**GEAUGA COUNTY BOARD OF MENTAL HEALTH**

**AND RECOVERY SERVICES**

**Jennifer Malainy 13244 Ravenna Road**

**Chairman of the Board Chardon, Ohio 44024**

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**Board Minutes October 27, 2021**

**BOARD MEMBERS PRESENT:** Ann Bagley, Alberta Chokshi, Walter Claypool, Martin Fay, James Lee Holden, Vanessa Jensen, Kathy Johnson, Carolee Lesyk, Jennifer Malainy, Linda Miller, Gregory O’Brien, Steven Oluic, Michael Petruziello, Mary Ruth Shumway

**BOARD MEMBERS ABSENT:** None

**GUESTS:** Mary Wynne-Peaspanen (Signature Health), Michelle Bertman (Catholic Charities)

**STAFF PRESENT:** Jim Adams, Amie Martin-D’Arienzo, Jim Mausser, Teresa Slater

1. **CALL TO ORDER AND ROLL CALL**

Ms. Malainy said the meeting of the Geauga County Board of Mental Health and Recovery Services is called to order today, October 27, 2021, at 6:00 PM. She further said that this meeting is held in public for the purpose of conducting the Board’s business. As it relates to one issue which will be cited. No public comment will be allowed this evening unless the Board disagrees. Ms. Chokshi then called the roll for attendance purposes and the following Board members were present: Ann Bagley, Alberta Chokshi, Walter Claypool, Martin Fay, James Lee Holden, Kathy Johnson, Carolee Lesyk, Jennifer Malainy, Linda Miller, Gregory O’Brien, Steven Oluic, Michael Petruziello, Mary Ruth Shumway.

1. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by those in attendance.

1. **EXECUTIVE SESSION PURSUANT TO OHIO REVISED CODE 121.22(G)(1)**

Ms. Malainy suggested that the Board go into Executive Session pursuant to ORC 121.22(G)(1) to consider the potential dismissal or discipline of a public employee. Mr. Petruziello moved to go into Executive Session for the stated purpose. Ms. Johnson seconded the motion. (Dr. Jensen arrived at 6:03 PM). **ROLL CALL VOTE: AYES-14; NAYS-0; ABSTENTIONS-0. MOTION APPROVED.** The Board then went into Executive Session at 6:04 PM. The Board came out of Executive Session at 7:22 PM.

Mr. Claypool moved to issue a letter of reprimand to Jim Adams for behavior associated with the Meeting Minutes from August 21, 2019. Mr. Petruziello seconded the motion. Discussion: Dr. Oluic clarified with Mr. Claypool that this letter is specific to the book written by Mr. Adams. Mr. Claypool said that is correct. Mr. O’Brien said Mr. Adams has many, many years of experience and Mr. O’Brien is still learning. He just committed to Ms. Martin-D’Arienzo to get more involved in community meetings. He said there was a lot of confusion regarding the book. He doesn’t have a problem with writing the book, but he does have questions about how the information was acquired. He doesn’t want to look back any more but would like to move forward. Mr. O’Brien said it is incumbent upon Mr. Adams to let the whole Board know what is going on instead of just a few members. He wasn’t here at the time, but it was a controversial issue. Mr. O’Brien said this is a two-way street and he is part of the equation. He intends to become more involved and have more communication. There are things that he has seen and heard which are a little disappointing. He stressed that everyone should be included. He will do his part to assist in that, but Mr. Adams needs to do his part also. It is very difficult being so knowledgeable in this area. A lot of times there is resistance to change. In order to become a better organization that we can all be proud of, we have to look toward change and that goal should be embraced.

Dr. Jensen said she read the referenced Minutes. Her interpretation of the clause in question is that it is in reference to the employee contract that was being discussed and removing that clause from the contract. She feels the discussion revolved around the contract. She said someone cannot separate their experience and profession, what you write about at any point, from what you learn in that job, as long as you are not using material from before you did that job. Dr. Jensen said she has heard several members say that this Board could benefit from rethinking how the Board and the Director and the staff could work better together and find ways of working collaboratively to move things forward by being a more active Board.

Mr. Claypool wanted to make it very clear that the conversation which occurred on August 21, 2019 was a memorable experience. There was a lot of conversation about that and it is something our Director should know and remember. Mr. Claypool said it is not about the contract, but about the intent and what was discussed in that meeting. The discussion was, and this Board gave our Director – he was not on the Board at the time – a direction, which was do not to write a book without permission, but to come to the Board because intellectual property is important. Mr. Claypool said whether or not the Board had the right to do that or not is completely independent of the direction the Director was given. Mr. Adams’ duty and responsibility are to listen to the Board and follow what it says and to not do that is negligence. Mr. Claypool said that conversation should have been internalized by Mr. Adams and “I forgot” is not an excuse. Ignorance of the law is no excuse. He further said this Board created a law – Director, do not write a book without permission. That is the reason for the letter of reprimand. Dr. Lesyk said that conversation was in the context of the contract. She said it was a muddled report. Mr. Claypool responded that it is in the meeting minutes. Ms. Bagley said the Board has been through this before and called the question. Mr. Claypool said he has the floor and is not to be interrupted until he is done according to Roberts’ Rules of Order.

Mr. Petruziello said there were people on the Board who knew Mr. Adams was writing a book. He feels that was inappropriate and not a smart move by the Director in just sharing that with a few Board members. Mr. Petruziello said that information should have been shared with the entire Board. He then asked where personnel records are kept and Ms. Slater responded that they are in a locked filing room.

Mr. Claypool said everyone respects the amount of time Mr. Adams’ puts in and the good things that he has done, but the Director can’t be tone deaf. The Board has changed and they will have different expectations. He said Mr. Adams needs to be in tune with the staff and the Board and let them know when there are shortcomings. Mr. Claypool said Mr. Adams has to pay attention to what the Board is telling him and not just assume that he can ignore the Board’s direction. Ms. Shumway said all the Board members have a responsibility to get involved. The other part is that some of the Board members feel only certain people are in Mr. Adams’ close circle and others are excluded. She said the whole Board will work to get into that circle.

Ms. Malainy asked if there was any more discussion and asked if the Board wants to vote on the motion. Mr. Petruziello asked if the Board will talk about the content of the letter of reprimand. Mr. Claypool said that is what the discussion process is for. Mr. Petruziello asked if it will be brought back to the Board for approval.

Ms. Malainy clarified that the motion is to write a letter of reprimand. **ROLL CALL VOTE: AYES-7; NAYS-6; ABSTENTIONS-1. MOTION APPROVED.** Mr. Claypool commented that he doesn’t think it is appropriate for someone to abstain according to Roberts’ Rules of Order. They should either vote yes or vote no unless they have a cause. Mr. O’Brien said Board members are able to abstain, but he does not know what our Bylaws say. Mr. Mausser said someone can’t abstain just to avoid a vote. Mr. Claypool said that is the point he is trying to make. It is not appropriate for someone to abstain just because they don’t want to weigh in. Dr. Oluic said if he is forced to vote, he will change his vote to Yes. **THE FINAL VOTE IS: AYES-8; NAYS-6; ABSTENTIONS-0. THE MOTION IS STILL APPROVED.**

Several Board members asked if Mr. O’Brien would draft the letter. Mr. O’Brien said the Board has not voted on the content of the letter, but he has an idea of what the letter should say and he can then send it out for review. Dr. Jensen suggested making a motion that is a little clearer about what the letter is pertaining to. Ms. Malainy said the Board has already approved writing a letter and asked if Dr. Jensen is talking about an additional motion to talk about the content. Dr. Jensen said that is correct because it is very general and unclear what the letter will contain. Ms. Bagley commented that Mr. O’Brien is an attorney, but he is not the Board’s attorney. Mr. O’Brien said that is correct and suggested pursuing legal advice through the Prosecutor’s Office. Ms. Bagley responded that she has no problem with Mr. O’Brien drafting the letter, but feels it should be given to Assistant Prosecutor Susan Wieland to review. Mr. Claypool said there are no attorneys necessary in this process. Mr. O’Brien will prepare a draft of the letter of reprimand for the Board to review.

1. **ADJOURNMENT**

Mr. O’Brien moved to adjourn the meeting. Dr. Oluic seconded the motion. The meeting was adjourned at 7:34 PM.

**Respectfully submitted by:**

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**Ms. Teresa Slater**

**Secretary/Receptionist**

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**Ms. Jennifer Malainy**

**Chairman of the Board**

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**Ms. Alberta Chokshi**

**Secretary of the Board**