

**DATE:** NOVEMBER 10, 2020  
**TIME:** 5:00 PM  
**LOCATION:** CAFETERIA

## MINUTES

### I. OPENING ITEMS

- A. Call to Order—**5:00 P.M.**
- B. Roll Call—**Cheryl James, Charlie Cruise, Ben Emery and Patti Foy present.**
- C. Pledge of Allegiance
- D. Re-order Agenda—**Ben Emery:** “So, we're gonna ask, real quick about, D, Mr. Phillips said that maybe we wanted to do reorder of the agenda cuz the attorney, for what we're going to talk about later, is only available for a certain time. Does anybody on the Board find a need to possibly go into Executive Session?”  
**Patti Foy:** “I think we should speak to the attorney. Is that what you're asking?”  
**Ben Emery:** “Yes. Our attorney's not available. They put a fill in attorney that's only available from 17 or 5:00 P.M. to 5:45 P.M.”  
**Charlie Cruise:** “Our attorney's not going to be here?”  
**Ben Emery:** “No.”  
**Patti Foy:** “A substitute.”  
**Charlie Cruise:** “Then I see no need to go into Executive Session.”  
**Ben Emery:** “I was thinking we didn't need to, but I'm going to ask y'all's permission. Cheryl, do you see a need to go into Executive Session? Miss Patti, if you do say yes, we'll reorder the agenda so we can go to Executive Session after open call to the public.”  
**Patti Foy:** “I don't need to, I just you know...are we going to pay for it anyway?”  
**Cheryl James:** “Yeah, I was going to ask that.”  
**Patti Foy:** “I know that sounds bad.”  
**Mr. Phillips:** “No, just if we call.”  
**Ben Emery:** “Only if we call.”  
**Patti Foy:** “Okay, I have no reason to.”  
**Ben Emery:** “Let it rip, potato chip.”
- E. Adopt Agenda—**Patti Foy moved to adopt agenda. Charlie Cruise second. Motion carried. Vote 4-0 aye.**
- F. Call to the Public

1. Open—**Charlie Dunn:** “I am here to talk about the guy who has a grievance against Steve Knott. I went through the same thing he did, is going through now. I'd like to talk about that. Same thing happened to me. I filed a grievance on him. I just don't want to see another person go through this like I did, dealing with racism. I documented everything he had said to me at that time. I still have text messages on my phone when it was saved. So what I'm saying is, if this guy needs help, then I'm going to help him.”

**Patti Foy:** “I guess I'm confused.”

**Mr. Phillips:** “This is a personnel issue, perhaps and it can't be addressed.”

**Charlie Dunn:** “Someone signed a grievance, I think his name is.... Zeus.”

**Patti Foy:** “This really, I think Mr. Phillips, should take direction on this.”

**Mr. Phillips:** “Yep.”

**Charlie Dunn:** “I think there's some other things going on here, I'd like to address those.”

**Ben Emery:** “Sir, you can say anything you want to, we can't respond to one, you can say anything you want for— “

**Charlie Dunn:** “That's why I'm here.”

**Mr. Phillips:** “This is a personnel issue.”

**Charlie Dunn:** “I know there's not much we can do about it right now, but I'm just letting you know that it happened to me, I lost my job over it. Here are a few things going on and if anybody want to get any more details, they can call. You do know what I'm talking about.”

**Ben Emery:** “We can’t answer you, sir. It can be a future agenda item, but we can’t answer.”

**Charlie Dunn:** “Yeah, I’d like to be here when that happens.”

**Patti Foy:** “Perhaps, Mr. Phillips, you can get his contact information before he leaves and you can take the steps necessary. Thank you, Mr. Phillips.”

**Charlie Dunn:** “I just want to see this happen again.”

**Ben Emery:** “Thank you, Sir.”

**Cheryl James:** “Thank you. Sandy Pritchett.”

**Sandy Pritchett:** “Hi, I also just want to say again, I was helping at the school, not much, just a little bit, for Halloween. It was, it was great to see the kids and everyone out there. And all of the things, that whoever it was, I know it was Kelly and the teachers that were out there and whoever it was that put this on. I know Becky brought a thousand pumpkins and it was a wonderful thing. I don’t know if any one of you guys drove by and saw any of it? The kids were all dressed up and Brandi, Oh, I wasn’t supposed to know it was you. But it was a really nice thing and I just wanted to tell, thank you guys and what a really nice thing it was.”

**Cheryl James:** “Okay, Donna Solberg.”

**Donna Solberg:** “I just want to say, I don’t know if anybody’s ever happy to see me show up to these meetings, but. I want to say congratulations for the outcome of the voting and how it went. And I want to say thank you. This is a volunteer job; this is not an easy job. When I see parents and grandparents and non-parents run for the Board, I really appreciate that, because I don’t want to do it. I was classified as a Board child in the eighth grade, and was told by a teacher to go home and ask your mom why, and it has always stuck with me. I do want to say thank you.

I have been to a ton of Board meetings and I’ve never seen so much, like, being able to talk and being able to have an opinion. I appreciate that your willing to listen to us and know what our feelings are and what are wants and needs are. I really can’t comment on it, but I’ve never been to a Board meeting—every time I’ve come to a Board meeting, it’s to bail one of my kids out, it’s never a pretty thing. But, I do appreciate the Board and Steve was not here last meeting, and so I will repeat what was said at the last meeting. The school grounds look awesome, the outside of the school looks awesome, you are doing an awesome job. I just want you to know you are doing a great job outside and from what I see inside...so thank you. I just want to tell the Board thank you. I appreciate that you want to know what we have to say, it hasn’t always been like that, so.”

**Ben Emery:** “That’s it? Anyone for Limited Agenda items only?”

2. Limited-Agenda Items Only

G. Approval of Minutes

1. October 7, 2020—Regular Board Meeting—**Charlie Cruise moved to approve the October 7, 2020 Regular Board Meeting minutes with the addition that his reason for objecting to the discussion on face masks be noted. Charlie’s objection was that the item was**

**Charlie Cruise:** “Mr. President,”

**Ben Emery:** “Sir.”

**Charlie Cruise:** “...one comment concerning the meeting of October 7. There was an objection to a portion of the minutes that there was an open discussion about masks, and, and although I started to say it a couple of times, apparently it got stepped on by the proceedings, I want to make sure that the record reflects that the reason for my objection was that the agenda for the October 7 meeting did not adequately express the item that was to propose to go into Executive Session, and that eventually was discussed, concerning masks. I do not believe in this, as a basis for my objection, that that item was adequately described in the agenda. With that exception, I move that we accept the minutes of the meeting of October 7, 2020.”

**Patti Foy:** “How do you want that rephrased and where?”

**Charlie Cruise:** “Well there is a place on the, let’s see. It’s ah, I had it marked in the draft.”

**Patti Foy:** “Oh here it is.”

**Charlie Cruise:** “Did you find it? Here it is. It’s on, pages aren’t numbered. But it’s where I say, “*Mr. President, I object to discussing anything that is not detailed in the,*” and then it trails off there. And that would be in detailed in the notice in the agenda. And then Mr. Emery said, the President says, “*It’s on the agenda. Let’s go into Executive Session.*” and Charlie, “*No, we’re not going into executive session.*” You see that?”

**Patti Foy:** “You want a clarification on the...”

**Charlie Cruise:** “I just want it noted, the specific reason for my objection. And with that, with that exception, I have moved to accept the minutes of the October 7 2020 meeting.”

**Patti Foy:** “I’ll second that.”

**Ben Emery:** “Motion made by Charlie second by Patti. Patti, how do you vote?”

**Patti Foy:** “Aye.”

**Ben Emery:** “Charlie how do you vote?”

**Charlie Cruise:** “Aye.”

**Ben Emery:** “Cheryl James how do you vote?”

**Cheryl James:** “Aye.”

## II. PRESENTATIONS

### III. DISCUSSION ON 2020-2021 REPORTS

#### A. Board Report

- ASBA—**Patti Foy:** “First thing is, Cheryl, were you able to attend the Delegate Assembly?”

**Cheryl James:** “Yes.”

**Patti Foy:** “Okay, what did you think, this was your first one?”

**Cheryl James:** “It was kind of hard, because I could see them but they couldn’t see me. And I couldn’t speak to them, but I could hear them talking. So you know, there was just different scenarios that I just listened to. So there really was never interaction with them.”

**Patti Foy:** “Right, and that’s usually how it goes. As a delegate, you vote and that’s your main responsibilities, but, you’re also representing the District. If you have something pertaining to the item, the Political Agenda item they’re discussing. It was a six-hour meeting, with no breaks. So anyway, there was a lot of discussion for the, the Political Agenda items. All of them did pass, some with a little tweaking of the verbiage, but they passed all their Political Agenda items that they will now lobby for, with the Legislature. Some of those include mandatory age of schools, students to attend school to be eighteen. And there were several things on there regarding gender, gender identity, and so on. But, um, for the most part, they stayed pretty true to the way they were presented to you before I went there to represent the District.

So that being said, what about the County Meeting? Do you want to report on that?”

**Cheryl James:** “No, there was quite a bit.”

**Patti Foy:** “I have a couple notes from that. Obviously, other school districts are in the same boat we are, in trying to navigate these times and making sure students have what they need when they need it and are able to be successful and move forward. They’re having this, some of the same issues with masks. And they’re having—with everything, the increased in staff needed for cleaning and so on. They did emphasize building trusting relationships and collaborative activities. The Board should be a positive model for the District staff and connect with the community and staff for students to be successful.

They have formed, the ASBA has formed a Rural Alliance, and they’re looking for people who would like to participate in their Rural Alliance. And it’s to address specifically issues that affect rural districts versus the larger city districts. So if anyone is interested in that, the contact information is on your side.

Karen McLaughlin was reelected as our Yavapai County Director for the next two years. That is all I have for ASBA, but under Board Members, I would like to say something.”

**Ben Emery:** “Yes, next.”

- Board Members—**Patti Foy:** “I would like to give kudos to our students and staff for their ingenuity and creativity in establishing a normal, positive activity for our kids with the pumpkin patch. I think you did a phenomenal job. I did drive by, it was exciting. It was, you could feel the excitement. And our kids needed that and I think the staff needed it, but I needed it. And I wanted to say kudos to all of you for doing a tremendous job.”

#### A. Superintendent Report

• General Updates—**Mr. Phillips:** “Thank you. General updates to the Board and to the public. Our current enrollment as of today is elementary 78 students, high school is at 37. That’s a total of 115 students. Last month we had a total of 105 students.

Second, Seligman School District will be closed tomorrow, we honor Veterans Day.

Next, on November the fourth, 2020, Tim Carter sent out a news release about the current vacancy on the Seligman Unified Governing Board, you've been given a copy of that news release. The deadline for receipt of any letters of interest is this Friday, November 13th, at 5:00 P.M. Mr. Carter will be interviewing the finalists at the District Office next week, Tuesday, November 17. The appointment should be announced by Thursday of next week, and be valid, that appointment be valid through December 31 2022.

Next, Tim Carter's office provided several updates on the Transwestern Pipeline litigation recently. The most recent update stated that Senate President, Karen Fann's staff, has reached out to advise that she is putting together a Transwestern Stakeholder group. Gary Aarons and Tim Carter will be representing the Association of County School Superintendents, and Ash Fork Superintendent, Seth Staples, will be representing Yavapai County School District. Superintendent Staples was selected since he's been actively involved in this issue for years, has testified to the legislator about it and his district, as well as our district, has the largest payment due in Yavapai County. I have reached out to Superintendent Staples to let him know that I would do whatever I can to assist in any capacity. He is not alone. Meetings will be at Capital and we'll have an electronic attendance option. So I'll continue to provide any updated information as soon as they receive it.

At our next Board meeting, December the eighth School Board meeting, Yavapai County Superintendent, Tim Carter, will be swearing in all present and returning Board members, so that you can all legally conduct business starting January 2021. At that same meeting, one of the agenda items is the annual evaluation of the Superintendent. Everybody has in their possession a copy of the evaluation form from our policy. All Board members are to be given that copy no later than November 10, which is today.

And last, this Sunday, November 15, from 12:00 P.M. to 1:00 P.M., the Spirit organization will be sponsoring their senior 65 and older Thanksgiving dinner drive through, this year, pick up here at the high school bus loading zone. Spirit is being led by Brandi, of course and Meghan and Spirit students. So it is a time to be thankful that Spirit brings that to Seligman and I told Brandi, I'm so excited to finally have something positive about being 65. That's all I have.

**Charlie Cruise:** "I have one question. It, so, it's not a fait accompli that we have to pay back the \$3 million to the, f or the..."

**Mr. Phillips:** "Oh, the pipeline."

**Charlie Cruise:** "...for the pipeline."

**Mr. Phillips:** "That's all to be determined. They've sent out some numbers, but we've been cautioned that there's a huge number of highly political officials who are fighting this and for us to be patient."

- Departmental Reports, sent electronically for review

**IV. RECOGNITION, CELEBRATION, AND DONATION—Ben Emery:** "Recognition, celebration and donation, nothing. Again."

**V. CONSENT AGENDA—Charlie Cruise moved to adopt Consent Agenda as presented. Patti Foy second. Motion carried. Vote 4-0 aye.**

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.

- A. Ratification of Expense Vouchers FY 2020-21: 1015-1019
- B. Ratification of Payroll Vouchers FY 2020-21: 10-13
- C. Second Reading and Adoption of Policy Regulation DGA-R Authorized Signatures
- D. Ratify Hiring Middle School Girls Basketball Coach, Kristi-Lee Brandi
- E. Ratify Hiring High School Boys Head Basketball Coach, Perry Curley
- F. Ratify Hiring High School Boys Assistant Basketball Coach, Conway Kentish

**Charlie Cruise:** "Mr. President, I move we approve the consent agenda as presented."

**Patti Foy:** "I'll second that."

**Ben Emery:** "Can I ask you a question before we vote? Is this where we talk about the signature stamp and stuff? Yeah? Yeah."

**Patti Foy:** "You can pull anything off to discuss it."

**Ben Emery:** "That's what I'm gonna talk about is the signatures. Y'all read where it said that the President had a problem with someone using his rubber stamp? And I've since taken my rubber stamp back into my possession. As I don't feel it's right, no one, ...the paperwork that Mr. Phillips gave me, clearly stated that it had to be approved prior to them using my stamp. Perfectly clear. No one ever asked me to use my rubber stamp. So you're getting part of it, you're not getting all of it. If someone had asked, *'Ben, we need to do this, we need to use rubber stamp.'* *'Go ahead. I ain't got time for that.'*

**Charlie Cruise:** "Point of order, Mr. President. What sub-item are we talking about?"

**Ben Emery:** "We're talking about the second reading and adoption of policy regulation DGA-R Authorized Signatures."

**Charlie Cruise:** "Okay."

**Ben Emery:** "And we got a little packet that had a thing that said that President Ben Emery was upset because somebody used his rubber stamp without his knowledge. Mr. Phillips said since we didn't have a policy, he was in his right to tell the person that asked, to go ahead and use my rubber stamp or use Charlie's rubber stamp or use Cheryl's rubber stamp or use Patti's rubber stamp or use JD's. It's not what I signed that rubber stamp for. I don't want somebody just slinging my name on stuff. The package you gave me, Mr. Phillips, clearly stated, and I was under the impression is supposed to be confidential, or I'd 've brought it tonight, so I could have read it aloud, it stated something to the effect that, the board member must clearly know, that your intent is to let someone use my rubber stamp. Is that roughly correct?"

**Mr. Phillips:** "I have already sent the Board all this information."

**Ben Emery:** "No."

**Mr. Phillips:** "I'm not sure why I'm being quizzed."

**Patti Foy:** "Right."

**Ben Emery:** "You sent what you wanted them to hear. You didn't send what you sent me as a response to the person that used my rubber stamp; that I didn't approve them to use my rubber stamp. You sent the little synopsis that fits good to what you want to have voted in tonight. But you didn't send them the whole answer that, none-- Did any of you know that we didn't have a policy that said they could use Patti Foy's stamp if they wanted."

**Patti Foy:** "When umm, I did not know, that we had a specific policy. But I understood that when we got the rubber stamps, that it was with my prior authorization to use it, that they could use it."

**Ben Emery:** "So that being said, you're under the belief that they could just grab Patti Foy's rubber stamp and stamp in a payroll voucher? Nooo, okay, that's what I thought."

**Patti Foy:** "Just that I'll test that, if there was a voucher that needed a signature, and I could not make it in, they can use my stamp."

**Ben Emery:** "Without your permission?"

**Patti Foy:** "No."

**Ben Emery:** "Oh, okay."

**Patti Foy:** "But, like calling me and saying, I've got these vouchers. You know, and I can say I'm gonna stop by or I'm in town or I can't make it, please use my, my stamp, and I will review them when I come into town."

**Ben Emery:** "Yes. And I would have also said yes. I would have never held up the hiring of the teacher, as it's simply stated in this synopsis that Mr. Phillips gave, but, trust me there was more to it. And you are correct, we have to have the knowledge that they're going to use our rubber stamp."

**Patti Foy:** "Absolutely."

**Ben Emery:** "I was not contacted, that they were going to use my rubber stamp and somebody use my rubber stamp. I don't think any of us sitting here would appreciate it, if it was your stamp."

**Charlie Cruise:** "Sounds like this was a one off occurrence, that it won't happen again."

**Ben Emery:** "No, because I took my rubber stamp back."

**Patti Foy:** "And we have a policy now."

**Ben Emery:** "We're about to adopt a policy, so..."

**Charlie Cruise:** "Point made."

**Ben Emery:** "We're all understanding what the policy's saying?"

**Patti Foy:** "Right, it says that with prior approval, they can use our stamp."

**Ben Emery:** "With prior approval, yep. Gotcha."

**Patti Foy:** "Not as a generality approval that you can use my stamp on everything, but for whichever item they would use it on you approve it."

**Ben Emery:** "We approve it. They call us. Hey, Ben, you got it? Yep, go ahead. Hey, Charlie. Go ahead. Cheryl. Go ahead. Gotcha. Anybody else?"

**Charlie Cruise:** "There's a motion? Was there a second?"

**Ben Emery:** "Yes. It was motion made by Charlie second by Patty Foy. Cheryl James, how do you vote?"

**Cheryl James:** "Aye."

**Ben Emery:** "Ben Emery votes aye. Charlie Cruise, how do you vote?"

**Charlie Cruise:** "Aye."

**Ben Emery:** "Patti Foy, how do you vote?"

**Patti Foy:** "Aye."

**Ben Emery:** "Four ayes, no nays. So moved."

## VI. OLD BUSINESS

## VII. NEW BUSINESS

A. Discussion Possible Action as to GBK Staff Grievance and GBK-EE, Staff Grievances, Reviewing by Governing Board, Level III, Final Action, submitted by District Employee, Miraj Wallace—

**Charlie Cruise:** "I have a question on that. I read through all those materials. And I don't know it if there is a presumption or even if there should be a presumption that a staff member speaking at an open call in a board meeting after school hours, not on school time, is automatically a staff matter. I mean, isn't, isn't a person, even a school staff member, teacher, whatever, aren't they also private citizens? And, and as such, do not they have First Amendment rights to speak at these meetings? And I didn't see anything in there where this person said that she was speaking as a staff member or teacher. I, I saw some vague references in there. But I think unless there's some sort of a presumption that anytime these people speak, they are speaking as school personnel and therefore lose their First Amendment rights. I think, I think that's problematic. Is there a presumption that the person who spoke at this meeting, that the topic of this..."

**Mr. Phillips:** "Well, it would have been clearer, if anybody called, the public or a staff member, said, '*I am speaking as a community member*,' to preface what was being said, or '*I'm speaking as an employee*.' Neither one of those happened, so that kind of puts it into a different..."

**Charlie Cruise:** "So, so there is no presumption that she was speaking, when she was speaking, that she was doing so as a teacher?"

**Mr. Phillips:** "Correct."

**Charlie Cruise:** "Is that correct? Yes, there was no presumption."

**Mr. Phillips:** "Yes."

**Charlie Cruise:** "Okay. Thank you."

**Patti Foy:** "And, and in the past, I have gotten out of this board seat and into the audience seat to present information on a subject, which I then of course, recused myself from, from voting rights. I believe strongly in those first amendment rights and would not want to discourage folks from coming in having a conversation with us. And for fear of repercussions. If there is a pointed, derogatory statement made against us or an individual that I think would maybe be a different, pointed out and said, You, whatever, would be a different ballgame, but I believe strongly in first amendment rights. And I think that a lot of conferences I go to, there's a lot of emphasis put on that. And and it's been tried in the Supreme Court, that not only students and staff have first amendment rights as students and staff, but also as community members and parents."

**Ben Emery:** "So that's how we're gonna skirt the issue, huh? That's how we come up to the conclusion to skirt the issue of what we all know was said at that meeting, huh?"

**Patti Foy:** "I know exactly what was said, and I don't see anything, if I was a green individual from Venus, I would not take offense to a statement that was a generality. And and you see us, a lot of us take our masks down to be more clearly understood. I have a projective voice. So that's not an issue. But I also see, during these times of sensitivities, that almost anything a person says, can be construed as offensive. I personally don't want to discourage people from presenting their thoughts, feelings, and perhaps something that we need to look..."

**Ben Emery:** "Put yourself in one of the teachers, that we're about to talk about right now, put yourself in one of their places, and hear what was said that night? Tell me if you feel the same? Of course you don't."

**Patti Foy:** "Absolutely, and..."

**Ben Emery:** "I'm sure they were offended."

**Patti Foy:** "I don't see any difference looking at all these people out there. They are people, their community members and they have rights."

**Ben Emery:** "But when you're holding a position as a staff member, that's how we address them. When I ask Mr. Knott questions, I ain't just talking to Steven Knott, I'm talking to him as director of..."

**Charlie Cruise:** "Point of order."

**Patti Foy:** "You call on him as staff member."

**Charlie Cruise:** "Point of order, Mr. President. She was speaking and you spoke over her. That's very difficult for Brandi to get accurate minutes."

**Ben Emery:** "Tape recorder can hear me."

**Charlie Cruise:** "I know, but, I know from the last the last transition, transaction, it was very difficult because there were words stepped over including my own."

**Ben Emery:** "Well, you wouldn't know because you went out in the hallway."

**Charlie Cruise:** "Just be cordial, be polite..."

**Ben Emery:** "Go ahead,"

**Charlie Cruise:** "...okay? Is that too much to ask?"

**Ben Emery:** "Maybe."

**Charlie Cruise:** "I figured that, yeah, it depends on who you're asking, right?"

**Cheryl James:** "Be respectful."

**Patti Foy:** "I see individuals and individuals with rights. I don't see so and so in this position, I don't see so and so as being green, yellow, purple, or orange. These are people and we're here to serve these people. I don't find something that is not only a generality, but could apply to anyone. Um, I the other day, someone said to me, oh, you have a Detroit accent? I didn't know I had a Detroit accent. Do I take offense to that? No. Could I? Oh, of course I could. Well, I don't want to be identified. I mean, to me, it looks like it's, it's there's got to be some give and take. And there's also got to be some acceptance and understanding that I'm not pointing a finger at you, because I'm saying this because. I can see the difference, but I can also see, that in these times, people are very sensitive with the issues that have come to light nationally."

**Cheryl James:** "But just like you say you don't want to discourage them. We don't want to discourage the people that are behind this."

**Patti Foy:** "And that's why we have policies."

**Ben Emery:** "She followed the policy, that's why we're here."

**Cheryl James:** "That's why we're here, because it got to this level."

**Patti Foy:** "That's right."

**Cheryl James:** "Yes. So when you talk about you don't want to discourage people from out there speaking. You know, people are taking offense and you're too touchy, or you're just it's just the way it is, it's not. When it, when you've dealt with this personally on your own, not just having a Detroit accent; that's not, that's not nothing compared to what's being said here. I know, I've dealt with it. And it does take effect on you. So, yeah, I don't want to discourage them from bringing paperwork."

**Patti Foy:** "Absolutely, absolutely. That's why we have these policies."

**Cheryl James:** "I don't want to sweep it under the rug. That's not my intention."

**Patti Foy:** "Well, we all also have to respect the individual."

**Cheryl James:** "Well, we are respecting the individual."

**Ben Emery:** "Good, that's what we're trying to do is respect these individuals at work respect."

**Patti Foy:** "I don't see this as a disrespect."

**Cheryl James:** "I see it as a disrespect, I'm sorry."

**Ben Emery:** "I did too, and a lot of people that were at that meeting that night were pretty offended too. Every one of us gasped..."

**Patti Foy:** "But there's only one complaint..."

**Ben Emery:** "...when she said it."

**Patti Foy:** "But there's only one complaint."

**Ben Emery:** "K."

**Cheryl James:** "But look at the level it's come to, though."

**Patti Foy:** "Well, I know that anything can go to any level. I'm not saying just because it's gotten to that level. That's not what we should be looking at, we should be looking at the content and the ramifications and the intent."

**Charlie Cruise:** "I'd like to look at one other thing, too. And that was the suggestion made by the Superintendent of having, ah, some sort of..."

**Ben Emery:** "Diversity training."

**Charlie Cruise:** "...but having some education."

**Patti Foy:** "Sensitivity training, yes."

**Charlie Cruise:** "And I think that was, that was more than appropriate, I think more than was called for under the circumstances. But, but nevertheless, it was rejected. And, and that gives me an indication that, it, that I got throughout reading the material, that this was more of a personal matter between those two people. Instead of..."

**Cheryl James:** "I don't believe so..."

**Ben Emery:** "I don't think so."

**Charlie Cruise:** "Well, you're entitled to disagree. We all get one vote. Right. Okay. But I was I was moved, that it was, that it was a personal spat between the two. And I have no idea whether that was true or not, but that was just the impression I got from reading the material. That's my impression, I'm sticking to it."

**Ben Emery:** "Yep."

**Patti Foy:** "Today, sensitivity training, diversity training, I think those are good positive steps, no matter what the circumstances, even if there are no circumstances, because we all, I think, have probably at some time said or done something and gone, Oops. Well, okay, so we have an oops, let's deal with it. But that doesn't. ...I don't see it at the level of disciplinary action for staff."

**Charlie Cruise:** "And I don't think it's a bad idea to do it anyway."

**Patti Foy:** "I don't think if it was a community member, any any other community member other than staff, we would not be sitting here debating this. And I think, that if you're in this audience, and we want to encourage you to continue to come, we need to respect your opinions and your statements, without feeling like there's repercussions against you."

**Charlie Cruise:** "Yes."

**Ben Emery:** "When that person in the audience stood up and talked, you just saw that person as a guest, or were you thinking she was a person talking as a staff member? That's what you're coming to, right?"

**Patti Foy:** "Right. I see..."

**Ben Emery:** "K."

**Patti Foy:** "...everyone out there as a community member, unless they tell me otherwise, or unless they have a school specific issue that puts them in that room."

**Ben Emery:** "The person that filed the complaint, works hand in hand with the person that made the, the comments. So you can, to me, you can take that right out of the equation. You're no longer just a member of the community, you are a member of the staff, that blatantly-- when you have to start out a sentence with '*I currently have, we currently have I apologize,*' right then's when, maybe, you should have shut up. Because when you start preface it with something like that, you know in your mind, you're about to say something you shouldn't say."

**Charlie Cruise:** "And you're entitled to hold that opinion."

**Ben Emery:** "Yeah, you're right I am. And I know we're not going to get anywhere, sadly, tonight because there's four people sitting here so two vote yes and two vote no, it gets tabled till we get to a Board of five."

**Charlie Cruise:** "Life's tough when you only have one vote, isn't it?"

**Patti Foy:** "We should have talked to--"

**Ben Emery:** "Not really, and..."

**Patti Foy:** "...the attorney."

**Ben Emery:** "Life's gonna be tough if you keep getting smart mouth with me." (Audience gasped)

**Patti Foy:** "We should have talked to the attorney."



**Charlie Cruise:** "Yeah? What ya gonna do? What you gonna do, Ben?"

**Ben Emery:** "...you keep getting smart mouth."

**Charlie Cruise:** "You gonna threaten me?"

**Cheryl James:** "Respect. Point of order."

**Patti Foy:** "We should have talked to the attorney, because, I think First Amendment rights are a major issue here and..."

**Charlie Cruise:** "And I would like to know if that was a threat."

**Patti Foy:** "...the role..."

**Ben Emery:** "It wasn't a threat, Charlie. Just stop disrespecting me. That's what it was."

**Patti Foy:** "...the role of the audience as community members..."

**Charlie Cruise:** "You disrespect yourself."

**Ben Emery:** "As the president of the Board, I have been in very close contact with the attorney and talked about it, what we could do. So I'm going to play for you some definitions. These are definitions of words that the attorney could, if we as a Board agreed, apply to what was said that day. This is the definition of the word discrimination. If you can't hear it, I'll read it out."

**Charlie Cruise:** "I'm a reasonably intelligent person I can, I can..."

**Ben Emery:** "The--I'm talking right? I stopped being rude, so you can too."

**Charlie Cruise:** "I can assume what those words mean."

**Ben Emery:** "The unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex. Recognition and understanding of the difference between one thing and another. So, this could possibly fall into discrimination."

**Charlie Cruise:** "Possibly."

**Ben Emery:** "It could."

**Charlie Cruise:** "But I think there's a presumption that there's a First Amendment right."

**Ben Emery:** "With your First Amendment right, you don't just get to bark stuff out. We're seeing it in the world every single day now."

**Charlie Cruise:** "No, you don't get to say slanderous things, you don't get to make threats, things like that."

**Ben Emery:** "Ahh, Charlie, you bore me to death."

**Charlie Cruise:** "I understand their limits to the First Amendment."

**Cheryl James:** "They don't pertain..."

**Ben Emery:** "But, they don't pertain. The First Amendment...it, it, it was a matter of one person, who is a member of staff, insulted other members of the staff. That's what this pertains to. It pertains to that Mr. Phillips was not able or unable to pull the plug and not bring it to us."

**Charlie Cruise:** "You think we're going to get anywhere by..."

**Ben Emery:** "Probably not Charlie, cuz there's four people. So..."

**Patti Foy:** "Why is it an insult to acknowledge a dialect? Why is that an insult? If you have one, you have one. If you don't, you don't? I guess, I don't see it, I guess. I mean, if like I said, if I'm a Detroit dialect, whatever that is, so be it. I can't change it, it's just there. I don't, I don't understand. I don't understand where it's a problem to be where you are."

**Ben Emery:** "Can we ask the person who filed this complaint, who happens to be in the audience, what her problem was with it? Y'all want to hear that?"

**Charlie Cruise:** "No."

**Mr. Phillips:** "I'm not sure she is able to engage, because that is usually done in Executive Session."

**Patti Foy:** "Yeah."

**Mr. Phillips:** "That person is invited to attend to speak confidentially."

**Patti Foy:** "Unless they choose open."

**Ben Emery:** "Hmm, we passed that part of it, haven't we?"

~~Motion to move into Executive Session~~

~~The Governing Board reserves the right to move into Executive Session for legal advice with its attorneys for any item listed on the agenda, in person or telephonically, pursuant to ARS 38-431.03. (A)(3). More specificity about the executive session is set out below.~~

- ~~• Pursuant to A.R.S. 38-431.03 (A)(3), the Governing Board may vote to move into Executive Session to meet with the District's Attorney for legal advice regarding the Grievance and allegations of discrimination, recommended legal actions.~~

~~No Action will be taken in Executive Session~~

~~Motion to Resume Open Session~~

B. Motion on Appeal of Miraj Wallace-- **Motion made by Charlie Cruise to deny the appeal. Patti Foy second. Patti Foy and Charlie Cruise voted aye. Ben Emery and Cheryl James voted nay. Motion Failed. Vote 2-2 nay.**

**Ben Emery moved to approve the appeal with modifications of having an apology and staff wide diversity training. Cheryl James and Ben Emery voted aye. Charlie Cruise and Patti Foy voted nay. Motion Failed. Vote 2-2 nay.**

**Charlie Cruise:** "Mr. President, I move we deny the appeal."

**Ben Emery:** "I move we don't deny the appeal."

**Cheryl James:** "I second."

**Charlie Cruise:** "Neither one of us have a second."

**Cheryl James:** "I second it already."

**Ben Emery:** "Second by Cheryl."

**Patti Foy:** "I second the denial."

**Ben Emery:** "Second by Patti."

**Charlie Cruise:** "There's a motion and a second to deny the appeal."

**Patti Foy:** "Although I do support additional training in both sensitivity and diversity."

**Charlie Cruise:** "Call the question."

**Ben Emery:** "Cheryl, did you say your second my motion..."

**Cheryl James:** "Yes."

**Ben Emery:** "...to not deny it?"

**Charlie Cruise:** "No, you didn't, you made a different motion. We had made a motion and it was seconded. I call the question on that."

**Ben Emery:** "Made by Charlie, second by Patti. Patti Foy, how do you vote?"

**Patti Foy:** "Aye."

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

**Charlie Cruise:** "Aye."

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

**Cheryl James:** "Nay."

**Ben Emery:** "Ben votes nay. Ben makes a motion that we do just the opposite, Charlie."

**Charlie Cruise:** "Go right ahead, it's your turn."

**Patti Foy:** "No, you need to say exactly what action you think needs to be taken."

**Brandi Lindemuth:** "So, according to what she sent, you're supposed to vote either to affirm the Superintendent's response, deny or reject the Superintendent's response or modify."

**Ben Emery:** "Yeah."

**Mr. Phillips:** "This is what our lawyer gave us."

**Brandi Lindemuth:** "This is what our lawyer sent on how you are to respond."

**Cheryl James:** "But isn't that supposed to be done in Executive Session?"

**Brandi Lindemuth:** "You guys denied going into Executive Session. No, and nothing happens in Executive Session, it's discussion only."

**Cheryl James:** "Okay."

**Brandi Lindemuth:** "You cannot make actions..."

**Ben Emery:** "You cannot make actions..."

**Patti Foy and Brandi Lindemuth:** "To?"

**Ben Emery:** "To, I don't believe that what was asked by the person that found this to be offensive that led them to file these complaints on three different occasions was that far out of the realm of sheep? The person asked for diversity training or whatever you want to call it, agreed to that and ask for an apology from the person that she felt offended by."

**Charlie Cruise:** "How do you propose we modified the Superintendent's decision?"

**Ben Emery:** "I just told you that. I agree with what the person..."

**Charlie Cruise:** "I didn't hear..."

**Ben Emery:** "I agree with what the person asked for as a resolution to their complaint. One that the diversity training take place and two that the person that, that offended the person who filed these complaints apologize. I don't agree it needs to be sitting in this forum here as they ask."

**Charlie Cruise:** "Okay."

**Ben Emery:** "But, I don't think that person should, was asking for too much."

**Charlie Cruise:** "I call the question."

**Cheryl James:** "And I second."

**Charlie Cruise:** "I call the question."

**Ben Emery:** "We did and I made a motion to modify it. Cheryl second it."

**Charlie Cruise:** "That means you vote on it."

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

**Charlie Cruise:** "Nay."

**Ben Emery:** "Patti, how do you vote?"

**Patti Foy:** "Nay."

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

**Cheryl James:** "Aye."

**Ben Emery:** "Ben votes aye. Anybody else not see that coming?"

**Patti Foy:** "So the nays carry it."

**Ben Emery:** "No, the nays do not carry it. I asked. I asked the attorney two nays and two yays, it's tabled. It can go nowhere."

**Patti Foy:** "The Attorney General says..."

**Charlie Cruise:** "Let's move on to the next item."

**Patti Foy:** "...no's take the vote if there's only a four-member vote, Board, I can't get anything out."

**Ben Emery:** "If you'd show me that. If you would show me that I would really appreciate it. I honestly would. Because, I asked, the attorney said no, I went all the way..."

**Charlie Cruise:** "I don't care what you asked the attorney, the attorney's not here. I want to hear from the attorney. If there's anything the attorney has to say. Let's move on. Can we?"

**Cheryl James:** "Charlie..."

**Ben Emery:** "Charlie,"

**Cheryl James:** "...show some respect."

**Charlie Cruise:** "Can we move on?"

**Ben Emery:** "Calm down Charlie. No."

**Charlie Cruise:** "The motion has been defeated."

**Cheryl James:** "Well Patti is asking."

**Ben Emery:** "No it hasn't, it's been tabled."

**Charlie Cruise:** "What are we going to do, talk about this all night?"

**Patti Foy:** "No, I'm gonna call and ask Tim Carter."

**Cheryl James:** "Patti is speaking about it."

**Mr. Phillips:** "I believe the policy says the decision of the Board is final, at this point. Whatever that decision is, it's final."

**Ben Emery:** "There was no decision reached, tow voted yes to accept yours two voted not to accept yours and modify it and it's a stalemate. And if you've can, that'd be great Patti, because I asked the attorney, the attorney asked her peers they got back to her and said two noes and two yeses, it's tabled."

**Charlie Cruise:** "So it's tabled, let's move on."

**Ben Emery:** "Charlie, when you're sitting in this chair, you can talk however you want to. Right now, calm down, let her make her phone call."

**Charlie Cruise:** "I'm calling a point of order."

**Ben Emery:** "Good, point of order, so noticed."

**Patti Foy:** "We got his voicemail."

**Ben Emery:** "Gotcha."

**Patti Foy:** "I'll try again later."

**Ben Emery:** "Thank you. So, we're gonna table it until you get justifi---verification of what was said about to noes and two yeses. Trust me, I wish it was my way."

**Patti Foy:** "I can ask Tim Carter and—"

**Ben Emery:** "Tim Carter's not an attorney."

**Patti Foy:** "No, but our attorney has given us wrong information before. As with you, the attorney saying he didn't have to give a reason for abstaining, but the Attorney General says you do."

#### SIGNING OF MINUTES

#### ANNOUNCEMENTS

- A. Board Fall Retreat to follow immediately after Board Meeting
- B. Veteran's Day Nov. 11, no school
- C. SPIRIT will be hosting Annual Senior 65+ Thanksgiving Dinner, this year it will be a drive thru pick up on Nov. 15
- D. Thanksgiving Break is Nov. 23-26
- E. Input of items for next board meeting-please email Brandi Lindemuth at [blindemuth@seligman.k12.az.us](mailto:blindemuth@seligman.k12.az.us)

\*\*Requests must be made five (5) business days prior to the creating of the Agenda\*\*

**ADJOURNMENT—Ben Emery moved to adjourn the meeting. Cheryl James second. Patti Foy, Ben Emery and Cheryl James voted aye. Charlie Cruise had left the meeting; he did not vote. Motion carried. Vote 3-0 aye. Meeting adjourned at 5:50 P.M.**