

**MINUTES OF THE SPECIAL MEETING/EXECUTIVE SESSION/ACTION TO FOLLOW
OF THE BOARD OF TRUSTEES OF THE
POCATELLO/CHUBBUCK SCHOOL DISTRICT NO. 25
BANNOCK COUNTY – IDAHO**

**Board Room at the Education Service Center
3115 Pole Line Road
Pocatello, ID 83201
4:45 p.m.**

Tuesday, May 18, 2010

Welcome, Call to Order and Statement of Purpose

Chair Donnelly welcomed everyone and called the Special Meeting to Order at 4:55 p.m. She said the purpose of the meeting was to acknowledge a possible violation of the Open Meeting law and an intent to cure any defect and to take action to declare Findings of Fact and Conclusions of Law adopted May 8, 2010 as Null and Void and to take action to possibly adopt Findings of Fact and Conclusions of Law on Hearings Conducted May 4, 2010.

Approval of Agenda

A motion was made by Ms. Gebhardt and seconded by Mr. Rash to approve the agenda as presented. The voting was unanimous in the affirmative.

Board acknowledges possible violation of the Open Meeting law and an Intent to Cure

Ms. Vagner said a copy of the article in the Idaho State Journal questioning a violation of the open meeting law was included in the packet. She said the Special Meeting/Executive Session of May 4, 2010 was noticed to adjourn to Executive Session in accordance with Idaho Code 67-2345(1) (b) *To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or agent.* She said the notice should possibly have been noticed as 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.* She said also included in the packet was a memorandum from Wayne Hoffman requesting a resolution to the issue. She said if it was indeed a violation the Board would recognize it as a possible violation and cure any defect. She said if necessary the Board would adjourn to Executive Session in accordance with Idaho Code to communicate with legal counsel. She said the Board could possibly readopt the Findings of Fact and Conclusions of Law on Hearings conducted May 4, 2010. She said the first action item was for the Board to declare the Findings of Fact and Conclusions of Law adopted on May 8, 2010 as null and void.

Take Action to Declare Findings of Fact and Conclusions of Law adopted May 8, 2010 as Null and Void

A motion was made by Ms. Gebhardt and seconded by Ms. Cranor to declare the Findings of Fact and Conclusions of Law adopted May 8, 2010 as null and void. The voting was unanimous in the affirmative. Mr. Sargent abstained as he was absent during the May 4, 2010 hearing and May 8, 2010 findings of fact.

If Necessary, Adjourn to Executive Session in the Board Room at the Education Service Center – 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;

The Board did not adjourn into Executive Session.

Take Action to Possibly Adopt Findings of Fact and Conclusions of Law on Hearings Conducted May 4, 2010

Ms. Cranor said she felt differently than she first had when the Board originally adopted the Findings of Fact and Conclusions and said she still disagreed with a 6.91% reduction to salaries. She said a holdback did need to be considered but felt that amount was too high. Ms. Donnelly pointed out that there was a range to cover the amount of a holdback in the Decision for that reason. Mr. Rash asked if Ms. Cranor had a suggestion. Ms. Cranor said she

had spoken with Donna Boe and felt that a reduction could be based on a lower holdback rate instead of the whole 5.5% and if the worst happened the District could tap into its reserve fund. Mr. Rash asked if she wanted to decrease the reduction by 3.5% total. Ms. Cranor said no she wanted to recalculate the reduction based on a 3.5% holdback rather than a 5.5% holdback. She said the District had been paying out more in salaries than the state reimbursed and hoped the community would support a supplemental levy. She said she would rather take a little amount out of each pot than take it all out of teacher salaries. Mr. Rash asked Ms. Cranor what the total salary reduction would be. Ms. Cranor said she was unsure of the total reduction. Ms. Vagner said the Board could consider recalculating the salary reduction based on a 3.5% holdback. Ms. Cranor agreed it would be fairer to reduce the amount of the holdback calculation. Ms. Donnelly asked Ms. Cranor if she realized that moving the salary schedule back to 2008-09 level already removed 1% from the salary reduction. Ms. Cranor said she realized that the District had dipped into its reserve fund by doing that. Ms. Cranor said she was not sure where the rest of the Board stood on her suggestion. Ms. Donnelly asked Ms. Cranor if she would like to offer an amendment. Ms. Vagner said contracts had been issued based on previously adopted motions of the Board. She said the Board could improve but it could not detract. Ms. Cranor said if the Board based the salary reductions on a 3.5% holdback it would be an improvement. Ms. Vagner said it would. Mr. Sargent asked if the reason for basing the salary reduction off of the 2008-09 salary schedule was to maintain parity. Ms. Gebhardt said that was the intention. Ms. Donnelly asked if there was a motion for an amendment. A motion was made by Ms. Cranor to base the salary reduction off of the 2009-10 salary schedule with a 3.5% holdback level. There was no second. A motion was made by Ms. Gebhardt and seconded by Mr. Rash to adopt the Findings of Fact and Conclusions of Law on Hearings conducted May 4, 2010. Mr. Rash, aye, Ms. Gebhardt, aye, Ms. Donnelly, aye. Ms. Cranor, opposed. Mr. Sargent abstained.

Adjourn

A motion was made by Ms. Gebhardt and seconded by Mr. Sargent to adjourn the Special Meeting. The voting was unanimous in the affirmative. The Board adjourned its Special Meeting at 5:14 p.m.

APPROVED ON:

BY:

Chair

ATTESTED BY:

Clerk

MINUTES PREPARED BY:

Secretary, Board of Trustees