

Portage County Board of Developmental Disabilities

2606 Brady Lake Road
Ravenna, Ohio 44266

October 29, 2019

Special Meeting

5:30pm

Dennis M. Coble Administration Building

MINUTES

President Michelle Sahr called the special meeting to order at 5:35pm

Board Members present by Roll Call:

Kelly Butler, Carol J. Fruscella, John Gargan, Cheri Michael, Timothy Moran, Michelle Sahr, William Tarver

A quorum is present.

Administrative Staff Present

C. Clevenger-Morris, L. Leslie, B. Puleo, G. Slapnicker

Guests present: Ron Habowksi, Labor Consultant

Staff: Jim Bobek, Judy Fetterolf, Lori Johnson, Betsi Orth, Shari Pritts

At 5:36pm, the Board entered Executive Session in the Board Room with action to be taken following Executive Session for the purpose of:

conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action
and

To consider the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual:

employment of public employee

Motion by W. Tarver

Second by C. Fruscella

For the following identified reason:

(x) To consider the appointment, employment, dismissal, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual;
indicate reason: employment of public employee

() To consider the purchase of public property or the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining

- advantage to a person whose personal, private interest is adverse to the general public interest;
- (x) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or intimate court action;
- () Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- () Matters required to be kept confidential by federal law or rules or state statutes.
- () Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public boy of public office.

The aforesaid motion having been put to a roll call vote, the results of which were as follows:

NOT VOTING	PRESENT		BOARD MEMBERS
	YES	NO	
()	(x)	()	KELLY BUTLER
()	(x)	()	CAROL J. FRUSCELLA
()	(x)	()	JOHN GARGAN JR
()	(x)	()	CHERI MICHAEL
()	(x)	()	TIMOTHY MORAN
()	(x)	()	MICHELLE SAHR
()	(x)	()	WILLIAM TARVER

Motion to adjourn executive session at 7:26 pm

Motion by C. Michael
 Second by C. Fruscella

Motion carried by roll call vote as follows: Kelly Butler, aye, Carol J. Fruscella, aye, John Gargan, Jr., aye, Timothy Moran, aye, Cheri Michael, aye, Michelle Sahr, aye. William Tarver, aye.

Motion to return to open session at: 7:27 pm

Motion by C. Fruscella
 Second by K. Butler
 Motion carried.

Action taken from Executive Session:

Motion to approve Resolution 19-10-01SM that the Portage County Board of Developmental Disabilities Approves Settlement Agreement with Jennifer Conwell.

RESOLUTION 19-10-01SM

PORTAGE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES APPROVES SETTLEMENT AGREEMENT WITH JENNIFER CONWELL

WHEREAS, the Portage County Board of Developmental Disabilities (Board) appealed the arbitration award (Award) of Arbitrator Daniel G. Zeiser regarding the termination of employment of Jennifer Conwell (Conwell); and

WHEREAS, the Award was subsequently affirmed by the Portage County Court of Common Pleas and the 11th Appellate District Court; and

WHEREAS, the Supreme Court of Ohio declined to take jurisdiction of the appeal; and

WHEREAS the Board and Conwell have determined to settle the matter; now therefore be it

RESOLVED, that the Portage County Board of Developmental Disabilities hereby approves the settlement agreement (Agreement) between and among Jennifer Conwell, the Portage County Educators Association for the Developmentally Disabled—Unit A and the Board upon receipt of signed agreement from Conwell; and

RESOLVED, that Human Resources Director Lynn D. Leslie is authorized to sign the Agreement in the absence of the Superintendent.

Submitted by: Lynn D. Leslie, Director of Human Resources

The resolution was moved by **William Tarver** and seconded by **Cheri Michael**

It is found and determined that all formal actions of the Portage County Board of Developmental Disabilities concerning and relative to the adoption of this resolution were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

The aforesaid resolution having been put to a roll call vote, the result of which is as follows:

Kelly Butler,	aye	Carol J. Fruscella,	aye
John Gargan,	aye	Cheri Michael,	aye
Timothy Moran,	aye	William Tarver,	aye
		Michelle Sahr	aye

Certification

I, Beverly Puleo, Assistant to the Superintendent, for the Portage County Board of Developmental Disabilities, do hereby certify that the aforesaid motion was duly adopted at the special meeting held on **October 29, 2019**, and an accurate copy of said resolution may be located in the official minutes of the Board.

Beverly Puleo, Assistant to the Superintendent

Motion to approve Resolution 19-10-02SM the Authorization to enter into a contract with James P. Wilkins to provide legal services for the purpose of labor and personnel matters for the term November 1, 2019 through December 31, 2020 in an amount not to exceed twenty-five thousand dollars and no cents (\$25,000.00)

RESOLUTION 19-10-02SM

AUTHORIZATION TO ENTER INTO A CONTRACT WITH JAMES P. WILKINS TO PROVIDE LEGAL SERVICES FOR THE PURPOSE OF LABOR AND PERSONNEL MATTERS

whereas, the Portage County Board of Developmental Disabilities (hereafter the Board) is in need of legal service for the purpose of labor and personnel matters; and

whereas, the James P Wilkins. Attorney at Law has agreed to enter into a contract with the Board to provide legal services for the purpose of labor and personnel matters;, and

WHEREAS, it is the desire of the Board to enter a contract with James P. Wilkins, Attorney at Law, to provide legal services for the purpose of labor and personnel matters; and

THEREFORE BE IT RESOLVED, the Board of authorizes entry into a contract with the James P. Wilkins, Attorney at Law, 3550 West Market Street, Ste. 100, Akron, OH 44333, for the term of November 1, 2019 through December 31, 2020 in an amount not to exceed twenty-five thousand dollars and no cents (\$25,000.00):

The resolution was moved by **William Tarver** and seconded by **Carol J. Fruscella**

It is found and determined that all formal actions of the Portage County Board of Developmental Disabilities concerning and relative to the adoption of this resolution were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

The aforesaid resolution having been put to a roll call vote, the results of which are as follows:

Kelly Butler,	aye	Carol J. Fruscella,	aye
John Gargan,	aye	Cheri Michael,	aye
Timothy Moran,	aye	William Tarver,	aye
		Michelle Sahr,	aye

Certification

I, Beverly Puleo, Assistant to the Superintendent, for the Portage County Board of Developmental Disabilities, do hereby certify that the aforesaid motion was duly adopted at a regular meeting held on **October 29, 2019**, and an accurate copy of said resolution may be located in the official minutes of the board.

Beverly Puleo

Beverly Puleo, Assistant to the Superintendent

Motion to approve Resolution 19-10-03 for Authorization to Michelle Sahr, President, Portage County Board of Developmental Disabilities (Hereinafter “The Board”) to Act on Behalf of the Board to Enter into an Agreement to Appoint Bill Whitacre, Superintendent for The Mahoning County Board of Developmental Disabilities as Interim Superintendent and to Enter into an Agreement with Mahoning County Board of Developmental Disabilities for Payment for Sharing the Superintendent Time

RESOLUTION 19-10-03SM

AUTHORIZATION TO MICHELLE SAHR, PRESIDENT, PORTAGE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES (HEREINAFTER “THE BOARD”) TO ACT ON BEHALF OF THE BOARD TO ENTER INTO AN AGREEMENT TO APPOINT BILL WHITACRE, SUPERINTENDENT FOR THE MAHONING COUNTY BOARD OF DEVELOPMENTAL DISABILITIES AS INTERIM SUPERINTENDENT AND TO ENTER INTO AN AGREEMENT WITH MAHONING COUNTY BOARD OF DEVELOPMENTAL DISABILITIES FOR PAYMENT FOR SHARING THE SUPERINTENDENT TIME

WHEREAS, the Board is desirous of appointing an interim Superintendent; and

WHEREAS, the Board has selected Bill Whitacre, Superintendent for the Mahoning County Board of Developmental Disabilities, as Interim Superintendent, contingent on reaching an agreement by both parties; and

WHEREAS, that the Board herein approves the appointment effective October 29, 2019, and

RESOLVED, that the Board herein authorizes Michelle Sahr, Board President, to enter into an agreement with the Mahoning County Board of Developmental Disabilities to pay no more than \$1,100.00 per week as payment for sharing the superintendent time; and be it

RESOLVED, any actual and necessary expenses incurred on behalf of the named Interim Superintendent, that would not of otherwise been incurred, will be reimbursed directly to the named Interim Superintendent as per Portage County Board of Developmental Disabilities’ policies; and be it

RESOLVED, that the Board President or his/her designee is authorized to take any and all actions to carry out this resolution.

The resolution was moved by **Timothy Moran** and seconded by **William Tarver**

It is found and determined that all formal actions of the Portage County Board of Developmental Disabilities concerning and relative to the adoption of this resolution were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

The aforesaid resolution having been put to a roll call vote, the result of which is as follows:

Kelly Butler,	aye	Carol J. Fruscella,	aye
John Gargan,	aye	Cheri Michael,	aye
Timothy Moran,	aye	William Tarver,	aye
		Michelle Sahr,	abstain

Certification

I, Beverly Puleo, Assistant to the Superintendent, for the Portage County Board of Developmental Disabilities, do hereby certify that the aforesaid motion was duly adopted at a regular meeting held on **October 29, 2019**, and an accurate copy of said resolution may be located in the official minutes of the board.



Beverly Puleo, Assistant to the Superintendent

The President asked for a motion for adjournment at 7:34pm

Motion by K. Butler
Second by C. Fruscella
Motion carried by voice vote.

Respectfully Submitted,



Beverly Puleo, Assistant to the Superintendent



Michelle Sahr, President



Kelly Butler, Secretary