

**NILES CITY BOARD OF EDUCATION**

At 8:00 AM, on December 21, 2019, the Niles City School District’s Board of Education met in Special Session with the following members present upon roll call: Rebecca DePanicis, Susan Longacre, Tony Perrone and Bobby Seifert, with Mary Ann McMahon presiding.

**Pledge of Allegiance**

**Moment of Reflection**

**Res. No. 19-240  
Adopt the Agenda**

Mrs. DePanicis moved to adopt the Agenda. (Minute File 19-240)

Seconded: Mrs. Longacre

Roll call: Mrs. DePanicis, Mrs. Longacre, Mr. Perrone, Mr. Seifert, and Mrs. McMahon—Yes  
Motion carried

**Communications to the Niles City Board of Education—None**

**Board Recommendations**

**Res. No. 19-241**

a. Mr. Perrone moved to approve the following resolution:

**RESOLUTION TO COMPLY WITH THE DIRECTIVE REGARDING TREASURER LEAVE ISSUED TO THE BOARD OF EDUCATION BY THE FINANCIAL PLANNING AND SUPERVISION COMMISSION FOR THE NILES CITY SCHOOL DISTRICT**

WHEREAS, on February 26, 2019, the Auditor of State declared the Niles City School District was in a state of Fiscal Emergency as defined in Section 3316.03(B) of the Revised Code; and

WHEREAS, pursuant to Section 3316.05 of the Revised Code, a five-member Financial Planning and Supervision Commission (“Commission”) was created to assure the fiscal integrity of the District; and

WHEREAS, pursuant to Section 3316.06 of the Revised Code, within one hundred twenty (120) days after the first meeting of the Commission, the Commission shall adopt a Financial Recovery Plan to eliminate fiscal emergency conditions, balance the budget, avoid future deficits and restore the District’s ability to market long-term obligations; and

WHEREAS, to achieve the above-stated goals, the Commission may exercise all authority vested in such Commission by Chapter 3316 of the Revised Code including but not limited to assuming any powers of the Board of Education it considers necessary, including all powers related to

personnel, curriculum and legal issues in order to successfully implement the Financial Recovery Plan; and

WHEREAS, the Financial Recovery Plan shall specify the level of fiscal and management control that the Commission will exercise within the District during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the Commission in accordance with Section 3316.06 of the Revised Code; and

WHEREAS, the Financial Recovery Plan specifies the Commission's assumption of powers to include the authority to approve all financial actions reviewed and approved by the Board, which include but are not limited to personnel actions; and

WHEREAS, the Board of Education met in Emergency Session on July 1, 2019, to address its statutory obligation as a board of education of a public school district to operate, at all times, with an individual qualified to perform the duties of the office of treasurer as a result of District Treasurer Lori Hudzik's ("Hudzik") inability to perform those assigned duties pursuant to Board Policy 1461 and Section 3313.23 of the Revised Code; and

WHEREAS, at the July 1<sup>st</sup> Emergency Meeting, the Board approved the Treasurer of the Trumbull County Educational Service Center ("Trumbull ESC"), Lori Simione ("Simione"), to serve in place of District Treasurer Hudzik, pro tempore to perform the duties and functions of the office of treasurer in accordance with Section 3313.23 of the Revised Code, and pursuant to the Financial Recovery Plan; and

WHEREAS, on July 2, 2019, in Emergency Session, the Commission approved the Board's action to employ Simione as District Interim Treasurer/ Pro Tempore; and

WHEREAS, taking into account all authorized leave available to Hudzik and exhaustion of same, Hudzik was scheduled to return to work on or about October 8, 2019, or request an unpaid leave of absence; and

WHEREAS, on or about October 15, 2019 Hudzik submitted a request to the Board of Education for an unpaid leave of absence to extend her leave through November 18, 2019; and

WHEREAS, on October 17, 2019, at its regularly scheduled meeting, the Board of Education considered and approved Hudzik's request to extend her leave of absence through November 18, 2019 in accordance with Board Policy and applicable state and federal law; and

WHEREAS, the Board of Education further approved a job posting for interim treasurer services at the October 17<sup>th</sup> meeting; and

WHEREAS, on or about October 21, 2019, the Trumbull County ESC informed the Board in writing that the services of Simione as Interim Treasurer/ Pro Tempore could not continue beyond November 15, 2019; and

WHEREAS, on October 24, 2019, at its regularly scheduled meeting, the Commission denied approval of Hudzik's request to extend her leave of absence through November 18, 2019, and further did not approve the Board's action related to same; and

WHEREAS, on October 24<sup>th</sup> the Commission recognized the treasurer services being provided by Simone would cease as of November 15, 2019, and further directed the Board of Education to ensure that treasurer services be provided on an uninterrupted basis to provide for the basic services needed to conduct business, provide stability to District operations, and comply with the Financial Recovery Plan; and

WHEREAS, pursuant to the Commission's October 24<sup>th</sup> directive, the Board of Education, in special session on November 14, 2019 approved an agreement to share treasurer services with Brookfield Local Schools effective November 15, 2019 in compliance with its obligation to provide treasurer services on an uninterrupted basis, which was approved by the Commission on December 5, 2019; and

WHEREAS, on November 21, 2019, the Board received another request from Hudzik to extend her unpaid leave of absence on or about November 18, 2019 through December 23, 2019; and

WHEREAS, on December 16, 2019, the Commission met in Special Session and resolved that the Board of Education not approve any additional requests of leave made by Hudzik and further resolved, pursuant to Section 3316.13 of the Revised Code, to direct the Board of Education to provide Hudzik immediate verbal and written notice that the Board action granting additional leave was not approved by the Commission, that the leave is exhausted, and that the Board require that she return to work no later than December 27, 2019 noting that failure to return to work may result in dismissal; and

WHEREAS, the Commission further resolved at its December 16<sup>th</sup> Special Session that the Commission will not approve any Board action granting the pending request from the Treasurer/Hudzik for additional leave from November 18, 2019 through December 23, 2019.

NOW, THEREFORE BE IT RESOLVED, pursuant to the authority vested in the Commission by Chapter 3316 of the Revised Code and the December 16, 2019 Commission directive, the Board of Education of Niles City School District hereby acknowledges the Commission's assumption of the powers of the Board of Education, and in recognition of Section 3316.13 of the Revised Code, does not approve Lori Hudzik's request for an extension of leave on or after November 18, 2019 through December 23, 2019.

BE IT FURTHER RESOLVED, pursuant to the authority vested in the Commission by Chapter 3316 of the Revised Code and the December 16, 2019 Commission directive, the Board of Education of Niles City School District hereby acknowledges the Commission's assumption of the powers of the Board of Education, and in recognition of Section 3316.13 of the Revised Code, will provide Lori Hudzik immediate verbal and written notice that the Board action granting additional leave was not approved by the Commission, that her leave is exhausted, and that she is required to return to work no later than December 27, 2019 and that failure to return to work may result in dismissal.

BE IT FURTHER RESOLVED, that the Board of Education hereby authorizes the Board President and Interim Treasurer to execute the terms of this Resolution faithfully and to issue any and all written notices and other documents as may be required to bring about the legal effect of the terms of this Resolution.

Seconded: Mrs. DePanicis

Roll call: Mr. Perrone, Mrs. DePanicis, Mrs. Longacre, Mr. Seifert, and Mrs. McMahon—Yes  
Motion carried

**Adjourn**

At 8:12 AM, Mrs. DePanicis moved to adjourn the meeting.

Seconded: Mr. Perrone

Roll call: Mrs. DePanicis, Mr. Perrone, Mrs. Longacre, Mr. Seifert, and Mrs. McMahon—Yes  
Motion carried

RESPECTFULLY SUBMITTED,

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Mary Ann McMahon, President

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Craig Yaniglos, Interim Treasurer