

**INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT
MINUTES**

Regular Meeting of November 10, 2015

A regular meeting of the Indian Hill Exempted Village School District was held on Monday, November 10, 2015, at 5:45 p.m. in the Indian Hill School District Offices, Wetterstroem Conference Room, 6855 Drake Road, Cincinnati, Ohio 45243 in accordance with notices sent to each member. Roll call showed the following members as present:

Dr. Hooker
Mr. Lutz

Mrs. Johnston
Mr. Sharp

Mrs. Lewis

Also present were Dr. Miles, Mrs. Toth, Mark Ault, Jim Nichols, Melissa Stewart, Bridgette Ridley, Andrea Brady, Elizabeth Ruebusch, Steve Seeger, Anne Kuhn, Tom Millard, John Slonim, Lori Klinedinst, Marci Blachman, Lyle Fiore, Mary Siegel, Tom Butt, Forrest Sellers, and others.

EXECUTIVE SESSION (111501) Mr. Lutz moved, seconded by Mrs. Johnston, to move into Executive Session at 5:45 p.m. to discuss the a personnel matter and pending litigation. Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

The Board reconvened its regular session at 6:52 p.m.

RECESS (111502) Mrs. Lewis moved, seconded by Dr. Hooker, to recess its regular meeting at 6:52 p.m. and to reconvene at 7:00 p.m. in the Indian Hill High School Multipurpose Room, 6865 Drake Road, Cincinnati, OH 45243. Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

The Board reconvened its regular session at 7:00 p.m. in the Indian Hill High School Multipurpose Room, 6865 Drake Road, Cincinnati, OH 45243. Roll call showed the following members as present:

Dr. Hooker
Mr. Lutz

Mrs. Johnston
Mr. Sharp

Mrs. Lewis

PLEDGE OF ALLEGIANCE – Dr. Miles led the recitation of the Pledge of Allegiance with those in attendance.

ADOPTION OF REGULAR MEETING AGENDA (111503) Dr. Hooker moved, seconded by Mrs. Johnston, to adopt the agenda of the regular business meeting of the Indian Hill Board of Education, as amended, to include the approval of various supplemental contracts. All members present voted aye. Motion carried.

CORRESPONDENCE AND ANNOUNCEMENTS – Dr. Miles announced the following recent accomplishments and recognitions of our students and staff.

The High School Girls Soccer team made the Final Four in state tournament competition and is in action this evening vs. Granville in Xenia. With a victory, the team would advance to the state championship match on Friday at a time to be determined.

Our Braves Football team maintained its perfect record by defeating Wyoming 31-14 in the first round of the playoffs on (last) Saturday evening at Tomahawk Stadium. The team will face a tough Clinton-Massie team on (this) Saturday at 7:00 pm at Princeton High School.

Under the direction of Kendra Leonard, Indian Hill Middle School will present the fall play on Friday, November 13, and Saturday, November 14, at 7:00 pm. Each night will include two performances – *Much Ado About Nothing* and *Twelfth Night*. Tickets are \$7 in advance and \$9 at the door.

The District will host an Open House for the Auditorium expansion on Tuesday, December 1, from 6:00-6:45. Those attending will receive a tour of the expansion followed by a small reception with light refreshments. Those attending will also be invited to stay for the High School Winter Band Concert beginning at 7:00 pm.

CORRESPONDENCE AND ANNOUNCEMENTS - continued

INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT
MINUTES - November 10, 2015

Dr. Miles reported that District representatives are continuing to explore various options for modifying school start times. Students, parents, and community members should anticipate the deployment of a survey in early December to allow the District to gather feedback related to one or more options. To gather additional feedback, I plan to host some focus groups with Middle and High School students as well.

Dr. Miles recognized the work of Community Press reporter, Forrest Sellers. As you know, the Indian Hill School District has had a long-standing positive relationship with Forrest. Forrest is being recognized by the District and the Ohio School Boards Association for fair and balanced education reporting and exemplary service to our community. We appreciate our positive relationship with Forrest and his continuing coverage of the District.

APPROVAL OF BOARD POLICY REVISIONS/ADOPTIONS (111504) Mrs. Johnston moved, seconded by Mrs. Lewis, to adopt the following policies as revised and/or newly created:

- a. J-4 School Admissions
- b. J-17 Exclusions and Exemptions from School Attendance
- c. J-43 Administering Medicine to Students
- d. J-44 Diabetes Policy
- e. J-58 Possession, Maintenance & Administration of Unlicensed Epinephrine Autoinjectors (NEW)
- f. I-62 Reading Skills Assessments & Intervention (Third Grade Reading Guarantee)

Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

APPROVAL OF OVERNIGHT FIELD TRIP (111505) Mrs. Johnston moved, seconded by Mrs. Lewis, to approve the following overnight field trip:

- (1) Cross Country – Training Camp, Hueston Woods State Park, July 26-29, 2016

Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

ACCEPTANCE OF DONATIONS (111506) Mrs. Johnston moved, seconded by Mrs. Lewis, to accept the following donations, as presented:

- b. Indian Hill Boosters
 - i. Elementary School – Choir Accompanist, \$800
 - ii.

Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

PERSONNEL ACTIONS (111507) Mrs. Johnston moved, seconded by Mrs. Lewis, to approve the following personnel matters as recommended by the Superintendent:

**INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT
MINUTES - November 10, 2015**

A. Approval of Supplemental/Personal Service Contracts – 2015-16 year

EMPLOYEE	CONT	BLD	CONTRACT POSITION/DUTY	RATE	AMOUNT
Savage, Susan	SUPP	ATH	Cross Country, District/Regional Competition	0.5%	\$190.60
Doenecke, Matthew	PSC	ATH	Golf, Boys, District/Regional Competition	0.25%	\$95.30
Sheldon, Christoph	PSC	ATH	Golf, Boys, District/Regional Competition	0.25%	\$95.30
Annett, Cynthia	PSC	ATH	Golf, Girls, District/Regional/State Competition	50%	\$190.60
Samuels, Gary	PSC	ATH	Tennis Coach, Girls, District/Regional/State Comp'n	1%	\$381.20
Lamb, Kyle	PSC	HS	Marching Band Instructor, Percussion - Aug-Nov 2015		\$1,000.00
Clary, Phil	SUPP	HS	PowWow Accompanist		\$2,000.00
Barker, Donald	SUPP	HS	PowWow Orchestra Director		\$1,500.00

Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

APPROVAL OF MINUTES (111508) Dr. Hooker moved, seconded by Mrs. Johnston, to adopt the minutes of the October 13, and October 26, 2015 meetings as presented. Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

APPROVAL OF FINANCIAL REPORTS (111509) Dr. Hooker moved, seconded by Mrs. Johnston, to approve the financial reports for the month ending October 31, 2015 including Fund Reports and Expenditure/Warrant Listings totaling \$3,847,568.84, as presented:

General Fund	\$3,595,705.76
Bond Retirement Fund	\$0.00
Permanent Improvement	\$26,427.61
Enterprise Funds	\$84,806.02
Special Revenue Funds	\$113,414.49
Special Trust Funds	\$0.00
Agency Funds	\$27,214.96
TOTAL ALL FUNDS, October 31, 2015	\$ 3,847,568.84

Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

APPROVAL TO PAY INVOICES (111510) Dr. Hooker moved, seconded by Mrs. Johnston, to approve the following invoices prior to payment in accordance with Section 5705.41 (D)(1):

VENDOR	ITEM DESCRIPTION	AMOUNT
Schools In	Office Furniture and Equipment for Middle School	\$4,336.87
YMCA Camp Kern	Junior Class Retreat	\$4,032.00

Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

APPROVAL TO SET FY2017 BUDGET HEARING AND ORGANIZATION MEETING DATE 2016 (111511) Dr. Hooker moved, seconded by Mrs. Johnston, to set Tuesday, January 12, 2016 at 7:00 p.m. in the Indian Hill High School Multipurpose Room as the Budget Hearing on the FY2017 Budget and the Organizational Meeting for the Indian Hill Board of Education. Roll call vote was as follows:

**INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT
MINUTES - November 10, 2015**

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

COMMITTEE REPORTS – Mrs. Lewis, Board Vice-President, reported to the Board on the proposed settlement in the property tax litigation matter. As part of the settlement, the Board has agreed to refund the full amount of property taxes requested by plaintiffs in the current action pending in the Hamilton County Court of Common Pleas. The amount of property taxes the Board has agreed to refund is \$5,500,000, and is almost \$2,000,000 in excess of the increase in property taxes that resulted from the disputed change in the Board's property tax budget in 2010. Nonetheless, in an effort to put this matter behind the District so it can focus on educating our school children without the distraction of continued litigation, the Board has agreed to make a refund of the larger amount of property taxes, plus interest, as requested by the plaintiffs in their complaint.

Also as requested by the plaintiffs, the Board has agreed not to oppose plaintiffs' request that \$860,000 of the refund amount be paid to plaintiffs' lawyers as attorney fees and costs, and an additional \$40,000 of the refund be paid to the individual plaintiffs. This refund amount to be paid to each taxpayer represents approximately 4% of the total property taxes paid by an individual taxpayer to the District in the relevant years. The District's residential and commercial property taxpayers who paid property taxes in 2011, 2012, 2013 and 2014 will be receiving a class action notice from the Court or its designee informing the taxpayer of the settlement. As part of this notice, each taxpayer will be provided the option of either receiving a check for the refund or donating the refund to the Indian Hill Public Schools Foundation, a non-profit 501(c)(3) entity that builds financial and other community resources to support sustained excellence in the Indian Hill Public Schools so that all students have the opportunity to achieve their highest potential.

Although the settlement has been agreed to by the parties to the lawsuit, it still has to be approved by the court. We anticipate the court approval will take a few months, and at this time we anticipate that the class action notice letters will be sent out in the next 2-3 months, and any refund checks issued in the next 4-6 months.

(It should be noted that prior to the Board's vote on this matter, a period of public commentary was provided.)

**A RESOLUTION AUTHORIZING A SETTLEMENT AND RELEASE OF THE PROPERTY TAX LITIGATION
PENDING IN THE HAMILTON COUNTY COURT OF COMMON PLEAS RESOLUTION (111512)**

Mrs. Lewis

moved, seconded by Dr. Hooker, the adoption of the following resolution:

BE IT RESOLVED by the Board of Education of the Indian Hill Exempted Village School District, County of Hamilton, State of Ohio, that:

WHEREAS, in December 2009, the Board of Education passed a property tax budget for 2010 including moving the designation of 1.25 inside mills from current expenses to permanent improvement and an increase in the effective rate of taxation on outside millage, and in April 13, 2010, the Hamilton County Budget Commission found the Board's 2010 tax budget to be a proper exercise of the Board's statutory authority.

WHEREAS, on January 6, 2012, an action was filed in the Hamilton County Court of Common Pleas by four individual taxpayers against the County Treasurer, County Auditor and the Board, styled *Fred Sanborn et al v. The Board of Education of the Indian Hill Exempted Village School District, et al.*, Case No. A 1200126 (the "Action"). In the original Complaint, Plaintiffs sought to enjoin collection of the effective tax increase in the Board's 2010 tax budget and also sought to recover any effective tax increase due to the Board's 2010 tax budget.

WHEREAS, in June 2012, the Court in the Action conditionally certified the Class and then stayed the Action.

WHEREAS, in a proceeding related to the Action, on December 2, 2014, the Supreme Court reversed the Board of Tax Appeals and determined that the Board's 2010 tax budget was not consistent with Ohio law.

**A RESOLUTION AUTHORIZING A SETTLEMENT AND RELEASE OF THE PROPERTY TAX LITIGATION
PENDING IN THE HAMILTON COUNTY COURT OF COMMON PLEAS RESOLUTION (111512) - continued**

WHEREAS, in response to the Supreme Court's December 2, 2014 decision, on December 8, 2014, the Board passed a resolution to refrain from collecting the 1.25 inside mill permanent improvement fund levy for the 2014 tax year.

**INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT
MINUTES - November 10, 2015**

WHEREAS, on January 15, 2015, the Court lifted the stay in the Action, and Plaintiffs filed an Amended Complaint seeking a tax refund for the 2010, 2011, 2012 and 2013 tax years, in the amount of \$5,288,071.28, plus interest.

WHEREAS, on or about July 1, 2015, the Parties filed an Agreed Entry Granting Plaintiffs' Renewed Motion for Class Certification, certifying a Class under Civil Rule 23(B)(2) as follows: All Indian Hill School District real estate property tax payers who paid increased rates of taxation as a result of the Hamilton County Budget Commission's April 20, 2010 Approval of the Indian Hill Exempted Village School District's December 15, 2009 Petition to Move 1.25 Inside Mills (the "Class Members").

WHEREAS, the Board and Plaintiffs in the Action, through legal counsel, have reached the attached Settlement and Release;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Indian Hill Exempted Village School District, County of Hamilton, State of Ohio, that:

Section 1. This Board finds that it is in the District's best interest to enter into a Settlement and Release with Plaintiffs in the Action substantially in the form attached hereto. The Board authorizes its President to execute the Settlement and Release substantially in the form attached hereto on the Board's behalf, and also authorizes the District's administration and attorneys to take all necessary steps to effectuate the Settlement and Release.

Section 2. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions, were in meetings open to the public, in compliance with the law.

Section 3. This Resolution shall be in full force and effect from and immediately upon its adoption.

Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

PUBLIC COMMENTARY – Mrs. Lori Klinedinst, Director of the Indian Hill Public Schools Foundation, thanked the Board for its grace and dignity in handling this difficult matter. She applauded the decision to move forward.

Mrs. Mari Siegel, representative from the Citizens for Responsible School Spending, also thanked the Board for moving forward to settle this matter. She was happy for taxpayers who would have the option to donate their refund to the Indian Hill Public Schools Foundation.

ADJOURNMENT (111513) Mrs. Lewis moved, seconded by Mrs. Johnston, to adjourn the November 10, 2015 regular meeting of the Indian Hill Board of Education at 7:23 p.m. Roll call vote was as follows:

Dr. Hooker, aye
Mr. Lutz, aye

Mrs. Johnston, aye
Mr. Sharp, aye

Mrs. Lewis, aye

Board President

Treasurer