

**MINUTES OF THE SPECIAL MEETING/EXECUTIVE SESSION  
OF THE BOARD OF TRUSTEES  
POCATELLO/CHUBBUCK SCHOOL DISTRICT NO. 25  
Board Room at the Education Service Center  
3115 Pole Line Road  
Pocatello, ID 83201  
8:00 a.m.**

**Saturday, May 29, 2010**

**BOARD MEMBERS/SUPERINTENDENT PRESENT:**

Marianne Donnelly, Chair  
Janie Gebhardt, Vice Chair  
Frank Rash, Clerk

John Sargent, Member  
Jackie Cranor, Member  
Mary M. Vagner, Superintendent

**OTHERS PRESENT:**

Marvin Smith, Smith & Banks, PLLC, Hearing Officer,  
Renae Johnson, Board Secretary

**Welcome, Call to Order and Statement of Purpose**

Chair Donnelly called the Special Meeting to order at 8:04 a.m. She said the purpose of the meeting was to take action on Findings of Fact and Conclusions of Law on the Single Group Due Process Hearing conducted May 25, 2010.

**Approval of Agenda**

A motion was made by Mr. Rash and seconded by Ms. Gebhardt to approve the agenda as presented.

**Adjourn to Executive Session in Accordance with Idaho Code 67-2345 (1) (f) – *To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated;***

A motion was made by Ms. Gebhardt and seconded by Ms. Cranor to adjourn to Executive Session. The roll call vote was unanimous in the affirmative: Mr. Rash, aye; Ms. Gebhardt, aye; Mr. Sargent, aye; Ms. Cranor, aye; and Ms. Donnelly, aye. The Board adjourned to Executive Session at 8:08 a.m.

**Return to Open Session and Reconvene Special Meeting**

The Board returned to open session at 8:23. Chair Donnelly reconvened the special meeting at 8:24 a.m.

**Take Action on Findings of Fact and Conclusions of Law on Single Group Due Process Hearing Conducted May 25, 2010**

Mr. Smith asked the Board members to confirm receipt of both sets of Findings of Fact and Conclusions of Law. All Board members confirmed receipt of both sets of Findings of Fact and Conclusions of Law. Mr. Smith asked the Board if they all the opportunity to review the Findings. The Board members confirmed they had the opportunity to review both sets of findings. Mr. Smith asked if any discussion was needed on either set of Findings. Chair Donnelly asked the Board if there were any questions relative to the Findings of Fact and Conclusions of Law submitted by John Rumel. Ms. Cranor said she had questions. She said her first question was relative to the discussion regarding a 4.5% salary reduction off of the 2009-10 salary schedule offer from the PEA and said she did not recall ever hearing that offer. Mr. Sargent said he never received the offer for 4.5% either. Ms. Calica asked if she could address the concern. Mr. Smith said the purpose of the meeting was a reconciliation of findings and not a discussion. Ms. Cranor said her next question was regarding a statement in the findings about a holdback never being ordered at the beginning of the year. She said it was written as if it were fact and asked if it that was

correct. Mr. Sargent said the Board knew it was not fact because a holdback was ordered at the start of the year in FY 2009. Ms. Gebhardt also noted that the holdback referenced was for FY 2010 only and did not address the entire 2010-2011 school year. Ms. Donnelly said there was no confirmation that no holdback would occur for the 2010-2011 school year. Ms. Cranor said her next question was regarding the Board's bargaining team retreating from an offer. She said there was no evidence that the Board's bargaining team retreated from any such offer. Ms. Gebhardt addressed the finding stating that a last best offer would be made today if no agreement has been reached and said that was incorrect. Ms. Cranor said she did not agree with conclusion #7 stating that a last best offer must be addressed in negotiations. She said she felt that was ambiguous and that it should be addressed after negotiations according to the statute. Ms. Donnelly verified that a last best offer was required to be given only after meet and confer did not produce a settlement and after a single due process hearing per the financial emergency statute. Ms. Gebhardt agreed the statute was clear. Ms. Cranor said she disagreed with the conclusion stating the Board recommended a 6.91% reduction. She said that is not what the administration recommended or the recommendation of the Board. She said she disagreed with the conclusion that stated the District had engaged in bad faith bargaining. Ms. Gebhardt said she disagreed with conclusion #11. Mr. Sargent agreed. Ms. Cranor said she disagreed with conclusion #12 and that the stated administrative recommendation was incorrect. Mr. Sargent agreed that was not the offer of the Board. Mr. Sargent said he had a problem with conclusion #13 stating the Board did not negotiate in good faith. Mr. Sargent said he agreed with conclusion #15 regarding the Board's responsibility for fiscal responsibility. Ms. Gebhardt said she did not like that several of the conclusions tried to put words in the Board's mouth. Ms. Donnelly entertained a motion to take action on Mr. Rumel's Findings of Fact and Conclusions of Law. A motion was made by Ms. Gebhardt and seconded by Mr. Sargent to not accept the Findings of Fact and Conclusions of Law submitted by Mr. John Rumel. The voting was unanimous in the affirmative. Ms. Donnelly asked the Board if there were any questions regarding the Findings of Fact and Conclusions of Law submitted by the Pocatello/Chubbuck School District No. 25's Administration. Ms. Cranor said she had a question regarding the administration's finding #14. She said she thought the administration's recommendation was 6% from the 2008-09 salary schedule which would be .9% off of the original offer and not 2%. She said she might have misunderstood. She said her next question was regarding the two steps. She said she did not recall hearing about that. She said her next question was regarding the deletion of Appendix A. She said she did not understand what Appendix A and the MOU were about. Mr. Smith said Appendix A was attached which was the MOU. Ms. Donnelly said the MOU was part of the 2009-10 negotiated agreement and was ratified and adopted as Appendix A. Ms. Cranor asked if it was being deleted because the Board's proposal was based off of the 2008-09 school year. Ms. Donnelly said it was addressed in conclusion #9. Ms. Cranor said she took issue with the conclusion that the Board could not use the School Plant Facilities Levy. Ms. Donnelly entertained a vote on the conclusion. Ms. Cranor declined a vote at the time of the meeting. Ms. Cranor said she had a problem with planning for a 5.5% holdback and thought it was reasonable to plan for 3%. Mr. Rash asked her to clarify. Ms. Cranor said after hearing the testimony of Mr. Ruchti she thought that 3% was reasonable. Ms. Cranor noted that she could not find any conclusion regarding Mr. Ruchti's comments in the Findings of Fact and Conclusions of Law submitted by Mr. Rumel. She said there was a comment from Mr. Ruchti stating the financial emergency was a "safety valve" but the comments did not address a holdback. She said she also questioned the \$6 million suggested by the Key Communicators and said there was no decision regarding a \$6 million dollar proposal. Ms. Donnelly said the Key Communicators meeting was one of many meetings that solicited public input and the options proposed were addressed during various Board meetings. Ms. Gebhardt agreed that almost all of the ideas from Key Communicators were entertained by the Board that addressed each proposal. Ms. Donnelly entertained a motion to accept or not accept the Findings of Fact and Conclusions of Law submitted by the Pocatello/Chubbuck School District No. 25's Administration. Ms. Cranor said she was not in agreement with the decision as to the amount of salary reduction or the amount of the holdback. Ms. Donnelly asked Ms. Cranor if she would entertain a specific amendment. Ms. Cranor said she proposed the Board adopt a 4% salary reduction from the 2009-10 salary schedule for a cumulative 5% salary reduction rather than a 5.95% and offer furlough days to maintain the

daily rate. Mr. Smith asked Ms. Cranor to state the page she was reading from to ensure everyone was on the same page. Ms. Cranor said she was referring to page 12. She said the rest of the Findings of Fact, Conclusions of Law and Decision were acceptable. Mr. Smith asked Ms. Cranor to entertain a motion for the amendment. A motion was made by Ms. Cranor to adopt the Pocatello/Chubbuck School District No. 25's Administration's recommendation with the proposed salary reduction changed to 4% instead of 5% from the 2009-10 salary schedule and the extra-curricular salary schedule by 4% instead of 5%. Mr. Smith confirmed that Ms. Cranor was reading from page 11, subpart 1a and page 12 reducing extra-curricular by 4% from the 2009-10 salary schedule and furlough days at the 4% level. Ms. Cranor said that was correct. Ms. Donnelly asked if there was a second. Mr. Rash seconded the motion. Ms. Donnelly asked for those in favor. Ms. Cranor, Mr. Rash, and Mr. Sargent were in favor of the motion as amended. Ms. Gebhardt and Ms. Donnelly were opposed. Mr. Smith said Appendix A was also referred to as Exhibit A in the Findings of Fact, Conclusions of Law and Decision and said it should be amended. A motion was made by Ms. Cranor and seconded by Mr. Sargent to adopt the written Findings of Fact, Conclusions of Law and Decision on the Single Group Due Process Hearing conducted May 25, 2010 as amended. The voting was unanimous in the affirmative.

**Adjourn**

A motion was made by Ms. Gebhardt and seconded by Mr. Sargent to adjourn. The Board adjourned the special meeting at 8:56 a.m.

**APPROVED ON:**

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**MINUTES PREPARED BY:**

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**Secretary, Board of Trustees**

**BY:**

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**Chair**

**ATTESTED BY:**

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**Clerk**