

Leola School District 44-2

Unofficial Special Meeting Minutes

January 03, 2013

Chairman Nathan Hoffman called the special meeting of the Leola School District Board of Education to order on Thursday January 03, 2013 at 12:00 pm. Roll call showed members Patrick Lapka, ReEtta Sieh, and Darci Wolff present. Susan Berreth absent. Others attending were Superintendent Julie Nikolas, HS Principal-Technology Coordinator Cynthia Rall and Business Manager Deb Weiszhaar.

A quorum was established.

Motion 12-101 by Wolff/Sieh to adopt the agenda with the following addition: Executive Session SDCL 1.25.2 (1) Personnel Discussion. Motion carried.

Discussion was held and three laws were read pertaining to Board resignation and appointment. The laws are as follows.

13-8-24. Resignation not effective until successor appointed and qualified. A resignation of a school board member shall necessitate a successor to be appointed to fill the vacancy, but such resignation shall not be effective until the successor is appointed and qualified as prescribed by law, and until such time the resigning member shall continue to serve in an official capacity as a school board member.

Source: SL 1887, ch 47, § 110; CL 1887, § 1796; SL 1955, ch 41, ch 9, § 27; SDC Supp 1960, § 15.2327; SL 1975, ch 128, § 57.

13-8-25. Appointments to fill vacancies on school board--Qualification and term of appointee. Any vacancy occurring on a school board shall be filled by appointment by the remaining school board members.

The appointee shall qualify as if elected at or before the next school board meeting, and serve until the next succeeding election at which time a successor shall be elected to serve the unexpired term.

Source: SDC 1939, §§ 15.2315, 15.2515; SL 1951, ch 63, § 2; SL 1955, ch 41, ch 9, § 25; SDC Supp 1960, § 15.2325; SL 1971, ch 104, § 3; SL 1977, ch 116, § 2.

1-25-2. Executive or closed meetings--Purposes--Authorization--Misdemeanor.
Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business. However, any official action concerning such matters shall be made at an open official meeting. An executive or closed meeting shall be held only upon a majority vote of the members of such body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section may be construed to prevent an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

Source: SL 1965, ch 269; SL 1980, ch 24, § 10; SL 1987, ch 22, § 1.

Mike Klipfel arrived at 12:10 pm.

Chairman Hoffman inquired if Mr. Klipfel was opposed to having his letter read aloud. Mr. Klipfel said no the letter could be read.

Motion 12-102 by Lapka/Wolff to read letters received. ReEtta Sieh inquired if this was legal. The school attorney had been consulted, and it is legal to read the letters aloud. Motion carried.

Motion 12-103 by Sieh/Wolff to only read the four letters accepted by the deadline. Ms. Sieh stated if a deadline is set that is the official cut off time, all other members agreed. Motion carried.

The following letters were received by the deadline in the Business Office of the Leola School District:

Michael J. Klipfel
10338 371st Ave.
Forbes, ND 58439

December 26, 2012

Leola Board of Education
P.O. box 350
Leola, SD 57456

Ladies and Gentlemen of the Leola Board of Education,

I would like to request that my name be thoughtfully considered to fill the vacated position on the BOE. I am a lifetime resident of McPherson county. I am a former school board member, so I would have a head start in understanding the process and my duties as a board member.

My goals as a member of the BOE would be to see that our children receive the best education possible with whatever facility is available to them, and to try to bring the community together to support good decisions made by the BOE. Given my experience, I believe I am in a unique position to make a genuine effort in that regard.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Michael J. Klipfel". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle initial.

Michael J. Klipfel

Members of the Leola BOE:

I would like to serve on
the Leola Board of Education because
I am interested in helping to mold
the future of the children of the
Leola district. I know there will
be a significant time commitment
~~and~~ I am willing to educate
myself and I would like to help
find ways to keep the district
moving forward.

Sincerely

B. Hoffman
BRIAN HOFFMAN

Application of Intent to Serve as Leola School Board Member

Richard A. Westphal
11965 364th Avenue Leola, SD 57456
605-439-3338 605-216-1637

Goal:

My goal in becoming a school member of Leola School District #44-2 is two-fold, to help establish the role of the school as a business entity within the community and to encourage faculty and staff within the district to work cohesively.

I believe that a school should be self-sufficient, community-oriented and community-involved. It is the responsibility of the school to maintain fiscal responsibility by committing to a budget which keeps the district on the right track: no overspending. This is very important to our community and I believe that this focus will bring our community back together in the interest of all of our children, both those in town and those in the colonies. Without community support, our school is a dying business.

I believe that faculty and staff of Leola School District #44-2 need to feel free to approach their supervisors and board members to freely and openly discuss happenings within the school in order to have a voice in the decision making process. All staff, from the school custodian, teachers, and superintendent, need to be treated fairly and with respect. Everyone is important. It takes everyone involved within the school district to be a successful team.

Purpose:

My purpose for applying to this position is to bring the knowledge and expertise I have gained from my years of managing my own business, supervising the health and treatment of livestock including billing and budgeting at LDL Cattle Co., serving in the Marine security forces for 10 years, and from my experience parenting and guiding my children. Because of these experiences, I feel that I can truly make a difference in the community and I believe I can stay true and committed to my beliefs and to concerns voiced within the community regarding Leola School District.

December 27, 2012

TO: Leola, SD Board of Education

FROM: Dianne Rood Kiesz

RE: Application for empty position on Leola School 44-2 school board.

To Whom It May Concern:

Inasmuch as I have continued to observe and comment on the actions of your board, thus keeping up the community-felt pressure regarding your decision to replace our school, I believe I have a responsibility to "put my money where my mouth is," and request that you consider me to fill Susan Berreth's recently vacated position. I would hope that you NOT FORGET that Susan was duly elected by the taxpayers of our district and of the three candidates received the most votes. Coffee talk is that Brian Hoffman will be your choice in this decision, despite his third place finish in the district election. I hope the talk is wrong, as it would seem to suggest that Brian has inside influence that would reflect poorly on both him and our administrative team.

You have asked for "a written explanation of their (our) goal and purpose for serving on the board." As stated in the front page article announcing the vacancy, McPherson County Herald, December 12, 12-12, I have identified several concerns that have caused me to submit this application:

- 1) It seems that your board is lacking an adult, taxpayer perspective. By effectively eliminating the possibility of a public hearing and/or public vote on the new school decision, you erroneously shut out the largest percentage of taxpayers in our district. Perhaps the uniformity of your ages and the immaturity of your reasoning needs an opposing viewpoint to establish some sort of balance.

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The short time devoted to any public discourse on the subject causes you to look naïve to persons who have lived through drought and/or bad crop years. A sort of "teen-ager" attitude - "it just can't happen to us" - seems to fuel your confidence that the taxpayers in our district will never again suffer from bad years, and will thus be able to easily and efficiently pay the increased tax load for the next twenty years. I had a history teacher in college whose opening day quote was written in two-foot letters on the front chalkboard: THE ONLY THING WE LEARN FROM HISTORY IS THAT WE DON'T LEARN FROM HISTORY.

- 2) Whether you have noticed or not, and contrary to Ms. Nikolas' cheery assurances that all is well with our school and our community - you, dear friends, are suffering from a MAJOR PUBLIC RELATIONS CRISIS. And the community relations committee's suggestion that a video of the school will convince the public what a good idea the new school is will not fix it. Had you bothered to include the community in the new school decision, your community/school relations committee would have a lot easier time building bridges. And even, perhaps, generating support. A person trusted in the community would be better able to help soothe the hard feelings within the community than those of you already viewed as "the enemy."
- 3) The faculty and staff of our school need an environment in which their concerns & grievances can be aired - and heard directly by the people concerned. The decision by this board to require all intra-school communications go through the board chairperson and then to the administrators is prejudicial and ineffective. I would attempt to serve as a conduit for staff concerns and would encourage them to communicate with me directly.

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We want more than just happy faces and bright smiles in our school, we want honesty, truth, and compassion/fairness, none of which are enabled by such a ridiculous procedure as you have chosen.

Deanne Rod Tyies

Chairman Hoffman thanked all of the candidates for expressing interest in serving on the Leola Board of Education as an interim board member.

Chairman Hoffman called for a secret ballot vote. Vote tally was Richard Westphal two votes and Brian Hoffman two votes. A tie was declared.

Motion 12-104 by Sieh/Lapka to enter executive session per SDCL 1.25.2 (1) at 12:23 pm.
Motion carried.

Ms. Nikolas, Mrs. Rall and Mrs. Weiszhaar exited the board room at this time.

Chairman Hoffman declared a recess from executive session at 1:25 pm to move to a different location due to Spanish Class in the board room.

Chairman Hoffman re-entered executive session at 1:38 pm in Ms. Nikolas' office.

Ms. Nikolas, Mrs. Rall and Mrs. Weiszhaar exited Ms. Nikolas' office at this time.

Chairman Hoffman declared the board out of executive session at 1:47 pm with the following action.

Motion 12-105 by Sieh/Wolff to appoint Brian Hoffman as interim board member. Motion carried.

The Leola School Board is hosting a few upcoming trainings and would like to invite interested parties to attend. The candidates that currently expressed interest in serving on the board and/or any other patrons interested in running for board positions in the future, as well as patrons simply wanting to learn more about the rules and regulations that apply to School Boards and individual board members are especially invited to attend. Attendees are welcome to attend, but may not actively participate, as it is still a board meeting. The first training is called a GAVEL Training and is presented by the Associated School Boards of South Dakota. This training will be held for both the Frederick and the Leola School Boards on Wednesday, Jan. 9th, from about 4-7 p.m. The second upcoming training will be presented by the Leola School Board Attorney Rodney Freeman on Saturday, Jan. 19th, beginning at 9 a.m.

Motion 12-106 by Wolff/Lapka to adjourn the meeting. Motion carried.

Board Chairman Date

_____*Deb Weiszhaar*_____
Business Manager Date