

# **ENNIS PUBLIC SCHOOLS**

**\*\*\*\*\*THURSDAY JUNE 21, 2012\*\*\*\*\***

## **SPECIAL BOARD MEETING**

### **FINAL AGENDA**

**5:00 P.M. – HIGH SCHOOL STAFF ROOM**

#### **PLEDGE**

- I. VISITORS AND PATRONS**
- II. PUBLIC COMMENT**
- III. NEW BUSINESS**
  - A. Request for Limited Waiver of Attorney Client Privilege
  - B. Request for Board Authorization of Representative for Discovery Responses

**SCHOOL DISTRICT 52  
ENNIS, MADISON COUNTY, MONTANA  
MONDAY, JUNE 21, 2012**

***SPECIAL BOARD MEETING - 5:00 P.M.***

Lisa Frye	Chairperson - absent
Craig George	Vice-Chair - absent
Jim McNally	Trustee
Mike McKittrick	Trustee
Bill Clark	Trustee
Doug Walsh	Superintendent
Ginger Martello	District Clerk
Elizabeth Kaleva - via phone	District Counsel

Trustee McNally called the meeting to order. The pledge to the flag was recited.

**VISITORS**

Karen McKittrick	Community Member
Ben Coulter	Madisonian
Marjorie Kent	Community Member
Marlene Martin	Community Member
Cindy McKittrick	Community Member
Eileen White	Community Member
Mel McKittrick	Community Member
Fred Donich	Community Member

**Public Comment**

None

***NEW BUSINESS***

**Request for Limited Waiver of Attorney Client Privilege**

Elizabeth Kaleva, District Counsel, explained to the board she was asking to waive attorney client privilege to answer a question posed by Teachers' Retirement System in their

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discovery request. She explained this would only apply to one question regarding a letter from TRS on March 13, 2008.

Trustee McKitrick asked if this would put us in any negative position down the road?

Trustee McNally asked if this would be addressed in a deposition or in writing?

Ms. Kaleva explained it would be addressed in writing and she does not have an issue answering this question.

Trustee Clark and Trustee McKitrick felt if answering the question helped move this forward and was not detrimental it wouldn't be a bad thing to approve.

Trustee Clark made a motion to approve Ms. Kaleva's request for a limited waiver of attorney client privilege to answer the question addressing the letter from March 13<sup>th</sup>. Trustee McKitrick seconded the motion. All members present were in approval.

Ms. Kaleva presented her response to the board. She explained that letter was sent to Superintendent Walsh and copied to K-12 schools. It appears to be a form letter sent to all retirees from Natalie Chamberlain, who she believes is no longer with TRS. There was a section addressing requirements on tracking hours for retired employees. Prior to 2010 or 2011 Ms. Martello didn't call to ask questions, they were directed through Superintendent Walsh. Ms. Martello did not track hours and was not trained to track hours by Sandra Lane the previous clerk. Ms. Lane also did not track hours. Ms. Kaleva stated she looked at the statutes and explained to Superintendent Walsh they were required to track hours. That is what is reflected on the bill.

#### **Request for Board Authorization of Representative for Discovery Responses**

Ms. Kaleva explained she needed to have authorization for a trustee to review, answer and certify the responses for discovery to be true to the best of their knowledge. Trustee McNally is currently the only board member that has personal knowledge from prior years.

Trustee McNally informed Ms. Kaleva that Trustee McKitrick was also on the board from 2007 to present. Ms. Kaleva said that Trustee McKitrick could certify items from 2007 to present and Trustee McNally could certify anything earlier.

Trustee McKitrick said he was fine with Trustee McNally providing all the necessary information. He was not trying to get out of it, but it made sense to have one person involved. He asked if the answers were presented to the board for approval?

Trustee Clark asked if some of the answers could be found in the past board minutes?

Trustee McNally asked if he developed answers to the questions and certified their accuracy?

Ms. Kaleva explained the answers will be provided to all trustees to examine, but Trustee McNally would certify their accuracy because he was on the board. They are asking questions to the board who do not exist anymore. A lot of the questions are covered under attorney client privilege. She said some questions may not be able to be answered because some of the questions ask what the board was thinking. Boards take action. Ms. Kaleva will try to contact prior board members if needed. She said the questions will be answered to the best of our ability and we won't answer a question if we don't know the answer. It can be hard to remember that far back. Discovery responses are due July 9<sup>th</sup>. Trustee McKitrick made a motion to approve Trustee McNally as the representative for authorization for discovery responses. Trustee Clark seconded the motion. All members present were in approval.

The special meeting is scheduled for Tuesday, July 10, 2012 with the county commissioners to be held in the Ennis High School Gym.

As there was no other business for the attention of the board, the meeting was adjourned at 5:20 p.m.

Attest

  
Ginger R. Martello, District Clerk

  
Jim McNally, Trustee

7-9-12  
Date Approved