

New Lexington, Ohio

December 17, 2012

The New Lexington City Board of Education met in regular session at 7:00 p.m. in the New Lexington High School Media Center, 2547 Panther Drive, New Lexington, Ohio.

Members present: Jeanette Addington, Carl Fondale, Mary Dodd, Joyce Barnett and Mike Davisson.

All members having received a type written copy of the minutes from the November 19, 2012 regular meeting, it was moved by Fondale and seconded by Barnett that the Treasurer dispense with the reading of the minutes and further that said minutes be approved.

THE VOTE: Fondale, yes; Barnett, yes; Addington, yes; Dodd, yes; Davisson, yes. President Addington declared the motion carried.

Okoya Dennis and Zach Adams addressed the Board of Education regarding their futures as coaches with the New Lexington City School District.

It was moved by Dodd and seconded by Davisson to approve the November 30, 2012 financial report as presented.

THE VOTE: Dodd, yes; Davisson, yes; Addington, yes; Fondale, yes; Barnett, yes. President Addington declared the motion carried.

Treasurer's Recommendations

It was moved by Dodd and seconded by Fondale to approve the following December 2012 Increases/(Decreases) in Appropriations:

Fund Name	Fund No.	Amount
Year 2 TIF Payout	590-9213	\$ 230,400.00

THE VOTE: Dodd, yes; Fondale, yes; Addington, yes; Barnett, yes; Davisson, yes. President Addington declared the motion carried.

It was moved by Barnett and seconded by Dodd to set January 14, 2013 as the date for the Board's Organizational Meeting and regular January 2013 meeting. The Organizational Meeting will begin at 7:00 p.m. followed immediately by the Board's regular January 2013 Board Meeting – at approximately 7:15 p.m.

THE VOTE: Barnett, yes; Dodd, yes; Addington, yes; Fondale, yes; Davisson, yes. President Addington declared the motion carried.

Superintendent’s Report

Mrs. Sherburne provided the Board with updated enrollment figures for the current school year, including open enrollment both in and out of the district and community school enrollment.

Chuck Byers and Leslie Powell gave the Board of Education a presentation on A.L.I.C.E. Mr. Byers and Mrs. Powell attended training over the past summer on new methods to deal with threats to the school. Mr. Byers and Mrs. Powell were trained to be trainers to staff members and students on the new procedures, which are yet to be determined by the district.

Superintendent’s Recommendations

It was moved by Dodd and seconded by Davisson to adjourn to Executive Session at 7:49 p.m. under the provisions of O.R.C. 121.22(G)(1) to discuss and prepare for negotiations with New Lexington Education Association, purchase/sale of property and potential litigation.

THE VOTE: Dodd, yes; Davisson, yes; Addington, yes; Fondale, yes; Barnett, yes. President Addington declared the motion carried.

Board President declares the Board in open session at 8:30 p.m.

It was moved by Fondale and seconded by Davisson to approve the following licensed personnel contract:

<u>Name</u>	<u>Position</u>	<u>Salary</u>
Jennifer Wiseman	Intervention Specialist for St. Rose School (to be before or after regular contract day or weekends	Writing IEPs – Salary per Diem Meeting for IEPs - \$28.79/hr

THE VOTE: Fondale, yes; Davisson, yes; Addington, yes; Dodd, yes; Barnett, yes. President Addington declared the motion carried.

It was moved by Davisson and seconded by Dodd to approve paternity leave for Doug Fehrman (Middle School Intervention Specialist) for the periods beginning December 3 through December 10 and from December 12 through December 20. Mr. Fehrman’s leave requested complies with applicable provision of Article XXI(D)(C) of the current collective bargaining agreement.

THE VOTE: Davisson, yes; Dodd, yes; Addington, yes; Fondale, yes; Barnett, yes. President Addington declared the motion carried.

It was moved by Fondale and seconded by Dodd to rescind the Board's approval of Zach Adam to act as a volunteer for the New Lexington City School District with such action to be effective immediately.

THE VOTE: Fondale, yes; Dodd, yes; Addington, yes; Barnett, yes; Davisson, yes. President Addington declared the motion carried.

It was moved by Davisson and seconded by Fondale to approve Josh Lee as an athletic volunteer for wrestling.

THE VOTE: Davisson, yes; Fondale, yes; Addington, yes; Dodd, yes; Barnett, yes. President Addington declared the motion carried.

It was moved by Dodd and seconded by Davisson to approve the following non-licensed substitute for the 2012-13 school year:

Courtney Shipman – secretary, aide

THE VOTE: Dodd, yes; Davisson, yes; Addington, yes; Fondale, yes; Barnett, yes. President Addington declared the motion carried.

It was moved by Barnett and seconded by Dodd to approve the following resolution #12-21:

WHEREAS, the New Lexington City School District (hereinafter, "District") was in multiple lease agreements with Xerox Corporation ("Xerox") for various machinery and equipment to be used throughout the District for photocopying and printing; and

WHEREAS, such lease agreements were executed on November 28, 2010 for a period of sixty (60) months; and

WHEREAS, said lease agreements contained early termination clauses that carried with them the application of certain buyout payment calculations in the event the District would seek early termination of the lease agreements; and

WHEREAS, the District experienced significant issues with respect to the performance of said machinery and equipment under the lease agreements as well as significant issues with respect to the timely and complete servicing of same by Xerox and its wholly-owned subsidiary service provider, ComDoc, Inc.; and

WHEREAS, on August 22, 2012, the New Lexington Education Association ("NLEA") filed a Step Three grievance regarding the significant issues the teaching staff was experiencing with respect to the performance of said machinery and equipment under the lease agreements. The grievance filed by NLEA alleged that the New Lexington City School District Board of Education ("Board") was in violation of Article VII, Section D of the negotiated Agreement between the NLEA and the Board (2010-2013) by failing or causing to fail to adequately maintain functioning copiers throughout the District; and

WHEREAS, the District expressed these issues both verbally and in writing to Xerox on several occasions throughout the term of the lease agreements but most notably on November 27, 2012 when the District communicated in writing to Xerox its intent to

terminate the lease agreements and seek breach of contract action against Xerox regarding same; and

WHEREAS, on December 3, 2012, Xerox responded to the District's November 27, 2012 correspondence agreeing to terminate the lease agreements early and without application of any early termination buyout calculations; and

WHEREAS, the lease agreements between the District and Xerox will terminate effective December 31, 2012, at which time the District will be left without any machinery or equipment to facilitate copying and printing throughout the District; and

WHEREAS, the District needs to maintain properly functioning machinery and equipment for copying and printing throughout the District at all times in order to directly support the District's educational programming and daily operations; and

WHEREAS, the abrupt termination of the District's lease agreements with Xerox has created an immediate need to replace the District's machinery and equipment used for copying and printing throughout the District;

NOW, THEREFORE BE IT RESOLVED, pursuant to Ohio Revised Code Section 3313.46, that the New Lexington City School District Board of Education (hereinafter, "Board") hereby declares that the facts as stated above are sufficient to constitute an urgent necessity as provided for by law, such that the Board will dispense with the competitive bidding requirements outlined in Ohio Revised Code in order to immediately acquire a new lease for machinery and equipment to be used throughout the District for copying and printing;

BE IT FURTHER RESOLVED, that the Board declares this urgent necessity to exist based upon its further judgment that if the acquisition of a new lease for machinery and equipment for use in copying and printing throughout the District is not acted upon immediately, the educational programming and daily operations of the District could be severely jeopardized;

BE IT FURTHER RESOLVED, that the Board will take the following immediate measures, in good faith, to obtain new machinery and equipment to be used throughout the District for copying and printing:

1. The Treasurer will contact at least three (3) known vendors of copier and printer machinery and equipment to obtain price quotations for new copier and printer machinery and equipment to be used throughout the District that meets the needs and demands of the District's educational program and daily operations; and
2. The Treasurer will specify in the request for price quotations that the new copier and printer machinery and equipment must be available for installation throughout the District immediately but no later than December 31, 2012;
3. The Treasurer will report back to the Board at its next meeting with the three (3) most responsive quotes for the Board to review and approve a new lease agreement for copier and printer machinery and equipment for the District.

THE VOTE: Barnett, yes; Dodd, yes; Addington, yes; Fondale, yes; Davisson, yes. President Addington declared the motion carried.

Items for Discussion/Research prior to Action

Mr. Fondale would like to see random drug testing implemented for all employees. Mrs. Sherburne informed him that this has to be negotiated into the contract. The NLEA contract is up for negotiation in the spring and the AFSCME union has agreed to do an MOU with their current contract.

Board President Addington declared the meeting adjourned.

President

Treasurer