ENNIS PUBLIC SCHOOLS *******MONDAY, MAY 21, 2012*******

SPECIAL BOARD MEETING FINAL AGENDA 5:00 P.M. - HIGH SCHOOL GYM

PLEDGE

- I. VISITORS AND PATRONS
- II. PUBLIC COMMENT
- III. NEW BUSINESS
 - A. Contract with County
 - B. Discuss Hiring a New Attorney
 - C. MVEA (Madison Valley Education Association)
- IV. OLD BUSINESS
 - A. Appoint District Clerk

SCHOOL DISTRICT 52 ENNIS, MADISON COUNTY, MONTANA MONDAY, MAY 21, 2012

SPECIAL BOARD MEETING - 5:00 P.M.

Lisa Frye Chairperson
Craig George Vice-Chair
Jim McNally Trustee
Mike McKitrick Trustee
Bill Clark Trustee

Doug Walsh Superintendent

John Sullivan Principal
Brian Hilton Principal
Ginger Martello District Clerk

Chairperson Frye called the meeting to order. The pledge to the flag was recited. Trustee McNally made a motion to allow the Chairperson to rearrange the agenda items if needed. Trustee George seconded the motion which was approved by all members present.

VISITORS

Per Attached

Public Comment

Chairperson Frye explained to the public to be respectful and be recognized before speaking. She asked if there was any public comment for items not on the agenda.

None

OLD BUSINESS

Appoint District Clerk

Chairperson Frye allowed Mr. Overstreet the opportunity for comment.

Mr. Overstreet said he is excited for the opportunity to do this job. He said it takes courage

and is difficult to be on the board. The first thing they have to do is affect someone's career. They have to trust school administration and he appreciates their decision to reconsider their opinion. He is basing his opinion on many years in education and life experience. A school is run like a business. To replace the clerk, superintendent and board chair all in one year would be a bad decision. We need her consistency. Replacing a clerk is not like replacing a coach. Everyone you know thinks they can coach. The clerk is the most complicated job and is always changing, especially during legislature. He has worked with Ms. Martello before for four years and has a rapport, trust and working relationship with her. Even you hire a CPA for \$70,000 it would take them six months to a year to learn the job, it is different from regular business. Ms. Martello needs to be part of the team. In all fairness, if staff is having difficulties they should be given notice and time to improve. She has twenty-three years on the job and deserves a fair chance. This could be the first positive step to help heal the community.

Chairperson Frye said she spoke with Mr. Overstreet several times about concerns with Ms. Martello. She trusts him and accepts his recommendation. She is comfortable appointing Ms. Martello as the clerk.

Trustee McNally said he is not changing from last week and she continues to have his full support.

Trustee George said he had no problem reappointing Ms. Martello under the current contract. There are contractual issues to address. You don't buy a car without knowing the costs. He understands a performance review has been done by Superintendent Walsh. There are also cost of living questions. These need to be taken into account or it would not be fair to the taxpayers. Negotiations can begin after that.

Trustee McNally made a motion to appoint Ginger Martello as the District Clerk. Trustee Clark seconded the motion

The board took public comment.

Neil Kent told the board he has been to more events in the school system than possibly the entire community. He is proud of the school system and the staff. It is a privilege to know the board members or at least most of them. He is proud of the job Mr. Sullivan and Mr. Hilton have done, but he is most proud of Ms. Martello. The abuse she has taken the last few years is a terrible thing.

Jan Coffman explained she has been a resident for the last thirty-three years. She thanked the previous board members for everything they accomplished. She told Trustee Clark she has known him since she moved here and she trusts him to put the past to rest and move forward. She said she has been a neighbor of the Martellos for eleven years and their kids are like her own. Ms. Martello takes care of my dog and mows my lawn. Ms. Coffman said she trusts her as a friend and a clerk. She asked Chairperson Frye if

what she said in the paper was true, why are we here tonight? She also asked the Madisonian to accurately report the outcome of the meeting.

Shera Konen presented a petition to the board with approximately 230 signatures in support of Ms. Martello.

Brittani Martello explained she was Ms. Martello's daughter. She graduated from Ennis along with her brother. She said my mom also went to school here, graduated from Ennis, played ball and is a true Mustang. She has coached track, basketball, volleyball and was even a Brownie leader. She has 23 ½ years of service here. She also volunteers with After Prom. She is dedicated to her job. She works nights, weekends and even gets bugged on Thanksgiving and Christmas. She does a great job and I am proud of her.

Marc Glines said at the last meeting it was not an accident or oversight on how things happened. It was quick with a first, second and then a vote. What was reported in the paper was not what happened, and it was not fair or accurate.

Chairperson Frye said it was her fault there was a vote before discussion was taken on the issue. She was responsible. This happened because of her lack of knowledge. She had concerns and talked a lot to Mr. Overstreet. Not all her concerns are gone but, she trusts him and has changed her position.

Trustee George said there was no contract in front him and still doesn't have a current contract.

Todd Durham asked if they made decision not to rehire because they didn't have a contract, whose fault was that? It is not her fault.

Trustee George said it is a positive move forward to appoint Ms. Martello as clerk and she has six weeks to negotiate a contract.

Barbie Durham said there are a number of reasons she has not been attending the meetings and it was bad she was not there last week. There is a preconceived agenda. She urged the board to put aside their preconceived notions and listen to what people have to say.

MVEA - Jay Fredrickson

Mr. Fredrickson informed the board he is the president of the MVEA. The school environment has been difficult. All over the state you are asked what is going on? Some of the staff responds by saying they are happy every day to go to school. Others said it is an embarrassing process to be asked all the time. He is proud of all the staff and they have remained focused on educating the students. Mr. Fredrickson asked the board to

consider this question before acting on any issue. What will be the most positive impact on the kids? If it is answered any other way, we need to re-evaluate. Ms. Martello has already proven herself. She dedicates a lot of time and effort to the school. This is an opportunity to move to a silver lining. He thanked everyone for being part of the democratic process.

Kay Suzuki told the board she graduated two children from the school district and couldn't have done it without Ms. Martello's help. She trusted her with her children. What has been done has torn the community apart, with comments, accusations, and political agendas. She has trusted the administration and they remain dedicated to the students after they leave. She cautioned the board to do what is best for the children, not for political gain or to get your name in the paper. The school is the heart of the community and it is broke. It needs to heal and kids are our future.

Jim Hart addressed the board as a retired school teacher. He agreed with the comments about school pride. Board members have a tough job. They review contracts and having to make split decisions without information can destine any board to trouble. He echoed what everyone else said about Ms. Martello. Mr. Hart said what Ms. Martello's daughter stated is true. Ms. Martello is a dedicated young lady and a good part of the community. He has known her since high school. He applauded the board's decision to reconsider their decision from last week. They may even decide she needs a raise.

Mellissa Newman said she loves her job and wouldn't want to teach anywhere else. This decision has caused a ripple of fear throughout the school. It was cruel to hang her out for a week. Next time, do your diligence before the meeting.

Kurtis Koenig informed the board he has spoken three times at a board meeting and all in defense of a co-worker. When he heard what happened at the last meeting he was enraged, then he read the paper and started to draw connections. Something happened, maybe a mistake. Let's fix our mistakes, take our lumps and move forward. No one else needs to bleed.

Trustee McNally asked Chairperson Frye if the concerns she still had needed to be addressed now or was she comfortable that they can be resolved so we won't be here again in six months?

Chairperson Frye said yes after visiting with Mr. Overstreet she was comfortable, unless new issues arise.

All trustees present were in approval.

NEW BUSINESS

Contract with County

Superintendent Walsh informed the board the agreement with the county has not been signed by the county. This is the agreement to extend keeping the district's money with First Interstate Bank. Montana School Board Association has contacted the county and has not heard back from them.

Trustee McNally asked if this was an agreement with First Interstate Bank or with the county?

Superintendent Walsh explained it was an agreement with the county. This agreement was voted on by the board at the last meeting. The district has money invested in CDAR'S and would have a penalty of at least \$10,000 if moved. We send the same reports to the county that the other schools in the district also send. Ms. Martello also offered to send copies of our checks.

Chairperson Frye said she believed the county was still waiting for documentation from the district. This was information that was provided for three months and then stopped.

Ms. Martello asked if the reports she referred to were the check listing by fund? She said this was addressed with Shelly two years ago. The original lists were provided by fund, but it was discovered the reports were not accurate in the payroll account. This was explained to Shelly two years ago and was not an issue again until it was time to renew the contract. Ms. Martello said she spoke with OPI two years ago and they agreed the check listing with a letter explaining what funds were expended was sufficient for the county. This is the same reports the district provided when the money was at the county. Ms. Martello asked Shelly why she wanted different reports from our district than any other school in the county. Shelly said it was because she does not see our checks when they clear. Ms. Martello explained she offered to send a copy of the cleared checks each month and had not heard back from the county.

Chairperson Frye said she received an email from the county attorney saying a full accounting of funds was not being provided anymore. This could be a breach of contract and he hoped this could be resolved. Chairperson Frye asked what happens if the county does not sign? She said since she works at the county she knew this was going on and felt the entire board should know. She felt it was good to work with the county and was concerned the contract has not been signed yet.

Superintendent Walsh said this is the same hold up from the county the district had two years ago. We are providing the same documents and offered more. Superintendent Walsh explained the only thing the county can negotiate is the length of the contract. The county may get sued by MTSBA? He didn't know for sure.

Trustee McNally felt a resolution to the issue is sending copies of the checks. He said a report shouldn't be sent if it is not correct. Once the report is out of our walls people will think it is a correct report.

Trustee McKitrick said he thought Ms. Martello was going the extra mile.

Ms. Martello told the board Debra Silk, Attorney for MTSBA, is working on this contract and she was the one who was able to get the contract in place two years ago. She told the board she would let them know what she heard from Debra Silk.

Trustee McNally asked Jim Hart if he has any knowledge of this issue. Mr. Hart said he vaguely remembered something two years ago, but he did not believe the commissioners signed this contract. This was the first he heard there were new issues.

Barbie Durham asked why the county was asking for different reports from this district than any other district?

Chairperson Frye said Shelly asked the other schools for this documentation and they were going to comply. She believes from conversations with Shelly and the County Attorney the district may be in breach of contract.

Linda Walters, Clerk from Sheridan, addressed the board. She was present with Judi Ward, Clerk from Harrison, and Lisa Morgan, Clerk from Alder. She explained the clerks meet monthly and this will be discussed at the monthly meeting to be held tomorrow. Ms. Walters explained they have new software and are working getting the reports in the format being requested.

Judi Ward, Clerk from Harrison, thanked the board for hiring Ms. Martello back. She said this job is extremely difficult and getting a lot more complicated. She explained she has been submitting the same reports to the county and received a request from the county for something different. It seems to be more than they need. She is still sending the same basic information, but will do her best to get the documents in the format being requested.

Superintendent Walsh said it was funny to hear we were in breach of contract and they have never communicated that to the district.

The board discussed whether or not the computer program needed to be upgraded. They decided to wait to hear from Debra Silk who is working with the county attorney.

Discuss Hiring a New Attorney

Chairperson Frye said she asked to put this item on the agenda because she has concerns about the current attorney Elizabeth Kaleva. They include the TRS situation. She didn't Ennis School District 52 May 21, 2012 Meeting

necessarily want to hire another attorney, but maybe get an opinion from a second attorney about whether or not Ms. Kaleva has a conflict of interest. Ms. Kaleva wrote a new contract for bus supervisor position and an ad for the paper.

Trustee McNally said he was confused because it is her job to write contracts for the district.

Chairperson Frye said Ms. Kaleva advised Mr. Walsh about things with his private contract. She referred to a bill from Ms. Kaleva for \$770. He should have gotten advice from his own counsel. She may have had a conflict of interest from the beginning. Chairperson Frye's concern was that Superintendent Walsh was an independent contractor. Chairperson Frye stated she worried about the district. We are paying a lot of money. If there is a conflict of interest, who is Ms. Kaleva working for?

Superintendent Walsh asked if John Lee needed advice, should he get his own attorney?

Trustee McKitrick said this is discussing past litigation.

Trustee McNally said this is past and present litigation. A new attorney would open another can of worms. How do we hire, what do we talk about, he didn't understand?

Trustee McNally said according to the email he received on Friday. TRS had admitted to several items and can't come back on the district.

Trustee George said the items were non-responsive and determined admitted. It was not a ruling by TRS. He agreed there may be issues with Ms. Kaleva giving advice to both parties.

Superintendent Walsh said Ms. Kaleva wrote the contract for the bus supervisor because it is a school related activity. He was also a part-time superintendent.

Trustee McNally stated the district could not control if Mr. Walsh sought his own legal counsel advise or not, only advise for the district.

Debate continued about the time frame of Ms. Kaleva's bill, when the contract was written, who wrote the ad and when it was placed.

Janet Zimmerman asked the board if they followed parliamentary procedure and if so, call for a question. She also asked if there was a motion on the floor?

Trustee McKitrick made a motion to continue using Elizabeth Kaleva as the school district counsel. She knows the law. Trustee McNally seconded the motion.

Chad Coffman asked if they have been put on the board to retry David Kelley's lawsuit?

Debbie Coffman asked if she was so concerned about a \$770 bill from the attorney, what did she think getting a second opinion from another attorney would cost? Certainly, a lot more?

Suzanne Currey asked where the money for another attorney would come from?

Chairperson Frye said she was not here to retry any cases. The money to pay for another attorney would most likely come out of the general fund. She felt an opinion from another attorney could save the district thousands of dollars we are currently spending.

Barbie Durham asked if it was the job of an attorney to write contracts? She said the community is not dumb they know what is going on. She encouraged them to rehire Ms. Kaleva.

Trustee Clark said he was not up to date on all the previous stuff, but he wanted to hear what Mr. Overstreet had to say.

Mr. Overstreet told the board Ms. Kaleva was the attorney for Three Forks. She was highly qualified and worked well for them.

Suzanne Currey said we moved forward and now we appear to be moving back two years again.

Chairperson Frye called for a vote. Trustee McNally, Trustee McKitrick and Trustee Clark were in approval. Trustee George and Chairman Frye was opposed. Motion passed.

The next regular meeting is scheduled for Monday, June 11, 2012 for the regular board meeting at 5:00 p.m.

As there was no other business for the attention of the board, the meeting was adjourned at 6:17 p.m.

Attest

Ginger R. Martello, District Clerk

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Date Approved

Ennis School Board Meeting

Visitor Sign In

Date: May 21, 2012

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Ennis School Board Meeting

Visitor Sign In

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Petition summary and background	In light of the School Boards motion to remove Ginger Martello from her position as District Clerk with no cause:
Action petitioned for	We, the undersigned, are concerned citizens who urge our school board members to retain Ginger Martello in her current position as District Clerk.

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Petition summary and background Action petitioned for

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In light of the School Boards motion to remove Ginger Martello from her position as District Clerk with no cause:	We, the undersigned, are concerned citizens who urge our school board members to retain Ginger Martello in her current position as District Clerk.
Petition summary and background	Action petitioned for

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Petition summary and background	Action petitioned for

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Vurniz KayaBarratt Um	uni Ky Both	P.O. Box (86 Ennis, Mr 59729	129	5/16/13
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Tana Bowles	margarle	53 Boor Creek RUE	12	7-10-10
Milly Lagard M	Myllagara	BX153 MCHISA	14 59740	21915
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Surby Milus Soss	2/2	83 Julius RD Enns		1/2/2
Jeth Severed Det	A Sweed	36 Box 1462, Enns M3973		1011
Courtney Severeid Coostum	Spiritue	Box 1462		5-10-12
MARIA Lake Maria	Dake	396 havely kange Rd.		6.10
ROBERTK. UME forth	K. Take	Enris, not. 59729		11.91.6
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Printed Name Signature	Address	Comment	Date
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Jessica Arrotta Jasea Rugs	Box 1367		2/11/12
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Kelzen Shawler Lox	P.U. Box 897		
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Shown Edwards Sharan Edwards	267 Hayfield		5/16/17
JOSEPH MISE BY JAN. Mon	Pokes 1389 Bung		1.12.1

In light of the School Boards motion to remove Ginger Martello from her position as District Clerk with no cause:	We, the undersigned, are concerned citizens who urge our school board members to retain Ginger Martello in her current position as District Clerk.
Petition summary and background	Action petitioned for

Signature	Address	Comment	Date
Undyll CKithick LingyMPKitrich	1040 - 59729		5-15-17
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deth Mother	640 - 69729		5.15.0 5.15.0
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Cody Ciscu-sons Carlo, Jones	212 - 59729		2-12-12
year Mirrore Sale Martial	123-59740		5-15-12
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Smilustane Savores howe	25 Huypress		5-51
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Fry Hard Jun Hours	Una 180x 1295		5/6-12
auja tomer Charle As Gun	14 Goldensiew Lr		5-16-17
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Address 8-4870-5972-9
BOX1362-59729
Op X 194 - 821 AD
Bx126 59740
SISS/45 Rd 59725
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Petition summary and background	Action petitioned for	

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Sinda Salot Linda Schott	35 Deer Sane Ennem She's Veer of	5/18/12
ROWALD G. SCHOT Ronald S. Schitt		5/18/12

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Petition summary and background	Action petitioned for	

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CERTIFICATE OF APPOINTMENT OF CLERK

10:Gin	ger Martello
THIS IS TO CERTIF	Y, that at a regular meeting of the Board of Trustees of School District No.
52 of Madison County	y, State of Montana, which was held on <u>21st</u> day of <u>May</u> , 2012.
Ginger Martello, you	were duly appointed to fill office of District Clerk to serve at the pleasure
of the Board for the 20	012-2013 school year.
	Trustees for School District 52
<u>1</u> 2	. Mile Millich . Dechall