

**Winton Woods Board Of Education
Minutes
Regular Meeting – December 11, 2017**

The Winton Woods Board of Education met in Regular Session on Monday, December 11, 2017 at the Board Office, 1215 W. Kemper Road, Cincinnati, Ohio. President Miranda called the meeting to order at 6:30 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the roll call the following members were present: Mrs. Katrina Rugless, Mr. Jeff Berte, Dr. Viola Johnson, Mrs. Paula Kuhn, Mrs. Jessica Miranda. Also present were: Mr. Anthony Smith, Superintendent and Mr. Randy Seymour, Treasurer.

PREFORMANCE BY THE WINTON WOODS HIGH SCHOOL VARSITY ENSEMBLE

The Board of Education and Administration extend their appreciation to the Winton Woods High School Varsity Ensemble students and Directors, Mr. Joe Whatley and Ms. Beth Miller, for providing a performance of holiday music prior to the Board meeting.

DISTRICT HONORS, RECOGNITIONS, GIFTS AND BEQUESTS

Kiwanis Character is Key Award – Caring
Winton Woods Intermediate School – Ashley Mondragon-Ayala

Community Spirit Award

Golden Corral – Mr. Kevin Micmicam, General Manager
(This award is presented to an organization or individual to recognize their significant contribution(s) to the Winton Woods City School District over a period of many years.)

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

Regular Meeting – November 27, 2017
Special Meeting – December 4, 2017

TREASURER'S REPORT

The Financial Statements for the month of November, 2017 were approved and filed for audit.

Winton Woods Board Of Education
Minutes
Regular Meeting – December 11, 2017

TREASURER'S RECOMMENDATIONS

Investments – November, 2017

12-130-17 On a motion by Mrs. Kuhn, seconded by Mr. Berte to approve the Investment report for November, 2017.

Vote: Mrs. Rugless, Aye; Mr. Berte, Aye; Dr. Johnson, Aye; Mrs. Kuhn, Aye;
Mrs. Miranda, Aye.

President Miranda declared the motion carried.

REPORTS OF THE SUPERINTENDENT

(a) School Reports, Upcoming Events

SUPERINTENDENT'S RECOMMENDATIONS

12-131-17 On a motion by Dr. Johnson, seconded by Mrs. Rugless to approve the personnel schedules as presented.

Schedule C – Personnel Employment – Staff Support

New Hires:

John Knox, Substitute Assistant, \$13.05/hr, effective 10/25/17

John Knox, Spec. Ed. Assistant, WWMS, \$17.25/hr, effective 12/04/17

Ciera Anderson, Bus Starter, \$19.09/hr, 2017/2018 school year

Nicole Whipple, Bus Starter, \$19.09/hr, 2017/2018 school year

Vote: Mrs. Rugless, Aye; Mr. Berte, Aye; Dr. Johnson, Aye; Mrs. Kuhn, Aye;
Mrs. Miranda, Aye.

President Miranda declared the motion carried.

Student Trip – Academy of Global Studies – Washington, D.C.

12-132-17 On a motion by Mrs. Kuhn, seconded by Dr. Johnson, to approve the Student trip – Winton Woods High School Academy of Global Studies 11th grade to Washington D.C., Maryland and Virginia, February 15-19, 2018 as presented.

Vote: Mrs. Rugless, Aye; Mr. Berte, Aye; Dr. Johnson, Aye; Mrs. Kuhn, Aye;
Mrs. Miranda, Aye.

President Miranda declared the motion carried.

**Winton Woods Board Of Education
Minutes
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SUPERINTENDENT’S RECOMMENDATIONS – (Cont.)

Resolution Adopting and Approving Agreed Entry and Release of All Claims – Coalition Opposed to Additional Spending and Taxes v. Board of Education of Winton Woods School District

12-133-17 On a motion by Mr. Berte, seconded by Mrs. Kuhn to approve the “Resolution Adopting and Approving Agreed Entry and Release of All Claims – Coalition Opposed to Additional Spending and Taxes v. Board of Education of Winton Woods School District” as presented. (Resolution and Release of All Claims Attached)

Vote: Mrs. Rugless, Aye; Mr. Berte, Aye; Dr. Johnson, Aye; Mrs. Kuhn, Aye;
Mrs. Miranda, Aye.

President Miranda declared the motion carried.

Resolution Adopting and Approving Agreed Entry and Release of All Claims – Charles Sims, Jr., et al v. Board of Education of Winton Woods School District, et al

12-134-17 On a motion by Mr. Berte, seconded by Dr. Johnson to approve the “Resolution Adopting and Approving Agreed Entry and Release of All Claims – Charles Sims, Jr., et al v. Board of Education of Winton Woods School District, et al” as presented. (Resolution and Release of All Claims Attached)

Vote: Mrs. Rugless, Aye; Mr. Berte, Aye; Dr. Johnson, Aye; Mrs. Kuhn, Aye;
Mrs. Miranda, Aye.

President Miranda declared the motion carried.

BOARD OF EDUCATION REPORT

- Legislative Report
- Great Oaks Report

BOARD RECOMMENDATIONS

Appointment of President Pro-Tempore

12-135-17 On a motion by Mrs. Kuhn, seconded by Mr. Berte to appoint Dr. Johnson to serve as the President Pro-Tempore until the Organizational Meeting in 2018.

Vote: Mrs. Rugless, Aye; Mr. Berte, Aye; Dr. Johnson, Aye; Mrs. Kuhn, Aye;
Mrs. Miranda, Aye.

President Miranda declared the motion carried.

**Winton Woods Board Of Education
Minutes
Regular Meeting – December 11, 2017**

BOARD RECOMMENDATIONS – (Cont.)

Organizational Meeting for 2018

12-136-17 On a motion by Dr. Johnson, seconded by Mrs. Kuhn to approve Monday January 8, 2018 at 5:30 p.m. as the date and time for the 2018 Organizational Meeting. The meeting will be held in the Board Room of the Administrative Offices.

Vote: Mrs. Rugless, Aye; Mr. Berte, Aye; Dr. Johnson, Aye; Mrs. Kuhn, Aye;
Mrs. Miranda, Aye.

President Miranda declared the motion carried.

Special Meeting – Work Session for January 8, 2018

12-137-17 On a motion by Mrs. Rugless, seconded by Mr. Berte to approve Monday January 8, 2018 at 6:30 p.m. as the date and time for a Special Meeting – Work Session. The meeting will be held in the Board Room of the Administrative Offices.

Vote: Mrs. Rugless, Aye; Mr. Berte, Aye; Dr. Johnson, Aye; Mrs. Kuhn, Aye;
Mrs. Miranda, Aye.

President Miranda declared the motion carried.

**COMMENTS FROM MEMBERS OF THE BOARD OF EDUCATION AND
SUPERINTENDENT**

COMMENTS TO THE BOARD OF EDUCATION FROM THE ASSOCIATIONS

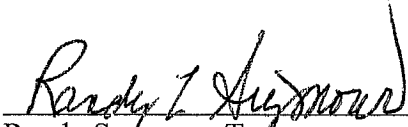
WWTA REPRESENTATIVE – absent

OAPSE REPRESENTATIVE – absent

ADJOURNMENT

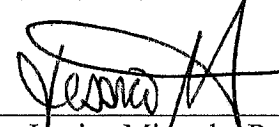
There being no further business, President Miranda declared the meeting adjourned at 7:05 p.m.

ATTEST:



Randy Seymour, Treasurer

APPROVED:

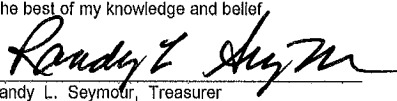


Mrs. Jessica Miranda, President

WINTON WOODS CITY SCHOOLS
Bank Reconciliation Statement
November 2017 (Year to Date)

| | Fund Balance | Book Balance | Bank Balance | | | |
|----------------------------|---|----------------------------|------------------------|------------------------|----------------------------|---------------|
| 001 | General Fund | \$21,367,269.40 | Beginning Balance | \$148,421,914.05 | Fifth Third Bank | \$878,307.91 |
| 002 | Bond Retirement | 1,543,120.68 | | | Petty Cash | 500.00 |
| 003 | Permanent Improvement | 402,552.89 | Plus: Receipts | 27,496,449.35 | Food Service-Drawer | 850.00 |
| 004 | Building | 10,624,732.20 | Less: Expenditures | (88,145,686.83) | Athletic-Gate | 1,500.00 |
| 006 | Lunchroom | 622,718.09 | | | | |
| 007 | Special Trust | 80,941.67 | | | | |
| 010 | Classroom Facilities | 52,446,811.81 | | | | |
| 018 | Public School Support | 41,710.97 | Ending Balance | 87,772,677.57 | Total | 881,157.91 |
| 019 | Local Grants | 80,511.49 | | | | |
| 022 | District Agency | 0.00 | | | | |
| 034 | Classroom Facilities Maintenance | 203,214.51 | Outstanding Warrants: | | | |
| 200 | Activity Fund | 48,859.23 | | | | |
| 300 | Athletic Fund | 101,765.18 | Fifth Third Bank | 84,862.52 | Investments: | |
| 401-9018 | Auxiliary Services - JPII | 158,490.19 | | | Star Ohio | 12,193,850.26 |
| 439-9018 | Early Childhood Education | 1,375.45 | | | Star Ohio - Building Local | 2,767,589.65 |
| 451-9018 | Connectivity | 5,400.00 | | | Star Ohio - Building State | 1,542,563.66 |
| 461-9018 | HSTW | 4.57 | | | Meeder Investments | 12,404,762.51 |
| 516-9018 | IDEA-B FY18 | 10,063.62 | | | Meeder Invest (Building) | 58,067,098.92 |
| 536-9218 | Title I School Improvement FY18 | 259.36 | | | | 86,975,865.00 |
| 551-9018 | Title III LEP FY18 | 496.92 | | | | |
| 572-9018 | Title I FY18 | 30,005.64 | | | | |
| 587-9018 | ESCE IDEA-B FY18 | 271.07 | | | | |
| 590-9018 | Title II-A Improving Teacher Quality FY18 | 2,102.63 | | | | |
| 599-9018 | Title IV-A | 0.00 | | | | |
| | | | Total | 84,862.52 | | |
| | | Book Adjustments | | | Bank Adjustments | |
| | | | | | EZPay Account | |
| | | | | | Food Service | 280.00 |
| | | | | | General Acct | 240.00 |
| | | | | | EZPay In-Transit | 520.00 |
| | | | | | Adjustments | (2.82) |
| | | | Total | 0.00 | Total | 517.18 |
| Total Fund Balance | 87,772,677.57 | Book Balance | 87,772,677.57 | Bank Balance | 881,157.91 | |
| Plus: outstanding warrants | 84,862.52 | Plus: outstanding warrants | 84,862.52 | Plus: investments | 86,975,865.00 | |
| | 0.00 | Plus: book adjustments | 0.00 | Plus: bank adjustments | 517.18 | |
| Adjusted Fund Balance | <u>\$87,857,540.09</u> | Adjusted Book Balance | <u>\$87,857,540.09</u> | Adjusted Bank Balance | <u>\$87,857,540.09</u> | |

I hereby certify the foregoing to be correct to the best of my knowledge and belief


Randy L. Seymour, Treasurer

WINTON WOODS CITY SCHOOLS

General Fund Receipts

November 30, 2017

| | <u>Estimated Revenue</u> | <u>% of Revenue</u> | <u>Revenue MTD</u> | <u>Revenue FYTD</u> | <u>Percentage Received</u> |
|------------------------------|------------------------------|-------------------------|------------------------|-------------------------|--------------------------------|
| Local: | | | | | |
| Real Estate Taxes | \$22,200,000 | 45.43% | \$0 | \$10,666,801 | 48.05% |
| Personal Property | 0 | 0.00% | 0 | 0 | 0.00% |
| Tuition (1) | 2,630,000 | 5.38% | 80,377 | 1,177,591 | 44.78% |
| Interest | 150,000 | 0.31% | 45,545 | 176,957 | 117.97% |
| Student Fees | 25,000 | 0.05% | 820 | 4,162 | 16.65% |
| Rental Fees | 225,000 | 0.46% | 8,688 | 73,476 | 32.66% |
| Other (2) | 887,500 | 1.82% | 635 | 432,508 | 48.73% |
| Total Local Revenue | <u>26,117,500</u> | <u>53.45%</u> | <u>136,065</u> | <u>12,531,494</u> | <u>47.98%</u> |
| State: | | | | | |
| Foundation Fund | 18,275,000 | 37.40% | 1,545,413 | 7,999,238 | 43.77% |
| Homestead & Rollback | 2,800,000 | 5.73% | 0 | 1,402,439 | 50.09% |
| Other (3) | 1,442,000 | 2.95% | 29,087 | 431,089 | 29.90% |
| Total State Revenue | <u>22,517,000</u> | <u>46.08%</u> | <u>1,574,500</u> | <u>9,832,767</u> | <u>43.67%</u> |
| Federal: | | | | | |
| Other (4) | 230,000 | 0.47% | 405 | 12,304 | 5.35% |
| Total Federal Revenue | <u>230,000</u> | <u>0.47%</u> | <u>405</u> | <u>12,304</u> | <u>5.35%</u> |
| GRAND TOTAL | <u>\$48,864,500</u> | <u>100.00%</u> | <u>\$1,710,970</u> | <u>\$22,376,565</u> | <u>45.79%</u> |

(1) Includes summer school, special education, regular classes, and open enrollment

(2) Includes all other receipts not otherwise classified

(3) Includes catastrophic and tangible reimbursement

(4) Includes Medicaid and e-rate reimbursement

WINTON WOODS CITY SCHOOLS
General Fund Expenditures by Object
November 30, 2017

| | <u>Appropriation</u> <u>+ Carry Over</u> | <u>% Total</u> <u>Appr.</u> | <u>Expended</u> <u>MTD</u> | <u>Expended</u> <u>FYTD</u> | <u>Encumbered</u> <u>FYTD</u> | <u>Balance</u> | <u>% Spent</u> |
|----------------------------|---|--------------------------------|-------------------------------|--------------------------------|----------------------------------|---------------------|----------------|
| Personal Services (100) | \$27,930,000 | 52.05% | \$2,322,070 | \$11,067,583 | \$0 | \$16,862,417 | 39.63% |
| Fringe Benefits (200) | 9,619,550 | 17.93% | 407,994 | 3,403,230 | 155,655 | 6,060,665 | 37.00% |
| Purchased Services (400) | 12,387,976 | 23.09% | 880,578 | 4,061,142 | 3,852,852 | 4,473,982 | 63.88% |
| Materials & Supplies (500) | 1,917,020 | 3.57% | 86,423 | 1,121,420 | 268,307 | 527,293 | 72.49% |
| Capital Outlay - New (600) | 855,000 | 1.59% | 64,107 | 400,053 | 229,217 | 225,731 | 73.60% |
| Other (800) | 744,600 | 1.39% | 9,011 | 254,019 | 46,384 | 444,197 | 40.34% |
| Transfers/Advances (900) | 207,900 | 0.39% | 0 | 20,000 | 0 | 187,900 | 9.62% |
| Total | <u>\$53,662,046</u> | <u>100.00%</u> | <u>\$3,770,182</u> | <u>\$20,327,447</u> | <u>\$4,552,414</u> | <u>\$28,782,185</u> | <u>46.36%</u> |

Object Numbers:

- 100** - Employees' salaries and wages - includes payment for sick leave, personal business leave, holiday pay, etc.
- 200** - Retirement, insurance coverage, workers' comp. fringe benefits
- 400** - Purchased services - utilities, postage, repairs, insurance, driver training, lease/purchase, mileage reimbursement, etc.
- 500** - Instructional supplies and materials, office supplies, textbooks, library books and materials
- 600** - Capital outlay - purchase of new equipment and vehicles
- 800** - Other - election expense, auditor and treasurer fees, audit costs, membership dues, liability insurance
- 900** - Temporary advances to other funds and transfers

Appropriation Summary:

| | |
|-----------------------------|---------------|
| FY18 Appropriations | \$53,590,000 |
| FY17 Carryover Encumbrances | <u>72,046</u> |
| Total Appropriations | \$53,662,046 |

WINTON WOODS CITY SCHOOLS
General Fund Expenditures by Function
November 30, 2017

| | <u>Appropriation</u> <u>+ Carry Over</u> | <u>% Total</u> <u>Appr.</u> | <u>Expended</u> <u>MTD</u> | <u>Expended</u> <u>FYTD</u> | <u>Encumbered</u> <u>FYTD</u> | <u>Balance</u> | <u>% Spent</u> |
|------------------------------------|---|--------------------------------|-------------------------------|--------------------------------|----------------------------------|----------------------------|----------------------|
| Regular (1100) | \$23,797,276 | 44.35% | \$1,621,757 | \$8,910,322 | \$625,480 | \$14,261,473 | 40.07% |
| Special (1200) | 9,215,012 | 17.17% | 695,071 | 3,486,088 | 933,154 | 4,795,771 | 47.96% |
| Pupils (2100) | 3,277,778 | 6.11% | 248,751 | 1,310,840 | 518,669 | 1,448,269 | 55.82% |
| Instructional Staff (2200) | 2,640,890 | 4.92% | 228,768 | 940,006 | 556,373 | 1,144,511 | 56.66% |
| Board of Education (2300) | 227,400 | 0.42% | 7,203 | 91,854 | 28,341 | 107,205 | 52.86% |
| School Adm. (2400) | 4,339,739 | 8.09% | 295,319 | 1,623,039 | 159,027 | 2,557,673 | 41.06% |
| Fiscal Services (2500) | 1,450,155 | 2.70% | 73,532 | 512,262 | 142,338 | 795,555 | 45.14% |
| Business Services (2600) | 282,080 | 0.53% | 19,479 | 104,538 | 45,843 | 131,699 | 53.31% |
| Oper. of Plant (2700) | 3,649,281 | 6.80% | 229,918 | 1,456,789 | 1,259,860 | 932,632 | 74.44% |
| Pupil Trans. (2800) | 2,636,300 | 4.91% | 167,995 | 1,086,046 | 208,141 | 1,342,113 | 49.09% |
| Central Support Services (2900) | 848,000 | 1.58% | 54,509 | 307,904 | 22,831 | 517,265 | 39.00% |
| Community Services (3000) | 31,500 | 0.06% | 39 | 27,971 | 61 | 3,468 | 88.99% |
| Extracurricular (4000) | 873,100 | 1.63% | 102,623 | 414,588 | 36,685 | 421,827 | 51.69% |
| Capital Outlay (5000) | 185,635 | 0.35% | 25,218 | 35,199 | 15,612 | 134,825 | 27.37% |
| Contingencies and Transfers (7000) | 207,900 | 0.39% | 0 | 20,000 | 0 | 187,900 | 9.62% |
| Total | <u><u>\$53,662,046</u></u> | <u><u>100.00%</u></u> | <u><u>\$3,770,182</u></u> | <u><u>\$20,327,447</u></u> | <u><u>\$4,552,414</u></u> | <u><u>\$28,782,185</u></u> | <u><u>46.36%</u></u> |

Functions:

Instruction (1100 – 1200): Instruction includes the activities directly dealing with the teaching of pupils or the interaction between teacher and pupil. Teaching may be provided for pupils in a school, in a classroom, in another location, such as in a home or hospital, and through other approved media such as television, radio, telephone and correspondence.

Pupils (2100): Activities which are designed to assess and improve the well-being of pupils and to supplement the teaching process. e.g., Pupil personnel, guidance, health, psychological, speech and audiology, attendance, graduation and student assembly services.

Instructional Staff (2200): Activities associated with assisting the instructional staff with the content and process of providing learning experiences for pupils. e.g., Curriculum development, staff training, ed. aides and media services.

Board of Education (2300): Activities concerned with establishing policy in connection with operating the District.

School Administration (2400): Activities concerned with administrative responsibility e.g., Supt. & Principal offices.

Fiscal (2500): Activities associated with the financial operations of the District. e.g., Treasurer's office.

Business (2600): Activities concerned with directing & managing service areas. e.g., Business Manager's office.

Operation of Plant (2700): Activities concerned with keeping the physical plant open, comfortable and safe for use and keeping buildings and equipment in an efficient working condition. e.g., Maintenance & custodial areas.

Transportation (2800): Activities concerned with the conveyance of students to and from school and to activities.

Statistical Services (2900): Activities, other than general administration, which support each of the other instructional and supporting services programs. e.g., Personnel and technology.

Community Services (3200): Payments made by the District to support activities that do not directly relate to providing education for pupils in the District.

Extracurricular Activities (4000): Subject matter and/or activities not provided in regular classes. Generally, participation is not required and credit is not given.

Capital Outlay (5000): Improvements to the District buildings & land.

Contingencies (7000): To be used for unanticipated emergencies.

Appropriation Summary:

| | |
|-----------------------------|---------------------|
| FY18 Appropriations | \$53,590,000 |
| FY17 Carryover Encumbrances | <u>72,046</u> |
| Total Appropriations | <u>\$53,662,046</u> |

WINTON WOODS CITY SCHOOLS

Year To Date Summary as of
November 30, 2017

| FUND | Beginning Balance | FYTD Revenues | FYTD Expenditures | Current Fund Balance | Current Encumbrances | Unencumbered Fund Balance |
|----------------------------------|----------------------|---------------------|----------------------|-------------------------|-------------------------|------------------------------|
| 001 General | \$19,318,152 | \$22,376,565 | \$20,327,447 | \$21,367,269 | \$4,552,414 | \$16,814,856 |
| Special Revenue Funds: | | | | | | |
| 018 Public School Support | 38,421 | 20,228 | 16,938 | 41,711 | 12,690 | 29,021 |
| 019 Other Grants | 81,651 | 6,123 | 7,262 | 80,511 | 6,384 | 74,127 |
| 034 Classroom Facilities Maint. | 104,703 | 99,497 | 985 | 203,215 | 0 | 203,215 |
| 300 District Managed Activity | 66,572 | 161,011 | 125,818 | 101,765 | 45,032 | 56,734 |
| 401 Auxiliary Services | 48,311 | 192,159 | 81,980 | 158,490 | 213,770 | (55,280) |
| 439 Preschool Education | 0 | 28,412 | 27,037 | 1,375 | 0 | 1,375 |
| 451 Data Communication | 0 | 5,400 | 0 | 5,400 | 0 | 5,400 |
| 461 Vocational Ed Enhancements | 0 | 620 | 615 | 5 | 500 | (495) |
| 516 IDEA | 5,824 | 327,009 | 322,769 | 10,064 | 63,492 | (53,428) |
| 536 Title I School Improvement | 255 | 10,667 | 10,663 | 259 | 0 | 259 |
| 551 Limited English Proficiency | 288 | 38,636 | 38,427 | 497 | 0 | 497 |
| 572 Title I | 392 | 484,942 | 455,328 | 30,006 | 36,156 | (6,150) |
| 587 IDEA Early | 293 | 8,914 | 8,935 | 271 | 0 | 271 |
| 590 Title II-A | 410 | 44,708 | 43,015 | 2,103 | 2,520 | (417) |
| 599 Miscellaneous Federal Grants | 0 | 218 | 218 | 0 | 5,500 | (5,500) |
| Debt Service Funds: | | | | | | |
| 002 Bond Retirement | 65,054,999 | 1,504,143 | 65,016,021 | 1,543,121 | 1,310,640 | 232,481 |
| Capital Projects Funds: | | | | | | |
| 003 Permanent Improvement | 672,301 | 298,492 | 568,240 | 402,553 | 406,233 | (3,680) |
| 004 Building | 10,647,858 | 49,504 | 72,630 | 10,624,732 | 501,412 | 10,123,320 |
| 010 Classroom Facilities | 51,572,374 | 1,166,456 | 292,018 | 52,446,812 | 7,428,665 | 45,018,147 |
| 007 Special Trust | 87,920 | 16,147 | 23,125 | 80,942 | 9,141 | 71,801 |
| Agency Funds: | | | | | | |
| 200 Student Activity | 45,374 | 7,984 | 4,499 | 48,859 | 3,423 | 45,437 |
| 022 District Agency | 0 | 12,844 | 12,844 | 0 | 0 | 0 |
| Enterprise Funds: | | | | | | |
| 006 Food Services | 675,819 | 635,770 | 688,871 | 622,718 | 204,714 | 418,004 |
| Total | <u>\$148,421,914</u> | <u>\$27,496,449</u> | <u>\$88,145,686</u> | <u>\$87,772,678</u> | <u>\$14,802,685</u> | <u>\$72,969,992</u> |



WINTON WOODS
CITY SCHOOL DISTRICT

TO: WWCSB Board of Education
 FROM: Randy Seymour, Treasurer
 DATE: November 30, 2017
 SUBJECT: November Investments

The Treasurer requests official approval of the following investments of interim funds made November 30, 2017

| | <u>Investments</u> | <u>Interest</u> | <u>Interest Rate</u> | |
|---------------------------|----------------------------|-------------------------|----------------------|--------------------------|
| General Fund: | | | | |
| Money Markets: | | | | |
| Star Ohio | \$12,193,850 | \$12,340 | 1.27% | |
| Meeder Investments | 12,404,763 | 32,646 | various | |
| 5th/3rd | 878,308 | 558 | 0.20% | Includes earnings credit |
| | <u>25,476,921</u> | <u>45,545</u> | | |
| Building Fund: | | | | |
| Local Share: | | | | |
| Money Markets: | | | | |
| Star Ohio | 2,767,590 | 2,829 | 1.27% | |
| Meeder Investments | 58,067,099 | 57,502 | various | |
| | <u>60,834,689</u> | <u>60,331</u> | | |
| Building Fund: | | | | |
| State Share: | | | | |
| Money Markets: | | | | |
| Star Ohio | 1,542,564 | 1,577 | 1.27% | |
| | <u>1,542,564</u> | <u>1,577</u> | | |
| Total | <u><u>\$87,854,173</u></u> | <u><u>\$107,453</u></u> | | |

RESOLUTION No. 12-133-17

RESOLUTION ADOPTING AND APPROVING AGREED ENTRY AND RELEASE OF ALL CLAIMS

WHEREAS, Coalition Opposed to Additional Spending & Taxes (“COAST”) filed claims against Jessica Miranda, Dr. Viola Johnson, Katrina Rugless, Jeff Berte, Paula Kuhn and the Board of Education of the Winton Woods City School District (“Board”) in a case styled *State of Ohio, ex rel. Coalition Opposed to Additional Spending & Taxes v. Jessica Miranda, et al.*, Hamilton County Court of Common Pleas Case No.: A1703045 (“the litigation”);

WHEREAS, the claims alleged that the Board violated the Open Meetings Act (Ohio Rev. Code 121.22);

WHEREAS, the parties, by and through counsel, have reached a tentative agreement to resolve the litigation as detailed in the Agreed Entry, attached hereto as **Exhibit A**;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Winton Woods City School District that:

Section 1: The Board officially approves the Agreed Entry and its submission to the Court;

It is recommended the Board approve the following Resolution:

RESOLUTION No. 12112017-02

RESOLUTION ADOPTING AND APPROVING AGREED ENTRY AND RELEASE OF ALL CLAIMS

WHEREAS, Lana Sims, Charles W. Sims, Sr. and Charles W. Sims, Jr. (“Sims”) filed claims against Patty D’Arcy and the Board of Education of the Winton Woods City School District (“Board”) in a case styled *Charles Sims, Jr., et al. v. Board of Education of Winton Woods School District*, et al, Case No. 1:16-cv-00281 (S.D. Ohio) (“the litigation”). The claims against Ms. D’Arcy were voluntarily dismissed without prejudice by Plaintiffs;


WHEREAS, the parties entered into settlement discussions to explore resolution of the litigation in a manner that minimized additional cost and expense to each respective party;

WHEREAS, the parties, by and through counsel, have reached a tentative agreement to resolve the litigation as detailed in the Release of All Claims, attached hereto as **Exhibit B**;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Winton Woods City School District that:

Section 1: The Board adopts and approves the Release of All Claims, as contained in **Exhibit B**, and authorizes the Board President to execute the document. The Board also authorizes the Treasurer to make the payment of \$32,500 as its contribution to the settlement. The remaining monies are to be paid by the District’s insurer.

ADOPTED this 11th day of December, 2017.



Mrs. Jessica Miranda, President

1. For and in consideration of ONE HUNDRED SIXTY-FIVE THOUSAND (\$165,000.00) Dollars, and other good and valuable consideration, paid on behalf of **Patty D’Arcy and Board of Education of Winton Woods School District (“BOARD”)**, their heirs, predecessors, successors in interest, assigns, affiliated persons, and related entities, as well as current and former board members, officers, administrators, employees, contractors, volunteers, agents, partners, attorneys, insurers, reinsurers and underwriters (hereinafter referred to collectively or individually as **“WINTON WOODS”**), **Lana Sims and Charles W. Sims, Sr.**, individually and as the parents, guardians and next of friends of **Charles W. Sims, Jr. and Charles W. Sims, Jr.**, individually, (hereinafter **“CLAIMANTS”**), hereby fully and forever RELEASE, ACQUIT, and DISCHARGE **WINTON WOODS**, from any and all actions and causes of action, suits, debts, claims and demands whatsoever in law and in equity, which they ever had, now have, or which their heirs, executors or administrators may have, by reason of any matter, cause or thing whatsoever, from the beginning of **Charles W. Sims, Jr. (DOB 12/05/1996)** (**“STUDENT”**) enrollment at Winton Woods School District to the date of this Release, including but not limited to, any claims which have been asserted, could have been asserted or could now be asserted, whether known or unknown, including any claims under any federal, state or local laws, any common law claims now or hereafter recognized, claims based on theories of contract or tort, whether in common law or otherwise, and all claims for attorney’s fees and costs.
2. **CLAIMANTS** hereby agree that they will dismiss with prejudice the suit brought in the United States District Court for the Southern District of Ohio, captioned *Charles Sims, Jr., et al. v. Board of Education of Winton Woods School District, et al*, Case No. 1:16-cv-00281.
3. **CLAIMANTS** agree that the IEP team meeting held on or about May 22, 2017 fulfilled the BOARD’s obligation to conduct a summary of performance prior to exiting STUDENT from special education services under IDEA due to his graduation with a regular high school diploma. CLAIMANTS agree that STUDENT has met the requirements for a regular high school diploma and is no longer entitled to a free, appropriate, public education under IDEA.

4. **CLAIMANTS** acknowledge that the settlement agreement executed by **CLAIMANTS** on October 5, 2017 and by **BOARD** on October 9, 2017 is merged into the parties' agreement concerning the settlement of the suit described in Section 2 above. No payments shall be made to **CLAIMANTS** pursuant to that October agreement, and the **BOARD** shall have no other obligations under that agreement. The Parties acknowledge that the fund created by the October, 2017 settlement agreement is dissolved and any legal fees due under that prior agreement are included in settlement monies described in Paragraph 1 of this Release.
5. In the event any taxes are owed on the payments made to **CLAIMANTS** as described above, **CLAIMANTS** shall be solely responsible for the payment of any such taxes, and agree to indemnify and hold **WINTON WOODS** harmless in the event any liability is incurred by **WINTON WOODS** as a result of **CLAIMANTS'** failure to properly report and pay such taxes.
6. **CLAIMANTS** understand that the Board's insurer will issue IRS Form 1099 to Lana Sims and her attorneys for settlement of the claims. The settlement proceeds will be divided as follows: \$ 106,817.76 to **CLAIMANTS** and \$58,182.25 to the attorneys for the **CLAIMANTS**. The payment to **CLAIMANTS** shall be made in the form of a check made payable to "Charles Sims, Jr. and Lana Sims and Charles Sims, Sr."
7. **CLAIMANTS** waive any right to payment of attorney's fees, costs and other compensation, other than those detailed in this Release.
8. From the proceeds of this settlement, **CLAIMANTS** hereby agree to satisfy any and all subrogation liens or interests and/or unpaid medical bills for **STUDENT's** care or treatment which is related to the incidents described in the allegations of the suit identified in Paragraph 2.
9. **CLAIMANTS** acknowledge that they are solely responsible for the payment of all outstanding medical liens.
10. Pursuant to the Medicare, Medicaid and SCHIP Extension Act of 2007, effective July 1, 2009, by accepting this settlement the **CLAIMANTS** acknowledge that they have not yet received Medicare payment of any expenses related to this matter. **CLAIMANTS** further state that: (1) There are no Medicare liens as related to this matter; and (2) They

will not seek Medicare payments for any injuries/medical expenses for themselves or **STUDENT** related to this matter.

11. **CLAIMANTS** hereby agree to indemnify and hold harmless **WINTON WOODS** from any and all claims, liens, demands, actions, liabilities, damages, judgments, losses and expenses made against or sustained by **WINTON WOODS** as a result of any amounts sought, claimed or recovered by any person, medical provider, insurer, government agency, creditor, third party or other entity, including but not limited to the Ohio Department of Job and Family Services, Medicare and/or Medicaid, arising out of payments made to **CLAIMANTS**, individually, in a representative capacity, or on behalf of **STUDENT**, as a result of occurrences described in the suit identified in Paragraph 2. Such indemnification shall include all attorney fees, court costs, interest and other expenses incurred in defending any such claims or demands.
12. In reaching this compromise, **CLAIMANTS** agree that the settlement date is the date upon which this Release is properly and fully executed. **CLAIMANTS** further agree that the settlement funds are not due and payable until such time the Release is properly and fully executed.
13. **CLAIMANTS** represent that they have not assigned or attempted to assign any rights, claims, remands, or causes of action of any kind against **WINTON WOODS**.
14. **CLAIMANTS** agree that if they are asked by any person having knowledge of their claims about their status, they will either not respond, or will say only that “the matter has been resolved, and I am not able to discuss the details,” Or similar language. **CLAIMANTS** promise and agree that, following the execution of this Release, except as required by law, they will not disclose, cause or allow to be disclosed the terms, conditions or other details of this Release. **CLAIMANTS** may disclose the terms of this Release to Yvetta Collins, governmental agencies, attorneys and tax advisors, with the understanding that any unauthorized disclosure by Yvetta Collins, their attorney or tax advisor, shall be deemed a breach by **CLAIMANTS** of their obligations under this paragraph.
15. **CLAIMANTS** understand and agree that by entering into this agreement **WINTON WOODS** does not admit any violation of any federal or state statute, the common law, or

any of STUDENT's rights. To the contrary, WINTON WOODS denies all such allegations made by CLAIMANTS.

16. CLAIMANTS represent and acknowledges that in executing this agreement they do not rely and have not relied upon any representation or statement not set forth herein made by WINTON WOODS with regard to the subject matter, basis or effect of this agreement or otherwise. CLAIMANTS understand and agree that this agreement supersedes and replaces all prior negotiations and representations. This Release is a complete agreement and CLAIMANTS represent and acknowledge that there are no other promises, agreements or representations, obligations or understandings between them and WINTON WOODS, except those specifically stated this Release.

17. CLAIMANTS understand and agree that this Release cannot be altered by oral agreements.

18. The provisions of this Release are severable, and if any part of it is found to be unenforceable, the remaining parts shall remain fully valid and enforceable.

19. We have read this Release in its entirety, and sign below, indicating our knowing and voluntary agreement to its terms, after having the unlimited opportunity to consult with our attorneys.

Charles W. Sims, Sr.

Date

Lana Sims

Date

Charles W. Sims, Jr.

Date

I, Yvetta Collins, hereby promise to uphold the confidentiality of this Agreement.

Yvetta Collins

Date

Any claim against WINTON WOODS for attorney fees is hereby waived, other than as described herein.

RELEASE OF ALL CLAIMS

Richard Ganulin

Date

Stephen Imm

Date