

ROCHESTER BOARD OF EDUCATION

Special Meeting Minutes

May 16, 2011

Minutes

Attendance: President Evans and Vice President Cruz, and Commissioners Campos, Elliott, Powell and White. Superintendent Jean-Claude Brizard. Board Clerk Shanai Lee.

I. President Evans convened the meeting at 5:03 p.m.

II. Speakers Addressing an Agenda Item

None

III. **Executive Session:** President Evans requested a motion to enter into Executive Session to discuss personnel matters relating to a specific individual. Motion to enter into executive session made Commissioner Powell and seconded by Commissioner White. Adopted 6-0 with Commissioner Williams absent.

IV. Resolutions

2010-11: 778: Motion to adopt Resolution No. 2010-11: 778 made by Commissioner Elliott and seconded by Commissioner Powell. Adopted 5-1 with Commissioner White dissenting and Commissioner Williams absent.

2010-11: 847: Motion to accept the Termination Agreement between the Rochester City School District and Jean-Claude Brizard stating the following:

WHEREAS, the Board and the Superintendent entered into an employment agreement "Employment Agreement" dated November 1, 2011 and effective January 2, 2011; and

WHEREAS, the Board and the Superintendent wish to terminate the Employment Agreement; and

WHEREAS, the Board and the Superintendent wish to enter into a written contract to set forth the terms and conditions of the termination of the Employment Agreement;

NOW, THEREFORE, the Board and the Superintendent, in consideration of the mutual promises contained herein, agree as follows:

1. Termination of Employment Agreement and Any Other Agreements Between the Parties.
 - A. The Employment Agreement and any provisions therein, express or implied, are hereby superseded by this Termination Agreement per paragraph 22 of the Employment Agreement.
 - B. The Employment Agreement and any and all other contracts whatsoever between the Parties, express or implied, are hereby terminated as of Monday, May 16, 2011 ("Termination Date").

- C. The Parties agree that RCSD's only obligation to the Superintendent after the execution of this Termination Agreement will be to pay the Superintendent his accrued salary at the rate agreed under the Employment Agreement through the Termination Date above; such payment will be per RCSD's standard practice and timetable for payment of employee salary payments.
- D. The Parties agree that RCSD does not owe and will not pay the Superintendent any payment whatsoever for any employment benefits whatsoever earned and accrued through the Termination Date above, if any, including but not limited to vacation days, paid holidays, sick leave days, personal leave days, or any other form of time off, accrued or otherwise.

2. Legal Counsel.

The Board and the Superintendent acknowledge that each has been represented in the negotiation and drafting of this Termination Agreement by independent legal counsel, and further acknowledge that each party's counsel has fully explained, and each party fully understands, the provisions of this Termination Agreement.

3. Authority of Board.

The Board represents and warrants that, as a corporate entity created by and acting under the New York State Education Law, it has the authority to enter into this Termination Agreement and thereby bind the District to the provisions of this Termination Agreement in accordance with this Termination Agreement's terms.

4. Entire Agreement.

This Termination Agreement contains the entire agreement of the Parties, notwithstanding any prior oral discussions or any other writings. This Termination Agreement may be modified only by written amendment signed by the Parties.

5. New York Law and Venue.

This Termination Agreement shall be interpreted and applied in accordance with the law of New York State, and the venue of any action or proceeding involving any provision of this Termination Agreement shall be Monroe County, New York.

6. Savings Clause.

If a court of competent jurisdiction finds that a specific provision of this Termination Agreement is unlawful, the remainder of the Termination Agreement not affected by such finding shall remain in full force and effect.

Motion to adopt Resolution No. 2010-11: 847 made by Vice President Cruz and seconded by Commissioner Elliott. Adopted 4-2 with Commissioner Powell and Commissioner White dissenting and Commissioner Williams absent.

IV. President Evans announced the next Board Business Meeting, scheduled for Thursday, May 26, 2010 at 6:30 p.m.

Motion to adjourn made by Vice President Campos. Seconded by Commissioner Cruz. Adopted 6-0 with Commissioner Williams absent at 8:00 p.m.