

DATE: May 12, 2020
TIME: 5:00 PM
LOCATION: ROOM 200

MINUTES

I. OPENING ITEMS

A. Call to Order—5:00 P.M.

B. Roll Call—Patti Foy, Ben Emery, Charlie Cruise and Cheryl James present in person. Jerome Simpson joined meeting at 5:05 P.M. via phone

C. Pledge of Allegiance

D. Re-order Agenda—Charlie Cruise called Point of Order in reference to items VII D and E. He has reviewed ARS 15.341--Powers and Duties of the Governing Board. There is no mention of any direct supervision of employees, which in this case is requiring them to get CDLs. He is afraid that if those agenda items remain on the agenda, the Board will have to consider and vote on something that is not within their power. Charlie addressed a question to our attorney, Erin Walz, in regards to the Reordering and Adopting of the Agenda for items VII D and E, "If we as individual Board members do undertake to do something that is beyond our power and authority, what exposure do we have as individual Board members?"

Erin Walz stated, "If you are acting outside the scope of your authority, you are personally or could be held personally liable, personally responsible for what flows from those illegal actions. By illegal I don't mean committing a crime, I mean outside the scope of Board authority."

Charlie Cruise asked, "Supposing we enact these agenda items, VII D and E, and there is a lawsuit by either one, or both of the individuals over our action on these particular items, does that mean that we can be sued individually without protection of the school board and the school's insurance?"

Erin Walz replied, "That is correct. That is what that would mean."

Charlie Cruise, "Okay, then, I move—"

Ben Emery: "Before you make a motion, let me ask the attorney something, okay?"

Charlie Cruise: "Yeah."

Ben Emery: "Do see any problem with us discussing that the CDLs be required, which they were on the applications when they applied for the job? How would you not want a school bus mechanic to not test drive the product that he fixed, instead of getting one of your other bus drivers to test drive it for him while he sits in the front bus seat?"

Charlie Cruise: "As Paul Harvey used to say, here is the rest of the story. The contracts have already been approved for these individuals---"

Ben Emery: "They have not been signed..."

Charlie Cruise: "...and, and no one has...the contracts provide that if required, you will get a CDL or regular driver license. And to my knowledge, no one has required them to, that's the purpose of these items on the agenda which means that it would be the Board who required them to do that. And if the Board has not the authority to do that, but we do it anyway and these two individuals file a lawsuit against us are we exposed?"

Jerome Simpson: "This is JD and let me throw something in here...I agree with what everybody is saying, which is kind of scary in itself. The job descriptions are not there for these jobs yet, that's one of the things at we are looking to putting together job descriptions for all of our team. However, we did approve contracts for these two gentleman, and the contracts states...(inaudible)...contingent upon the following; finger printing, yada, yada, yada. And D a valid driver license and/or CDL if driving is required as part of the position."

Charlie Cruise: "I understand that."

Jerome Simson: "We don't have a job description for these jobs to say that is required or not. So we've asked these gentlemen and all of our team to come to work under a contract for a job description that we don't have."

Charlie Cruise: "Well, I understand that..."

Jerome Simson: "So are we, as Mr. Cruise is saying, are we opening ourselves (inaudible)...because a few weeks ago we said, 'Hey come work us under this contract.' and now we are saying, 'Hey no you can't because we we're asking you to do something that isn't in your job description isn't written yet.' ..."

Charlie Cruise: "... (inaudible...the job of the administration. And my question was to the attorney, pretty much what is it and what consequences would befall us if we go ahead and act on these agenda items?"

Erin Walz: "If you are restating the question to me, this is Erin Walz, so the District generally has the authority to enforce its policies and procedures. I am not hearing you talk of a policy though. So, we need to decide on what level the Board is going to look at this. Is it going to adopt descriptions that will apply going forward, or is it evaluating going backward?"

Charlie Cruise: "I would like the Superintendent to address that."

Mr. Phillips: "Thank you. Looking into this issue, I have been looking at three policies that the Board has approved and that is what we function from. Policy GDA which is Staff Support Positions, and it states just in that policy and it is the same for Professional Staff Positions, that positions are created only with the approval of the Board and District. The Superintendent will be the one who will present job descriptions for the position that specifies the qualifications, performance responsibilities, methods of which performance of those responsibilities will be evaluated. And as I said to the Board last month, this District does not have job descriptions for any positions that has gone to the Board for approval. What we are looking at is corrective action that I am taking at this time. Also, in Policy GDF-- Support Staff Hiring, it also states that recruitment of support personnel is the responsibility of the Superintendent, other members of administration supervisory staff will assist as responsibilities are delegated out. And aging it goes back to the Superintendent collects the job descriptions and presents them to the Board. That is the corrective action that I am working on at this time. There is no grounds, what so ever, no foundation or reasons, by policy, to support this issue."

Ben Emery: "How long have we asked you to...and you've been saying it is on file and it's on record. How many months have we asked you to get the job descriptions and you have said, 'I am working on them, I'm working on them, I'm working on them.' Months and months and months, correct?"

Mr. Phillips: "I'll let the Board respond, because I am hearing you say that. I'm not hearing the Board say I've been behind this year."

Patti Foy: "No..."

Charlie Cruise: "I would like the attorney to address my specific question at this point."

Erin Walz: "Yes, sir. I'm sorry, which specific question?"

Charlie Cruise: "If the Board goes ahead and considers and acts on these agenda items paragraph Roman VII items D as in Delta and E as in Echo, if you would like me to read them again, I'll be happy to. ---"

Erin Walz: "No, I have it."

Charlie Cruise: "---On the CDL requirements for the BGT Director and the CDL requirements for the Bus Mechanic I think that is something within the purview of the administration and beyond the scope of our authority. And if it is, and we go ahead and act on it, you have already indicated that we could have unprotected consequences as individual Board members."

Erin Walz: "That is my answer, absolutely. **The positions need to be approved by the Board, but not created or monitored by the Board. That is the act of the administration under your policies as I know them to exist right now.**"

Charlie Cruise: "So that is beyond our authority. No matter what we do, it's not going to change anything because we don't have the authority to do it. Am I correct?"

Erin Walz: "You are correct?"

Ben Emery: "What is the appropriate time frame to give the Superintendent, then, to fulfill the job descriptions, that he's been not fulfilling, in the last several months? Then the Board will at that point approve the job descriptions as written or not written and then that will be policy, correct?"

Charlie Cruise: "Point of order, that is a different question. I am about to make a motion to adopt the agenda without items VII D and E, have them removed from the agenda. If there is a second to that..."

Patti Foy: "I will second."

Charlie Cruise: "Ok, we have a motion and a second. Now, you, you the last meeting you recused yourself when you brought the actual action to the Board, do you intend to recuse yourself this time?"

Ben Emery: "No, I didn't bring any of this...---"

Cheryl James: "No, that was a whole different..."

Ben Emery: "About two weeks ago I had brought that and didn't vote."

Cheryl James: "That was whole different thing."

Charlie Cruise: "Ok, you don't intend to recuse yourself?"

Ben Emery: "No. Roll call, Ben Emery, President, votes not to remove the items from the agenda. Patti Foy how do you vote?"

Patti Foy: "To remove them."

Ben Emery: "Charlie Cruise, how do you vote?"

Charlie Cruise: "To remove them."

Ben Emery: "Cheryl James, how do you vote?"

Cheryl James: "Not to remove them."

Ben Emery: "JD Simpson, how do you vote?"

Jerome Simpson: "I vote to remove them."

Ben Emery: "Three yes to remove them, two no. So moved. Can we move on now? You got more?"

Patti Foy: "Just a point of clarification. The last Board meeting that we had was the first time I heard a directive to Mr. Phillips about job descriptions..."

Patti Foy: "Now, that's not besides whatever happens in personal conversations, I don't know. I would just like to clarify that this Board has been asking for job descriptions for years, many years and I personally saw rough drafts for at least two before Mr. Phillips got here. Whatever happened to that, I don't know. I assumed, which is on me of course, that they were processed simply because of the advertisements that went out for positions and so that's on me."

Charlie Cruise: "I don't know if it is proper to discuss this."

Patti Foy: "I know, that is why I said it was just a point of clarification."

Charlie Cruise: "How did the action go? I didn't hear."

Patti Foy: "Yes, it's removed from the agenda."

Jerome Simpson: "This is JD, I want to offer a clarification also on the reason for my vote was, I feel I need to say this, I don't see how we can vote on an agenda item for CDL requirement for a position that doesn't have a job description yet. I think as we have talked about in the past, we need to move forward with descriptions or approve descriptions and then determine that in the future. But I don't know how we vote on a CDL requirement, although I do think we need to have that, without a job description to back that up as Charlie was saying."

Charlie Cruise: "Point of order, Mr. President, the questions of CDLs is off of the agenda, and I think it is improper that we have discussions about it in this meeting."

Ben Emery: "Point of order taken. Anything else on reorder agenda? JD anything?"

Jerome Simpson: "No."

E. Adopt Agenda—Patti Foy moved to adopt the agenda as reordered with the removal of items VII D and E.

Patti Foy: "I make a motion to adopt the agenda as reordered."

Charlie Cruise: "Oh, I second."

Ben Emery: "Patti Foy motioned to accept as reordered, second by Charlie. Cheryl James, how do you vote?"

Cheryl James: "Yay."

Ben Emery: "JD Simpson, how do you vote?"

Jerome Simpson; "Yes."

Ben Emery: "Ben Emery votes yes."

Patti Foy: "Yes."

Ben Emery: "Patti Foy yes. Charlie Cruise?"

Charlie Cruise: "Yes."

Ben Emery: "Five yeses, five ayes no nays."

F. Approval of Minutes

1. April 14, 2020—Regular Board Meeting—Patti Foy moved to approve April 14, 2020 Regular Board Minutes.

Ben Emery second. Motion carried. Vote 5-0

2. April 28, 2020—Special Board Meeting--Patti Foy moved to approve April 28, 2020 Special Board Minutes.

Ben Emery second. Motion carried. Vote 5-0

II. PRESENTATIONS

- A. Update on General and Athletic Facilities: Steve Knott**—Steve Knott updated the Board on some on-going projects including the weatherization of the buildings, roofing project underway, and the locker room floors. The baseball field has been seeded and new sprinklers put in. For teacher housing, we are working with Diamond R to perk septic sites. APS Power Plan is out for bid. Water projects will be complete in house. Maintenance has been removing old heating units, phone lines and other wiring as well as capping off old gas lines. Cheryl James thanked Mr. Knott and said he did a great job. Jerome Simpson thanked Mr. Knott for the update but wanted to know if we will have housing for next school year. Mr. Knott stated that we will have the utilities for RVs or a tiny house that staff could link into, but we do not have enough in our housing fund for actual housing units.

III. DISCUSSION ON 2019-2020 REPORTS

A. Board Report

- **ASBA**—Patti Foy reported that all the conferences are currently postponed or cancelled or being held virtually.
- **Board Members**—Patti Foy thanked everyone for their concerns through her difficult times

B. Superintendent Report

- **General Updates**—we have maintained between 122-123 students every month, a great sign of stability. The school is finishing the integrated action plan, the Elementary school has been approved by ADE, the High school has not received final approval.
- **Job Descriptions provided by the Professional Group, Inc.**—Mr. Phillips is taking corrective action in getting the job descriptions. The Professional Group, Inc. is gathering the descriptions for free. They have been presenting them on average of one a day. Ben Emery asked if there was an estimated time of when it will be completed. Mr. Phillips stated that his goal is to present to the Board by June/July. Jerome has asked for updates each meeting.
- **Graduation Planning**—Mr. Phillips, Mrs. Eittreim and a few of the seniors have met to plan a graduation ceremony. They are looking into doing it live and/or virtually. They have been communicating with the eight seniors who are graduating. We are looking into doing an 8th grade promotion ceremony before school starts. There has only been one inquiry on the K-8th school counselor, but no applications. Food box deliveries have been change to every Wednesday vs. every other Thursday.
- **Departmental Reports, sent electronically for review**

IV. RECOGNITION, CELEBRATION, AND DONATION

- A. Roy Olson donated \$100 to the Kitchen**

V. CONSENT AGENDA—Patti Foy moved to adopt consent agenda. Charlie Cruise second. Motion carried. Vote 5-0

Consent Agenda – All those items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the governing board requests. A copy of documents supporting each item may be obtained from the business office Monday through Thursday from the hours of 7:00 a.m. to 2:00 p.m.

- Ratification of Expense Vouchers FY 2019-20: 1053-1056**
- Ratification of Payroll vouchers FY 2019-20: 32-36**
- Approve Sole Source Providers for 2020/2021: Apple, Canyon State Education Solutions, CDW, Edmentum, Light Speed, True Psychological, Tyler Technologies**
- Approve Food Program Permanent Service Agreement**

VI. OLD BUSINESS

VII. NEW BUSINESS

A. **Motion into Executive Session**—Ben Emery moved to move into Executive Session. Cheryl James second. Motion carried. Vote 5-0 5:40 P.M.

Executive Session: Pursuant to ARS-38-431.03. A.1 The Governing Board may vote to convene an Executive Session for “discussion of employment, assignment, appointment, promotions, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee.” as to Superintendent Performance Pay and to CDL requirements for BGT Director and Bus Mechanic

B. **Motion to resume Open Session**—Charlie Cruise moved to resume Open Session. Patti Foy second. Motion carried. Vote 5-0. Resumed Open Session at 6:34 P.M.

C. **Discussion Possible Action on Superintendent Performance Pay**—Patti Foy moved to give Superintendent, James Phillips, his 6% performance pay as he has fulfilled the goals set for him. Charlie Cruise second. Cheryl James, Patti Foy, Jerome Simpson and Charlie Cruise voted aye. Ben Emery voted nay. Motion carried. Vote 4-1

~~D.—Discussion Possible Action on CDL Requirement for BGT Director—Removed from Agenda~~

~~E.—Discussion Possible Action on CDL Requirement for Bus Mechanic—Removed from Agenda~~

F. **Discussion Possible Action on 2021 Political Agenda**—Ben Emery moved to appoint Patti Foy as the representative for the Law Conference. Cheryl James second. Motion carried. Vote 5-0

Ben Emery moved to appoint Cheryl James as our alternate for the Law Conference. Charlie Cruise second. Ben Emery, Charlie Cruise, Jerome Simpson and Patti Foy voted aye. Cheryl James vote nay. Motion carried. Vote 4-0
Jerome moved to approve Political Agenda. Patti Foy second. Motion carried. Vote 5-0

SIGNING OF MINUTES

ANNOUNCEMENTS

A. **County Food Boxes every Wednesday that had started April 30th**

B. **Input of items for next board meeting-please email Brandi Lindemuth at Blindemuth@seligman.k12.az.us**

ADJOURNMENT—Charlie Cruise moved to adjourn meeting. Patti Foy second. Motion carried. Vote 5-0. Meeting adjourned at 6:44 P.M.

Ben Emery, President _____

Cheryl James, Clerk _____

Charlie Cruise, Member _____

Patti Foy, Member _____

Jerome Simpson, Member _____

June 9, 2020