

**MADISON BOARD OF EDUCATION
SPECIAL BOARD OF EDUCATION MEETING
August 16, 2008**

269-08 The Madison Local Board of Education met this day in special session at the Jr./Sr. High School. President Cappel called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Roll Call – Mr. Zimov

Present:	Mr. David French	Mr. Mark Zimov
	Mr. Brian McGuire	Dr. Chris Cline
	Mr. Tim Young	
	Mr. Glenn Cappel	

270-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. YOUNG, RESOLVED, to approve a resolution declaring a vacancy on the Board of Education, Madison Local School District:

RESOLVED, by the Board of Education of Madison Local Schools (“Board”), Butler County, Ohio, that:

WHEREAS, on July 21, 2008, the Ohio Attorney General in 2008 Ohio Op. Atty. Gen. No. 2008-024 found that the positions of a member of a board of education of a local school district and a township administrator within the same county are incompatible; such opinion is attached as Exhibit A, hereto; and

WHEREAS, Todd Farler, a member of the Board, accepted the position of Township Administrator of Madison Township, Butler County in January, 2008; and,

WHEREAS, the Ohio Supreme Court in *State ex. Rel. Hover v Wolven* held that when “an individual accepts a second office whose duties are incompatible with those of another office already held by such individual, the first held office is thereby vacated;” and,

WHEREAS, the Ohio Supreme Court held in *state ex rel. Witten v. Ferguson* that “the acceptance by an officer of a second office which is incompatible with the one already held is a vacation of the original office and amounts to an implied resignation or abandonment of [the original office]”; and,

WHEREAS, the Ohio Attorney General in 1985 Ohio Op. Atty. Gen. No. 85-006 found that once a board of education determines that a member of the board has, after accepting his/her office as a member of the board, accepted a second office whose duties are incompatible with those of a member of the board of education, the board may determine that the member has, in effect, resigned from the board of education, may recognize a vacancy on the board, and may fill the vacancy pursuant to Ohio Revised Code § 3313.11;

NOW, THEREFORE, BE IT RESOLVED, by the Board of education of Madison Local Schools, Butler County, Ohio that:

SECTION 1: Todd Farler effectively resigned as a member of the Board of Education of Madison Local Schools, Butler County, Ohio by signing a contract and serving as the township administrator of Madison Township, Butler County, Ohio.

SECTION 2: There is now a vacancy on the Board of Education of Madison Local Schools, Butler County, Ohio.

VOTE:

AYES: Mr. French, Mr. Young, Mr. Cappel

NO: Mr. McGuire

President Cappel declared the motion carried.

The Board scheduled a special board meeting for Wednesday, August 20, 2008, at 6:00 a.m. to consider applications and conduct interviews to fill the vacancy on the Board of Education, Madison Local Schools.

271-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, that the meeting be adjourned at 10:26 p.m.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried and the meeting adjourned.

SIGNED: _____, President, Madison Board of Education

SIGNED: _____, Treasurer/CFO