

Scioto County Board of Developmental Disabilities Meeting Minutes from 10/17/2013

STAR, Inc., 7:00 PM

Prayer and pledge lead by Richard L. Bolin

1. **Roll Call:** Present were President Rodney H. Barnett, Vice President J. Michael Thoroughman, Recording Secretary Stephanie Childers, Klaire L. Purtee, Jeffrey Kleha, C. William Rockwell, Jr., and Richard L. Bolin.
2. **Agenda:** Superintendent James Krumer requested that Item 9. A. (changes to calamity-related policies) move to before the Fiscal Report to accommodate a member of staff who wanted to comment on this issue, but had another engagement this evening. No objections were voiced.
3. **Minutes:** The minutes from the 9/19 Board meeting and the 9/24 Finance Committee meeting were before the Board for approval. Mr. Thoroughman made the motion; Mrs. Childers seconded. There was no discussion. The motion was approved unanimously.
4. **New Business:**
 - A. **Title XX Policy:** The Title XX policy was recommended for amendment to eliminate the reference to early intervention services. Finance Director Matt Purcell explained that the Board's entire Title XX allocation (federal funds) were used to provide transportation services and there were not enough funds for Early Intervention, so he proposed removing that language so that the policy is more accurate. Mr. Kleha made the motion. Mr. Rockwell seconded. The motion was approved unanimously.
 - B. **Calamity Day Policies:** There have been weeks of discussion among the leadership team, the management team, with Staff Advisory Council and the rest of the 12-month staff around how the 'calamity bank' procedure has worked these past two years. There were staffing concerns from Adult Day Services, confusion around program closure announcements, and problems with building closures that were not weather-related. Through SAC, the 12-month staff was presented with three options. One was to leave things as they are. The second option is irrelevant now as the third option was chosen. The policies to support that option were brought to the Board tonight.

The crux of the proposal was to do away with the 'calamity bank' and institute a new form of leave: Paid Time Off or PTO. Beginning in January all 12-month staff would be given 24 hours of PTO annually to use during bad weather situations or as additional vacation leave. The 12-month staff will be paid for weather related program delays that happen at the beginning of the day. Weather-related early dismissals would be paid, as would non-weather related facility closures (e.g., water break or power outage). SAC chairperson Lois Elliott was in attendance and commented that the staff seemed pleased with this offer and a healthy majority voted for it.

There is a provision in the proposed Policy 3.05.06 that staff will be given 8 hours of PTO to use for the remainder of this calendar year. It should also be noted that there will be no change in the way calamity days are handled for 9-month staff.

Mr. Thoroughman made the motion to amend the policies as presented. Mr. Kleha seconded. There was no discussion. The motion was approved unanimously. This motion combined the personal leave and vacation leave policies in to one policy, amended the Hours of Operation policies, and assigned all three documents numbers in the new organizational system.

- C. Transportation Services Bid: The Board chose to address the transportation services bid at this time. The Board has gone through the process of requesting bids for transportation services, even though this is not required, as our current contract expires October 31. The object was to get the best deal possible. Only one bid was received; it was from our current provider, National Express. Since that the bid opening, the SCBDD administration and National Express have been talking. The proposal is expected to save the Board around \$900,000 over the course of an eight-year contract. Considering the length of the contract, Board will be putting the county-owned school buses up for auction. National Express has expressed an interest in buying them in as a lot, rather than individually, which will help with the Board's cash flow this fiscal year. Mr. Kleha asked if the auction would be advertised publically. He was assured that it would be.

Mr. Thoroughman made the motion to accept the bid and to authorize the Superintendent to enter into negotiations to contract with National Express. The motion also authorized the extension of the current transportation services contract by one month in the event that time is needed to complete the negotiations. Mr. Bolin seconded the motion. There was no discussion. The motion passed unanimously.

5. Expenses and Fiscal Report: Finance Director Matt Purcell reporting

Mr. Purcell noted that September was the end of this calendar year's third quarter. Because of that, he had sent copies of his Residential Fund and General Fund reports to board members in advance of the meeting. A copy of the Trust Fund Report was distributed during the meeting. Mr. Purcell highlighted the revenue and expenditure totals on the General Fund 'Cash Flow Statement', explaining that while expenditures were nearly double the amount of revenues in September, additional revenues were expected in October. The ending fund balance for the quarter was over \$2.5 million. Mr. Purcell also thanked the Board for signing the 'then and now' statements, a moral obligation and the docket of expenses. Mr. Bolin made the motion to approve the expenses report, both oral and written. Mrs. Purtee seconded. There was no discussion. The motion was approved unanimously.

6. Superintendent's Report: James Krumer, reporting

Board Member Training: In addition to his written report, Mr. Krumer asked that any board members who wanted to attend a board member training session offered by Southern Ohio Council of Governments in Pomeroy, Ohio in November, to let him know so that reservations could be made. This training would allow members to meet the new executive director of the Ohio Association of County Boards Serving People with Disabilities, Bridget Gargan.

Board Member Terms: Mr. Krumer also noted that four board members' terms were expiring December 31. All four are eligible for reappointment. If any of these board members choose not to be reappointed, it has been past practice here to advertise for new members. This requires several weeks of lead-time in order to give the appointing authorities time to choose new members by November 30. Mr. Krumer asked that Mrs. Childers, Mrs. Purtee, Mr. Kleha and Mr. Bolin let him know whether or not they were interested in reappointment.

Mr. Thoroughman made the motion to accept the superintendent's report. Mrs. Childers seconded. The motion was approved unanimously.

7. Program Reports: Mr. Barnett thanked the people who had submitted written reports to the Board and asked if they had anything to add. No one did.

8. Old Business: None

9. Committee Reports

A. Ethics Committee: Chairman Jeff Kleha reported that the committee had met before this meeting and reviewed one direct services contract. Mr. Kleha assured the Board that there were no foreseeable conflicting interests regarding this contract and recommended its approval in the form of a motion. Mr. Rockwell seconded the motion, which was approved unanimously. There was no discussion.

B. Finance Committee: Chairman Mike Thoroughman reported that the Finance Committee met on September 24 with members of the STAR, Inc. Board of Trustees. As a result of that meeting, he participated in a second meeting on September 30 with Mr. Krumer, STAR, Inc. Director Kelly Hunter and SCBDD Finance Director Matt Purcell. The result of these two meetings was an addendum to the agreement between STAR, Inc. and the Scioto County Board of DD, copies of which had been sent in advance to the board members for their review.

Mr. Thoroughman noted that the whole agreement had not been reviewed since 2009 and before that it was 2006. He recommended that the agreement, which needs to be completely re-written, be revisited more often. This proposed addendum is intended to make a number of needed changes. For instance, the draft called for removing the term 'mental retardation' from the document, deleting all sections referring to payment methods, deleting the office manager/bookkeeper reference, and adding a section outlining a pre-payment and reconciliation system to begin this month and last through

the end of the year. There was an additional paragraph incorporating of transitioning individual support facilitators from the SCBDD table of organization to the STAR table of organization into the agreement. This is an important step in STAR's road to independence.

By adopting the addendum, STAR would be permitted to receive quarterly payments from SCBDD, which is recommended by the Finance Committee. The total payment for October through December will be \$300,000, less the amount already paid in advance for October. Mr. Thoroughman made the motion to approve to the addendum. Mr. Rockwell seconded. Mr. Barnett asked Mr. Hunter for comments on the addendum. Mr. Hunter responded that the addendum was acceptable to the STAR Board as well. There was no further discussion. The motion was approved unanimously.

10. New Business (Continued)

- D. Contract with Dublin Management: Dublin Management is the consulting firm that that has been engaged for the past several years to assist with human resources issues and other management-related activities. Mr. Purcell reported that two items had been added to the contract: serving as Equal Employment Opportunity back-up contact and wage and position point factoring. Mr. Purcell explained that this last item pertains to job audits and revising position descriptions. This year-long contract would cost the board about \$24,000. Mr. Rockwell asked if the cost was an increase. Mr. Purcell noted that it was, however this is the first increase in two years. Mrs. Childers also asked for a clarification regarding the job description work and Mr. Purcell noted that this activity would be limited to requested changes only. Mr. Kleha was assured that the contract was approved as to form by the County Prosecutor's Office.

Mr. Kleha made the motion to accept the contract. Mr. Thoroughman seconded. The motion was approved unanimously.

11. Comments from the Floor: None

- 12. Executive Session:** Mr. Barnett called for a motion to enter into executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. Mr. Kleha asked Mr. Krumer if he had specific things to consider in executive session. Mr. Krumer noted that he had management contracts for the Board to review. Mr. Kleha made the motion to enter executive session and Mrs. Purtee seconded. Mr. Rockwell and Mrs. Childers asked Mr. Krumer for clarification about what was to be discussed. Mr. Krumer reiterated that he had personnel contracts. Mr. Bolin interjected that he wanted to address the Board, but did not state a subject. Mr. Barnett asked if the two things could be put into one motion, to enter executive session to address Mr. Krumer and Mr. Bolin. Mr. Bolin answered in the affirmative. Mr. Barnett then asked if anyone else wanted to address the board, receiving no response, he asked for a roll call vote. The vote was unanimously in favor of the motion.

The Board entered executive session at 7:35 PM and returned to open session at 8:20 PM.

Actions after executive session: Mr. Kleha made the motion to approve addendums to two management contracts and approve a new contract as well. Mr. Bolin seconded. The motion was approved unanimously in a roll call vote.

Mr. Bolin was then given the floor, beginning by stating that he had read a letter to the board members, among other comments. He then made a motion to have Mr. Krumer removed from the program. Mr. Bolin stated that although he thought Mr. Krumer was a good person, he wasn't good for the program and the program has suffered.

Mr. Kleha requested clarification, asking if the removal was for 'cause' or for 'no cause.' Mr. Bolin asked that that be explained to him. He stated he thought he had cause, and that Mr. Krumer does fit in our program. Mr. Rockwell explained that Mr. Bolin's feelings did not meet the legal definition of 'for cause.' He added that 'cause' required an egregious breach of contract, which the County Prosecutor (Mark Kuhn) said last week (at the 10/10 Special Meeting), did not exist. To remove Mr. Krumer with 'no cause' meant that the Board would have to buy him out.

Mr. Bolin stated that he believed his reasons were good enough and that he did not see why more was needed. After more discussion, he revised his motion so that it was "to remove Mr. Krumer from his position for no cause."

Mr. Kleha was recognized and stated that even if he were inclined to terminate Mr. Krumer, the cost of paying out the contract would be deterrent enough. He added that it would be difficult to justify paying over \$100,000 without having Mr. Krumer work for it.

Mr. Thoroughman noted that this would mean hiring another superintendent for a total of closer to \$250,000.

Mrs. Purtee asked if a motion was on the floor. When this was confirmed, she seconded the motion. Mr. Barnett double-checked with Mr. Bolin that his motion was removal with no cause and that Mrs. Purtee was seconding those words. Mrs. Purtee then asked Mr. Krumer if he was contemplating leaving the Board's employ. Mr. Krumer stated that he was not thinking of resigning and that he was sorry Mr. Bolin feels the way he does.

Mr. Kleha again noted the cost of buying Mr. Krumer out, which would include paying attorney fees and damages, etc.

Mr. Krumer was asked if he had any comments. Mr. Krumer noted that the Board had had much conversation without him and limited conversation with him, adding that he did not come prepared to speak about this this evening. However, he wanted to acknowledge that even with the strain between the Board and himself over the past months, many good and successful things have been accomplished. He reminded the board members that he had already assured

them that he was committed to this program and doing what was needed to have a positive path ahead. He said he would like the chance to continue doing that.

Mr. Barnett called for the motion to be read. After which, he asked one more time if Mr. Bolin and Mrs. Purtee were in agreement with the wording: To remove Mr. Krumer from his position for no cause.

In a roll call vote, Mr. Thoroughman, Mrs. Childers, Mr. Kleha and Mr. Rockwell voted against the motion. Mrs. Purtee, Mr. Barnett and Mr. Bolin voted for the motion. The motion failed.

- 13. Adjournment:** Mr. Rockwell made the motion to adjourn at 8:30 PM. Mr. Kleha seconded. The motion was approved unanimously.

Prepared by Margaret Compton

Submitted by:

Stephanie Childers, Recording Secretary