seconded by Mr. O'Malley

Roll Call Vote:

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

O'Malley: Should we modify the resolution to say, "...less any cash contributions from abated companies *to schools*,..."?

Beal: Indicated he doesn't think we need to revise the resolution. The proposal still encourages economic development but helps the schools attempt to equalize tax abatement losses. Also, it removes the schools' involvement on these matters which are more of an economic growth issue for the City. In addition, this arrangement would alleviate the annual monitoring obligation of the schools.

Smanik: To Mr. O'Malley: Is this a good way to go about it?

O'Malley: Yes, he fully supports it.

O'Malley: Presented copies to the Board of a possible payroll sharing arrangement.

Beal: We should use outside counsel to draft a revenue sharing agreement.

RES. #05-155

7. Motion to use Ulmer & Berne to draft a tax sharing agreement between the Schools and the City of Westlake.

Motion by Mr. O'Malley

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. O'Malley	<u>AYE</u>
Mr. Smanik	<u>ABSTAIN</u>

F. Discussion Items

1. Enrollment Issue

Superintendent Costanza: The district is experiencing an enrollment spike at the elementary level. As a result, he is recommending an additional 1.0 FTE for FY06.

Rocco: How much will this cost?

Superintendent Costanza: Approximately \$50,000.

Beal: He believes there would be some offset in costs due to current teacher retirements and would support.

2. Fiber Optics

Superintendent Costanza: Where is the Board on the proposed fiber optic proposal?

Board: They all agreed they couldn't answer without additional information on this topic.

3. Financial Task Force Recommendations

- The Board discussed the Financial Task Force Recommendations in conjunction with a post-levy plan developed by Mr. Smanik.

Smanik: The Board needs to advertise success stories that are occurring in the district.

O'Malley: Can we construct a leasing versus buy arrangement for school buses?

Treasurer Pepera: Yes.

O'Malley: He passed out an attorney general's opinion to the Board citing ORC 5705.14 and 5705.01. He would like the district to get a legal opinion on this.

Beal: We should educate ourselves on this topic and address the important issues at the next meeting.

Beal: We should explore the Olmsted Falls volunteer program.

Rocco: How does the Board feel about outsourcing services?

Beal: He would like to see the proposed cost savings with outsourcing services such as busing and custodial.

Rocco: Does the Board agree that outsourcing cannot be implemented under our existing labor agreements? Do we all agree nothing can be done in the near future?

Board: All are in agreement.

Smanik: Agreed to identify Financial Advisory Task Force members interesting in donating or partnering with schools.

O'Malley: The district should identify a project lead for programs in the schools.

Rocco: The district is bound by negotiation language regarding health care cost-sharing. We should continue to pursue these options.

Smanik: The district should contact Bob West, a member of the Financial Task Force, about wellness and obesity programs and ideas.

Wargo: Indicated she and Superintendent Costanza will meet with Council President Mike Killeen and Mayor Clough on June 10, 2005.

Treasurer Pepera: He discussed the rationale for the proposed rescission (Exhibit H-1).

G. Action Items

1. Motion to table Exhibit H-1.

Motion by _____ Mr. O'Malley _____

Motion died for lack of second.

Wargo: What is the agenda for the June 10th meeting with City officials?

Beal: He would like to ask them to consider a reduction in millage.

O'Malley: He indicated the Board should request a minimum of .6 mills to some maximum amount.

Beal: In addition, the agenda should address the consideration of a tax-sharing agreement.

H. Treasurer's Report/Recommendations

1. Resolution to Rescind the Amended Resolution Passed by the Westlake Board of Education on May 25, 2005 to Increase the General Fund Amount and Rate Levied Within the 10 Mill Limit to 5.9 Mills Exhibit H-1

*Hearing of Public (15 Minutes)

Karen Herzberger: She hopes the Board would consider shadowing an OAPSE employee.

Mary Levtzow: Can the Board request the staff to write the state legislature regarding a healthcare cooperative possibility?

Susan Dodge: Indicated to Ms. Levtzow the teachers already participated in a letter writing campaign. She also indicated to the Board it is her belief the district will lose control over hiring practices with outsourcing. In addition, volunteers should be carefully considered. Lastly, the district needs to pursue the explanation of the 5.8 vs. 5.9 issue.

Sandy Sopko: Why aren't fees charged by the schools?

Kathleen Erzen: North Olmsted fees exceeded \$200.

Sandee Kodysh: Why doesn't the Board ask the Superintendent for his opinion? She thinks outsourcing is a mistake.

I. Adjournment

President D'Ettorre Wargo adjourned the meeting at 8:43 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.

June 8, 2005
05-292

EXHIBIT B-1
RES. #05-156

RESOLUTION TO APPROVE WESTLAKE PORTER PUBLIC LIBRARY
2006 TAX BUDGET

RESOLVED THAT

the Westlake Board of Education approves the Westlake Porter Public Library 2006 Tax Budget.

Motion by _____ Ms. Rocco _____

Seconded by _____ Mr. Smanik _____

Roll Call Vote:

Mrs. D'Ettorre Wargo _____ AYE _____

Ms. Rocco _____ AYE _____

Mr. Beal _____ AYE _____

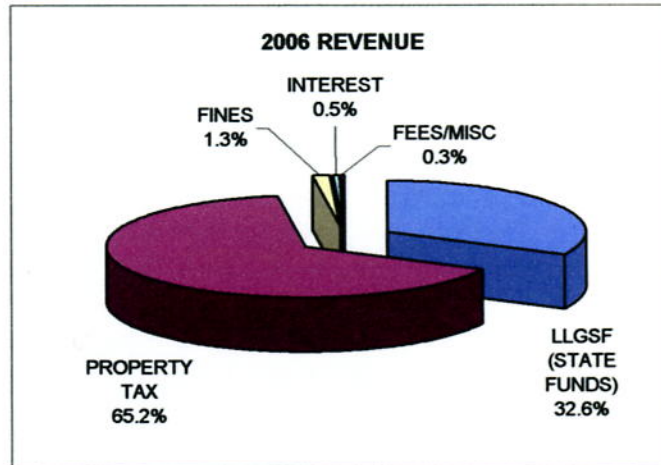
Mr. O'Malley _____ AYE _____

Mr. Smanik _____ AYE _____

WESTLAKE PORTER PUBLIC LIBRARY 2006 TAX BUDGET REQUEST

REVENUE ACCOUNTS

LINE	DESCRIPTION	2006 PROPOSED (5/05)
1100	LLGSF (STATE FUNDS)	\$ 1,725,000
1200	PROPERTY TAX	\$ 3,450,000
3100	FINES	\$ 71,000
4100	INTEREST	\$ 25,000
8000	FEES/MISC	\$ 17,000
TOTAL REVENUE		\$5,288,000



EXPENDITURE ACCOUNTS

LINE	DESCRIPTION	2006 PROPOSED (5/05)	COMMENTS
1110	SAL:OTHER	\$ 2,623,000	Includes: Salaries and benefits for all employees of the library, to cover 68 hours/week of operations. Last year, library staff circulated 1.25M items, served 400K visitors, answered 200K questions, hosted over 2K community meetings, hosted nearly 200K computer users, made nearly 500 deliveries to homes and facilities in Westlake, and processed 30K new items for residents' use. Services for students & parents: Storytimes, H2C (Homework Help Center), KnowItNow 24/7, Summer Reading Club, and many special programs.
1400	PERS	\$ 359,000	
1610	HEALTH INS	\$ 190,000	
1620	MEDICARE	\$ 40,000	
1630	WKRS COMP	\$ 13,000	
1640	UNEMPL	\$ 500	
1900	OTHER EMPL BENEFITS	\$ 8,000	
SUBTOTAL(PERSONNEL)		\$3,233,500	61% of tti expenditures

LINE	DESCRIPTION	2006 PROPOSED (5/05)	COMMENTS
2100	SUPPLIES:OFFICE	\$ 10,000	Includes: Office supplies, materials processing supplies, circulation and automation supplies, public copier supplies, building supplies, delivery van gas and parts, and supplies for all public programs.
2110	SUPPLIES:COMPUTER	\$ 15,000	
2120	SUPPLIES:LIB SERV	\$ 67,000	
2125	SUP:PROGS/PR	\$ 19,000	
2140	SUP:COPIERS	\$ 6,000	
2200	SUPPLIES:BUILDING	\$ 17,000	
2300	VEHICLE FUEL & PARTS	\$ 2,000	
SUBTOTAL(SUPPLIES)		\$136,000	3% of tti expenditures

WESTLAKE PORTER PUBLIC LIBRARY

2006 TAX BUDGET REQUEST

EXPENDITURE ACCOUNTS, continued

LINE	DESCRIPTION	2006 PROPOSED (5/05)	COMMENTS
3100	TRAVEL/TRG/MTG	\$ 35,000	<u>Includes:</u> All contracted services, such as phone service, security system monitoring, hardware and software maintenance contracts, all utilities, printing of newsletters/service brochures/informational flyers, statewide library-to-library delivery service, cataloging and materials processing services, insurances, mailings, legal services, and all staff training and development.
3210	TELECOMMUN/SECURITY	\$ 22,000	
3240	POSTAGE/UPS	\$ 33,500	
3290	PRINTING/PR/COPIERS	\$ 80,000	
3301	MAINT:BLDG/PROP	\$ 87,000	
3302	MAINT:OFFICE EQUIPMT	\$ 11,000	
3310	MAINT:COMPUTER	\$ 60,000	
3400	INSURANCE	\$ 34,000	
3500	RENT/LEASE	\$ 40,000	
3600	UTILITIES	\$ 185,000	
3700	CONTRACTED SERVICES	\$ 121,000	
3800	OCLC AND ONLINE FEES	\$ 30,500	
3900	DELIVERY SERVICE	\$ 4,000	
SUBTOTAL(SERVICES)		\$743,000	14% of ttd expenditures

LINE	DESCRIPTION	2006 PROPOSED (5/05)	COMMENTS
4000	MATERIALS	\$ 960,000	<u>Includes:</u> Books, Periodicals, Audio, Video, Microfilm, Cd-ROMs, Online databases, E-books, repairs, and ILL fees
SUBTOTAL(MATERIALS)		\$ 985,000	19% of ttd expenditures

LINE	DESCRIPTION	2006 PROPOSED (5/05)	COMMENTS
5200	LAND IMPROVEMT	\$ 15,000	<u>Includes:</u> Paving, landscaping, signs, furnishings, equipment, hardware and software, organizational dues, transfers to long-term improvement funds.
5400	BLDG IMPROVEMT	\$ 10,000	
5510	FURN/EQUIPMENT	\$ 21,000	
5530	LIBRARY SOFTWARE	\$ 16,000	
5535	LIBRARY HARDWARE	\$ 20,000	
7100	DUES/MEMBERSHIPS	\$ 11,000	
7900	MISCELLANEOUS	\$ 1,000	
8000	CONTINGENCY/OTHER	\$ 21,500	
9000	TRANSFERS	\$ 75,000	
SUBTOTAL(OTHER)		\$ 190,500	
TOTAL OPER EXPEN		\$ 5,288,000	

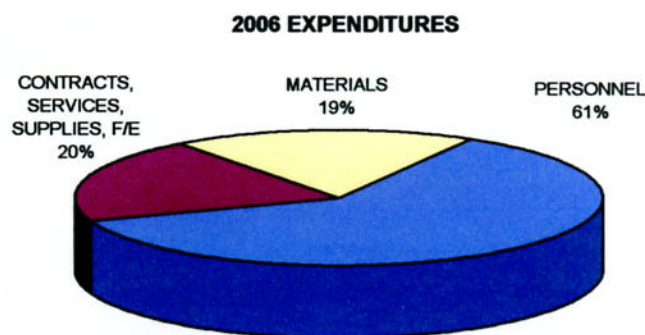


EXHIBIT C-1-a
RES. #05-157

RESOLUTION TO APPROVE LEE BURNESON MIDDLE SCHOOL
STUDENT HANDBOOK FOR 2005-2006

RESOLVED THAT

the Westlake Board of Education approves the Lee Burneson Middle School Student Handbook for the 2005-2006 school year.

Motion by Mr. O'Malley

Seconded by Ms. Rocco

Roll Call Vote:

Mrs. D'Ettorre Wargo AYE

Ms. Rocco AYE

Mr. Beal AYE

Mr. O'Malley AYE

Mr. Smanik AYE

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05-294

EXHIBIT C-2-a
RES. #05-158

RESOLUTION TO APPROVE PARKSIDE INTERMEDIATE SCHOOL
STUDENT HANDBOOK FOR 2005-2006

RESOLVED THAT
the Westlake Board of Education approves the Parkside Intermediate Student Handbook for the
2005-2006 school year.

Motion by Mr. O'Malley

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. O'Malley	<u>AYE</u>
Mr. Smanik	<u>AYE</u>

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05-295

EXHIBIT C-3-a
RES. #05-159

RESOLUTION TO APPROVE WESTLAKE EARLY CHILDHOOD PROGRAM HANDBOOK

RESOLVED THAT

the Westlake Board of Education approves the Westlake Early Childhood Program Handbook.

Motion by Mr. O'Malley

Seconded by Ms. Rocco

Roll Call Vote:

Mrs. D'Ettorre Wargo AYE

Ms. Rocco AYE

Mr. Beal AYE

Mr. O'Malley AYE

Mr. Smanik AYE

June 8, 2005
05-296

EXHIBIT C-4
RES. #05-160

RESOLUTION TO APPROVE PARTICIPATION IN “SECURE OUR SCHOOLS”
PROGRAM THROUGH THE FEDERAL DEPARTMENT OF JUSTICE

RESOLVED THAT

the Westlake Board of Education approves participation in “Secure Our Schools” Program through the Federal Department of Justice.

Motion by Mr. O’Malley

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. O’Malley	<u>AYE</u>
Mr. Smanik	<u>AYE</u>

EXHIBIT H-1
RES. #05-161

RESOLUTION TO RESCIND THE AMENDED RESOLUTION PASSED BY THE WESTLAKE
BOARD OF EDUCATION ON MAY 25, 2005 TO INCREASE THE GENERAL FUND
AMOUNT AND RATE LEVIED WITHIN THE 10 MILL LIMIT TO 5.9 MILLS

RESOLVED THAT

the Westlake Board of Education rescinds the amended resolution entitled, "Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor," passed by the Westlake Board of Education on May 25, 2005 to increase the general fund amount and rate levied within the 10 mill limit to 5.9 mills.

Motion by Mr. Beal

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. O'Malley	<u>NO</u>
Mr. Smanik	<u>NO</u>

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05-298

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