

**AN AGREEMENT FORMING THE MIAMI VALLEY EDUCATIONAL COMPUTER
ASSOCIATION REGIONAL COUNCIL OF GOVERNMENTS (MVECARCOG)
BY BOARDS OF EDUCATION WHO ARE CURRENT MEMBERS OF
THE MIAMI VALLEY EDUCATIONAL COMPUTER ASSOCIATION**

PREAMBLE

WHEREAS, the undersigned Boards of Education have concluded that the efficient operation of the Miami Valley Educational Computer Association (MVECA) requires the flexibility available in the Regional Council of Governments law, Chapter 167 Revised Code, in order to more fully provide efficient and cost effective computer services to its member districts, and

WHEREAS, these Boards of Education have determined that by cooperating with one another through the format of a Regional Council of Governments that their residents and the students whom they serve can be benefited with more cost efficient service, and

WHEREAS, Revised Code 3301.075 authorizes a data acquisition site to be organized as a Regional Council of Governments in accordance with Chapter 167 Revised Code.

**ARTICLE I
MEMBERSHIP**

That the Miami Valley Educational Computer Association Regional Council of Governments (MVECARCOG) shall be composed of the following members:

1. Beavercreek City School District
2. Blanchester Local School District
3. Cedar Cliff Local School District
4. Clark County Educational Service Center
5. Clark-Shawnee Local School District
6. East Clinton Local School District
7. Greene County Educational Service Center
8. Greene County Career Center
9. Greeneview Local School District
10. Greenon Local School District
11. Hillsboro City School District
12. Miami Trace Local School District
13. Northeastern Local School District

14. Northwestern Local School District
15. Southeastern Local School District
16. Southern Ohio Educational Service Center
17. Springfield-Clark Joint Vocational School District
18. Sugarcreek Local School District
19. Tecumseh Local School District
20. Washington Court House City School District
21. Wilmington City School District
22. Xenia Community School District
23. Yellow Springs Exempted Village School District

ARTICLE II

PURPOSE

That the purpose for the creation of this Regional Council of Governments is to allow Miami Valley Educational Computer Association (MVECA) to operate in a more independent manner; to provide an employing authority which can administer all personnel functions for those persons hired to carry out the functions of MVECA created by the members under R.C. 3301.075 and 3313.92; to facilitate the use of temporary excess computer capacity and personnel time to provide computer services to nonmembers of MVECA; and to permit the expansion into new areas of technology.

ARTICLE III

POWERS

That in order to carry out the purpose of this Council of Governments, it shall have the authority by action of its Association Assembly or Board of Directors as this Agreement and its By-laws shall direct to:

- a. To recruit, hire, promote, evaluate, demote, assign, transfer, supervise and discharge all employees of this Council of Governments;
- b. To develop job descriptions, personnel policies and employment practices as are necessary to carry out the functions, duties and responsibilities of this Council of Governments;
- c. To determine the number and training or education requirements for all employees;
- d. To establish the work schedule, hours, salary, and other aspects of compensation including such fringe benefits as vacation, sick and other forms of leave, paid holidays, and any and all other forms of compensation along with all terms and conditions of employment for its employees;

- e. To enter into contracts with nonmembers to make use of temporary excess computer capacity and personnel;
- f. To develop services arising from new areas of technology so as to meet the administrative, instructional, informational, and technological needs of the school districts it serves;
- g. To exercise any and all powers granted to Regional Councils of Government pursuant to Chapter 167 Revised Code of Ohio with the purpose of coordinating these powers and duties as provided in Sections 3301.075 and 3313.92 Revised Code of Ohio so as to continue to provide effective and efficient computer and data processing services to each member of this Council of Governments.
- h. To take any and all steps necessary to obtain and retain an Information Technology Center site permit under the rules of the Ohio Department of Education.

ARTICLE IV
ASSOCIATION ASSEMBLY

That this Council of Governments shall be governed by a governing body designated as the Association Assembly and composed of the Superintendent and Treasurer or their designee of each member school district. The day-to-day operations of the Council of Governments shall be performed by those members of the Association Assembly who have been elected to the Board of Directors and officers thereof.

The Association Assembly shall have the following authority:

- a. Elect the Board of Directors;
- b. Elect officers;
- c. Approve the annual Council of Governments budget upon recommendation from the Board of Directors based on a July 1 through June 30 fiscal year;
- d. Approve new cooperative ventures and areas into which the computer system may be deployed upon recommendation from the Board of Directors;
- e. Approve fees to be charged for services, development expenses and purchases of equipment upon recommendation from the Board of Directors;
- f. Approve all financial obligations entered into by the Treasurer on behalf of the Association; and
- g. Approve the suspension of members for not cooperating in the programs, not abiding by the By-laws of the Council of Governments or the rules and regulations of the Board of Directors, or not meeting financial obligations as incurred.

All actions of the Association Assembly shall be taken by a majority vote of those representatives or designees present, except as otherwise provided in this Agreement, at a regular or duly called special meeting at which at least a majority of member districts have representatives or their designees present.

ARTICLE V BOARD OF DIRECTORS

The Board of Directors shall consist of seven (7) members of the Association Assembly. Not less than two members shall be Superintendents of member districts and not less than two members shall be Treasurers of member districts. Each member of the Board of Directors shall be elected by the Association Assembly for a term of three years commencing on July 1 after his/her election. Notwithstanding the foregoing, the initial term of three members, including at least one Superintendent and at least one Treasurer, shall be for three years; the initial term of three members, including at least one Superintendent and at least one Treasurer, shall be for two years; and the remaining member shall have an initial term of one year. All members shall serve until their successor is elected and assumes office. In the event of a vacancy, the remaining members of the Board of Directors, by a majority vote, shall appoint a member of the Association Assembly meeting the minimum number of Superintendents and Treasurers, if necessary, to serve until the next regular meeting of the Association Assembly, which shall fill the vacancy for the unexpired term.

SECTION 1. RESPONSIBILITIES

- a. To oversee and supervise overall operation with the Association Executive Director;
- b. To establish policy recommendations for the Association Assembly;
- c. To establish and appoint such Advisory Committees and AdHoc Committees as necessary with the consultation of the Association Executive Director;
- d. To respond to recommendations of the Association Executive Director;
- e. To promote the Association;

- f. To make recommendations to the Assembly on the following:
 - 1. Amendments to the constitution or By-laws;
 - 2. Change of Treasurer;
 - 3. Budgets;
 - 4. Expansion of facilities, services to be rendered, and promotion of new ventures in computer assistance to Member Boards or contracting agencies;
 - 5. Establishing fees, assessments, and charges to members of contracting agencies for services, expansion of services, and purchase of new equipment;
 - 6. Disqualification of members for not cooperating in programs, not abiding by the rules and regulations of the Assembly and/or Board of Director, or not meeting financial obligations as incurred.
- g. To call special meetings of the Assembly as needed;
- h. To perform as directed by the Assembly and as reflected in its minutes;
- i. To establish administrative policies in regards to length of employment, job descriptions, evaluations, salary, benefits, and enforce all legal requirements concerning employees;
- j. To establish policies and procedures to assist in the daily operation, security, and control of user activity;
- k. To act on the employment and termination of Association Staff.

SECTION 2. QUORUM

Five (5) Board members shall constitute a quorum.

SECTION 3. MEETINGS

The Board of Directors shall meet a minimum of six times a year. Additional meetings may be called as necessary by the Chairperson or by a majority of the Board Members or Association Assembly Members.

SECTION 4. OFFICERS

Officers shall be elected at the first meeting of each fiscal year to serve a term of one year beginning July 1 and ending the following June 30. The Vice-Chairperson shall automatically succeed to the office of Chairperson.

a. Chairperson

The Chairperson shall:

1. Preside at all meetings of the Board and all meetings of the Assemblies;
2. See that agendas for said meetings are sent in advance of Board and Assembly meetings;
3. See to the preparation of an annual report on activities of the Association's cooperative ventures and present it at the spring Association Assembly meeting.

b. Vice-Chairperson

The Board of Directors shall elect one of its members as Vice-Chairperson to serve a term of one (1) year to succeed to the office of Chairperson for a term of one (1) year.

The Vice-Chairperson shall:

1. Preside in the absence of the Chairperson;
2. Succeed to the office of Chairperson, should it be vacated before the end of a term;
3. Assist the Chairperson in the discharge of his/her duties.

c. Recording Secretary

The Board of Directors shall elect a Recording Secretary for a renewable term of one (1) year.

The Recording Secretary shall:

1. Keep a full and accurate record of meetings of the Assembly and the Board of Directors and distribute same to all members of the Association;
2. Perform other duties assigned by the Chairperson of the Board.

ARTICLE VI
ADDITIONAL FUNCTIONS

That the Council of Governments shall not engage in any additional functions beyond that stated in Article II except by a unanimous vote of each member Board of Education.

ARTICLE VII
FISCAL MANAGEMENT

The Board of Directors shall appoint a person licensed as a School District Treasurer pursuant to R.C. 3301.074 as Fiscal Officer and designated as Treasurer, who shall be responsible for all financial transactions and accounting procedures of this information technology center. The Treasurer shall develop and follow procedures for the receipt, expenditure and accounting of funds in a manner that is capable of being audited and in accordance with the public accounting practices required for data information sites by the law of Ohio and the regulations of the Auditor of State. The Treasurer shall also hold title to all equipment owned by MVECARGOG on behalf of its members.

The Association Assembly may, by a two-thirds (2/3) vote of its full membership, at a regular or specially called assembly meeting for this purpose, abolish the office of Treasurer and enter into a contract with a member district to perform the fiscal responsibilities of this Council of Governments. In the event that a member district assumes the responsibilities as Fiscal Agent under this provision, this Council of Governments shall hold the Fiscal Agent harmless from any liabilities, obligations, claims, damages, penalties, causes of action, costs or expenses related to the operation and activities of this Council of Governments, which shall be apportioned among all member districts to the extent permitted by law.

ARTICLE VIII
ASSOCIATION EXECUTIVE DIRECTOR AND SUPPORT STAFF

The Board of Directors shall, after giving due consideration to the recommendation of the Personnel Sub-Committee, employ the Association Executive Director and the Treasurer. The Board of Directors shall develop support staff positions and employ such personnel, after giving due consideration to the recommendations of the Association Executive Director and the Personnel Sub-Committee. Contracts and conditions of employment (including procedures and practices) shall be governed by the policies, rules and regulations as approved by the Board of Directors. Managerial and governing authority rests with the Board of Directors and shall be carried out on a day-to-day basis by the Executive Director.

The Association Executive Director shall:

1. Report to the Board of Directors; and
2. Perform the duties and responsibilities described for the Association Executive Director in the job description for this position and any other duties described by the Board of Directors, including supervision of all employees, including the Treasurer.

ARTICLE IX
ADDITIONAL MEMBERS

That any other city, county, exempted village, local, joint vocational or cooperative school district or any public community school may be admitted to membership in the MVECARCOG upon written application and approval by the Association Assembly. Upon admission, such district shall have the same rights, privileges and obligations of the existing members.

ARTICLE X
BY-LAWS

That the Association Assembly may adopt and amend By-laws to govern the operation of this Council of Governments not inconsistent with the provisions of this Agreement. The Board of Directors

may adopt rules and regulations governing day-to-day operations not inconsistent with this Agreement or the By-laws adopted by the Association Assembly.

ARTICLE XI CURRENT EMPLOYEES

That nothing in this Agreement shall be deemed to affect any existing employment rights which any person currently working for the MVECA may have, but from and after July 1, 2006, all such employees shall be deemed employees of MVECARGOG.

ARTICLE XII WITHDRAWAL

Any member may withdraw from this Council of Governments by serving on the Executive Director or Treasurer a certified copy of a duly adopted Resolution of the member's Board of Education or Governing Board declaring its intent to withdraw. Such withdrawal shall be effective on the second 30th day of June subsequent to the receipt of this Resolution. All financial commitments of the member district shall be met or secured prior to the effective date of the withdrawal.

ARTICLE XIII AMENDMENT

This Agreement may be amended only by unanimous action of the member Boards of Education or Governing Boards.

IN WITNESS WHEREOF, this Agreement has been approved by the Superintendent and Treasurer of each of the member districts pursuant to action of their Boards of Education or Governing Boards on the date set forth opposite their representatives' signatures.

BEAVERCREEK CITY SCHOOL DISTRICT

Date

Superintendent

Treasurer

BLANCHESTER LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

CEDAR CLIFF LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

CLARK COUNTY EDUCATIONAL SERVICE CENTER

Date

Superintendent

Treasurer

CLARK-SHAWNEE LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

EAST CLINTON LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

GREENE COUNTY EDUCATIONAL SERVICE CENTER

Date

Superintendent

Treasurer

GREENE COUNTY CAREER CENTER

Date

Superintendent

Treasurer

GREENEVIEW LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

GREENON LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

HILLSBORO CITY SCHOOL DISTRICT

Date

Superintendent

Treasurer

MIAMI TRACE LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

NORTHEASTERN LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

NORTHWESTERN LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

SOUTHEASTERN LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

SOUTHERN OHIO EDUCATIONAL SERVICE CENTER

Date

Superintendent

Treasurer

**SPRINGFIELD-CLARK JOINT VOCATIONAL
SCHOOL DISTRICT**

Date

Superintendent

Treasurer

SUGARCREEK LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

TECUMSEH LOCAL SCHOOL DISTRICT

Date

Superintendent

Treasurer

**WASHINGTON COURT HOUSE
CITY SCHOOL DISTRICT**

Date

Superintendent

Treasurer

WILMINGTON CITY SCHOOL DISTRICT

Date

Superintendent

Treasurer

XENIA COMMUNITY SCHOOL DISTRICT

Date

Superintendent

Treasurer

**YELLOW SPRINGS EXEMPTED VILLAGE
SCHOOL DISTRICT**

Date

Superintendent

Treasurer