**GEAUGA COUNTY BOARD OF MENTAL HEALTH**

**AND RECOVERY SERVICES**

**Jennifer Malainy 13244 Ravenna Road**

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

**Amie Martin-D’Arienzo Phone: (440) 285-2282**

**Interim Executive Director Fax: (440) 285-9617**

**Board Minutes June 6, 2022**

**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:** Valerie Clause (Karlovec Media Group), Shelly Lewis (Geauga League of Women Voters), Mary Briggs (resident), Lee Miller (community member), Mary Wynne-Peaspanen (Signature Health)

**STAFF PRESENT:** Jim Mausser, Teresa Slater

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

Ms. Malainy called this Special Meeting of the Geauga County Board of Mental Health and Recovery Services to order at 6:00 PM today, June 6, 2022. She further stated that this meeting is being held in public for the purpose of conducting the Board’s business, but no public comments will be allowed today due to the nature of the meeting.

Ms. Chokshi called the roll for attendance purposes and the following Board members were present in person: Ann Bagley, Alberta Chokshi, Martin Fay, Vanessa Jensen, Kathy Johnson, Carolee Lesyk, Jennifer Malainy, Linda Miller, Steven Oluic, and Mary Ruth Shumway. The following Board members were participating virtually: Michael Petruziello, Walter Claypool, James Lee Holden, and Gregory O’Brien.

1. **EXECUTIVE SESSION TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL, OR THE INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL PURSUANT TO ORC SECTION 121.22(G)(1)**

**Ms. Malainy moved to enter into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual.** Ms. Malainy said the public will be brought back into the open meeting. She doesn’t know if there will be any action taken as a result of Executive Session. There was no second made.

Discussion: Mr. Fay said at the March 24th Board meeting, following a motion by Mr. Claypool, the Board voted 9 to 1 to not allow Board members to participate via zoom. He then asked why it is being allowed now. Ms. Malainy replied that pursuant to the bylaws she is allowed to do that and decided to allow zoom for this meeting. Mr. Fay then asked how the Chair can overrule a Board vote and decision. Ms. Malainy responded she believes she can regarding zoom. Ms. Chokshi said the resolution to not allow participation using zoom could only be overturned by another resolution, but the Board has not taken that action. Mr. Fay again asked if the Chair can override a vote of the Board.

Ms. Malainy suggested contacting County Prosecutor Jim Flaiz for clarification. Ms. Bagley objected because as a result of the resolution passed on March 24th she was not allowed to participate when she had Covid. Dr. Lesyk said she was not allowed to participate through zoom when she was experiencing medical issues and had surgery. Mr. Fay again asked for clarification as to why zoom is being allowed now.

Ms. Malainy again offered to call Prosecutor Flaiz and was encouraged to do so by Dr. Jensen and Mr. Fay. Dr. Jensen said at the March 24th meeting, Mr. Claypool informed the Board that according to the Prosecutor’s Office, the vote taken on March 16th to allow zoom participation was not valid. Based on that, the Board voted 9 to 1 to not allow zoom meetings. Dr. Jensen said she has since spoken to Prosecutor Flaiz, who denied making that statement and asked why the Board wasn’t using zoom.

Dr. Lesyk again expressed strong opposition to using zoom in this meeting, stating that she was denied access virtually when there was a good reason, and to allow it now is hypocritical and inappropriate. Ms. Malainy commented that Dr. Lesyk hasn’t been to a meeting in months. Dr. Lesyk responded that is because she couldn’t physically due to medical reasons, but she could have participated using zoom if it had been allowed. Ms. Malainy asked if Board members would like the zoom connection stopped. Mr. Fay said according to the vote already passed by the Board, the zoom link should be cut and there is no reason to continue debating this.

Dr. Jensen said Board members do not know the purpose of the Executive Session this evening. She then asked why Board members were not told about Ms. Martin-D’Arienzo’s resignation before it had been reported to the news. Mr. Fay commented that Ms. Malainy was quoted in the news story. Several Board members expressed anger and were upset about not being told.

Ms. Malainy tried to move forward with going into Executive Session. Mr. Fay responded that the issue about zoom needs to be resolved first. Since the Board has already voted on this, no zoom participation should be allowed. Ms. Malainy asked that the zoom participants be given an opportunity to speak. Dr. Lesyk emphatically and loudly stated that no zoom should be allowed and Ms. Malainy asked her to quiet down. Mr. O’Brien said he was participating from home so that he could run the Executive Session portion of the meeting. He then offered to come to the meeting and participate in person. Mr. O’Brien said he doesn’t disagree that the issue of not allowing zoom before and allowing zoom now is hypocritical. He is fine with closing the zoom link and he will be at the meeting in 20 minutes. Dr. Lesyk again voiced her displeasure. Ms. Malainy cautioned her to keep it together because she doesn’t want to have to call the Sheriff. This comment angered several of the Board members who were present.

Ms. Malainy again attempted to go into Executive Session. Mr. Fay asked how Ms. Martin-D’Arienzo submitted her resignation to Ms. Malainy, who responded that she was notified via email on Friday. Mr. Fay asked why the Board is only finding out now. Ms. Malainy responded because that has changed and is what she planned to discuss in Executive Session, but she has not been given the chance to do that. Mr. Fay said it was public record in the newspapers that Ms. Martin-D’Arienzo had resigned but no one on the Board knew. He asked how the news found out before Board members. Dr. Lesyk said Ms. Malainy could have let the board know. Ms. Malainy said there is a reason that she didn’t and that would be shared with the Board in Executive Session. Ms. Miller responded that it better be good and Ms. Malainy asked Ms. Miller what she is going to do about it if it is not.

Ms. Slater suggested that the Board take a break around 6:15 PM while waiting for Mr. O’Brien to arrive. Mr. O’Brien arrived at 6:32 PM and the meeting was reconvened at 6:33 PM by Vice Chair Oluic.

Mr. O’Brien asked Ms. Slater to read the Executive Session language as shown on the agenda which stated: Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual pursuant to Ohio Revised Code Section 121.22(G)(1). **Mr. O’Brien then moved to go into Executive Session for those purposes. Ms. Shumway seconded the motion.** Discussion: Dr. Jensen said previous Minutes show that the Board went into Executive Session for a different reason than what was originally stated, which was to include discussion about a succession plan. Dr. Jensen asked if the Board is really going to discuss the topics stated. Dr. Oluic said the Board will be discussing the employment and pay of a staff person. **Roll Call Vote: Ayes-8; Nays-2; Abstentions-0. Motion approved.** The public was asked to leave the conference room and was told they would be brought back in once Regular Session resumed. The Board went into Executive Session at 6:37 PM. The Board came out of Executive Session and was back in Regular Session at 7:40 PM. The public was invited to return. It was reported that no decision would be made as a result of Executive Session.

1. **ADJOURNMENT**

Ms. Johnson moved to adjourn the meeting. Ms. Shumway seconded the motion. The meeting was adjourned at 7:42 PM.

**Respectfully submitted by:**

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**Ms. Teresa Slater**

**Secretary/Receptionist**

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**Ms. Jennifer Malainy**

**Chairwoman of the Board**

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**Dr. Steven Oluic**

**Vice Chair of the Board**

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**Ms. Alberta Chokshi**

**Secretary of the Board**