

ARROWHEAD UNION HIGH SCHOOL DISTRICT
SPECIAL BOARD OF EDUCATION MEETING
AUGUST 18, 2021 MINUTES

The meeting was called to order by President Rice at 6:01 p.m. in the North Campus Theater.

Everyone rose for the Pledge of Allegiance.

Members present: Kent Rice, Sue Schultz, Craig Thompson, Darrell Beneker, Donna Beringer, Amy Hemmer, Tim Langer, Chris Farris

Administration present: Laura Myrah, Jeff Gross

The meeting was properly posted.

Mr. Kent Rice, President, asked if there are any board members who do not consent to holding a special board meeting because he or she did not receive appropriate notice of the meeting at least 24 hours in advance. No board member wished to withhold consent to the Special Meeting due to the lack of receiving adequate personal notice.

Mr. Rice turned the meeting over to Ms. Laura Myrah, Superintendent who provided background as to the need for this Special School Board meeting. Ms. Myrah explained that an error was made to the date of the application deadline, on the district website for the open Swallow representative seat and the steps that were made to correct the error. The interviews for the open seat were held during a Special Board meeting on August 11, 2021. Some board members voiced their opinions of this process. The board decided that they were prepared to hold a vote, which ended in a tie. A second vote was held also resulting in a tie. A third vote was held with the same results. Procedure 113 states that in this situation the school board president shall break the tie. The suggestion was made by a board member to start the process over. No motion was made but a consensus was reached that this would be the best way to move forward. Ms. Myrah informed the board that she reached out to legal council to discuss this matter. The attorney confirmed that the steps taken to correct the error were a reasonable and legal defensible course of action. Our policy states that a majority of seated school board members must vote yes for any candidate. Therefore, even if only one candidate had applied, there is no guarantee that this individual would be appointed; a school board appointment is different than a public election in this way.

Legal counsel advised that we suspend a part of our Policy 113, related to the process of filling the vacancy and the indication that it must occur within sixty days. We have also been advised to suspend the Procedure where the board president will break the tie, in order to restart the full process. The motion would serve as a formalization of the board consensus on suspending the procedure. If said motion did not pass, the board president should break the tie after a 60-day time period. The most typical course of action for school boards in similar situation is to start the application/appointment process over.

Attorney Dan Mallon, Wisconsin Association of School Boards found verbiage in Policy 121 that the suspension of these policies must be done at a Regular Board meeting and not a Special Board meeting. The advice was to not move forward with agenda items V, VI, and VII. His advise was to move to hold a regular board meeting at a date certain meeting or Mr. Rice would need to break the tie.

Dissention from the floor arose regarding the attorney being involved.

Moved by Rice, seconded by Beringer to hear the advice from the District's representative legal counsel, Attorney Dan Mallen in open session on items V, VI, and VII. Motion Carried. (6-Yes, 2-No, Hemmer-no, Farris-no)

Attorney Mallen, advised the board to evaluate policy language as it relates to policy suspensions. He also advised the board to not take action on items V, VI, VII of the Special School Board meeting agenda dated Wednesday, August 18, 2021 as stated.

Moved by Hemmer, seconded by Farris to appoint the candidate that turned her paperwork in on time.

Legal advice was given to the school board to not take action on that motion to appoint a board member, as it does not fall within the public meeting notice and would be violating open meeting laws. This motion would require some suspension of certain policy items. After listening to this advice, Hemmer and Farris did wish to move forward with the motion. The board was then advised that a board member could object to that motion or postpone the motion in light of the open meetings law concerns.

Moved by Langer, seconded by Farris to postpone consideration of the motion to appoint the candidate that turned her paperwork in on time to the next regularly scheduled board meeting.

Roll Call Vote: Rice - aye, Schultz - aye, Thompson - aye, Beneker - aye, Beringer - aye, Hemmer - aye, Langer - aye, Farris – aye. Motion Carried.

Moved by Rice, seconded by Thompson to postpone consideration of items V, VI, and VII as they appear on the notice of the Special School Board meeting dated Wednesday, August 18, 2021 all related to filling a school board vacancy to a Regular scheduled School Board meeting to be held Monday, August 23, 2021 at 7:00 pm. Motion Carried.

Legal counsel advised that we need to select a date and time certain and a location in the motion.

Moved by Rice, seconded by Thompson to hold the Monday, August 23rd meeting in the regular meeting space. There was a discussion that we need to have a bigger space.

Moved by Rice, seconded by Hemmer to amend the Regular School Board location being held on Monday, August 23rd to the South Campus Cafeteria. Motion Carried.

The board voted again on the amended motion to include the location of the South Campus cafeteria.

Moved by Rice, seconded by Thompson to postpone consideration of items V, VI, and VII as they appear on the notice of the Special School Board meeting dated Wednesday, August 18, 2021 all related to filling a school board vacancy to a Regular scheduled School Board meeting to be held Monday, August 23, 2021 at 7:00 pm as amended to include the location of the South Campus cafeteria. Motion Carried.

Mr. Jeff Gross, Director of Business Services updated the board following its request at the closed session meeting held on August 11, 2021, to continue working with the party of the board's preferred offer. Agreement was reached with that party on an amended offer to purchase the 40-acre property commonly referred to as the Vilter Farm, which includes all items requested by the board. Mr. Gross introduced Mike Shober, the attorney providing guidance with the land sale, to discuss details related to the property sale.

Moved by Langer, seconded by Thompson to accept the offer as presented to sell the Vilter farm for \$2,075,000 to Andrew J. Gehl or assigns. Motion Carried.

Mr. Rice mentioned that the Gehl family has plans to make the farm a conservancy and to restore the barn. He thanked Mr. Langer and Mr. Gross for all their work on the sale of the land. Mr. Rice informed the community members that there is not yet a definitive plan for the financial proceeds of the land sale, but there are considerations to use this money towards improvements to the Special Education program facilities at both campus buildings.

Moved by Langer, seconded by Beneker to adjourn. Motion Carried.

The meeting adjourned at 6:51 p.m.

Respectfully submitted,

Kate McGraw

Recording Secretary

Susan M. Schultz, Clerk