

WICKENBURG UNIFIED SCHOOL DISTRICT NO. 9
REGULAR GOVERNING BOARD MEETING MINUTES
November 10, 2016

BOARD MEMBERS PRESENT

Mr. Joe Maglio, President, Mr. Curtis Arnett, Member, Ms. Amy Brown, Member, Ms. Sandee Gill, Member, Mr. Daniel Scott, Member

BOARD MEMBERS ABSENT

None

OTHERS PRESENT

Dr. Howard Carlson, Erin Johnson, Lynn Greene, Jennifer Lougee, Derek Streeter, Carissa Hershkowitz, Julie Case, Rose Garcia, George Pilicy, Suzette Doody, Rosemary Hernandez, Stephanie Fornoff

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mr. Maglio called the meeting to order at 6:32 PM and led the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Adoption of the Board meeting agenda for November 10, 2016

A motion was made to approve the revised agenda for November 10, 2016, moving Old Business Item 9-A – Revision of Agreement Addendum “Exhibit D – Revised Spirituous Liquor Guidelines” between Wickenburg Unified School District and the Del E. Webb Center for the Performing Arts followed by Old Business Item 9-B – Update of Lawsuit and Authorization of Retention of Legal Counsel, Suzette Doody at Tiffany & Bosco P.A. to Investigate, Analyze and Take Any Legal Action Deemed Appropriate, Including Retaining Experts and Consultants, and Filing Legal Claims Against Persons and Organizations Involved in the Design and/or Construction of Festival Foothills Elementary School to take place immediacy following then take place prior to Recognitions/Proclamations and removing the Executive Session from the agenda.

Motion	Mr. Arnett	Aye
Second	Ms. Brown	Aye
Vote	Ms. Gill	Aye
Vote	Mr. Maglio	Aye
Vote	Mr. Scott	Aye

Motion passed 5-0.

EXECUTIVE SESSION

The Executive Session was removed from the agenda.

RECOGNITIONS/PROCLAMATIONS

This is a time set aside for any recognition the Board or the Superintendent may wish to make to an individual, group or organization for services and/or contributions made to the District and/or to recognize groups or individuals publically by issuing of a proclamation in recognition of events and/or persons for special occasions.

Mr. Maglio expressed his appreciation to those who served on the bond committee and to those who voted for the bond. Dr. Carlson expressed his appreciation to Stephanie Fornoff for serving as chair for the bond committee and for her hard work and efforts.

Dr. Carlson recognized the Wickenburg High School Football Team for their winning season and making it to the state playoffs. He also recognized the Swim team for making it to the state playoffs.

OLD BUSINESS

Revision of Agreement Addendum “Exhibit D – Revised Spirituous Liquor Guidelines” between Wickenburg Unified School District and the Del E. Webb Center for the Performing Arts

Dr. Carlson informed the Board that Cathy Weiss, Executive Director of the Del E. Webb Center for the Performing Arts, had contacted the District regarding the possibility of expanding the number of special license events allowing the sale of liquor from 10 to 12 per year. This request was referred to the District’s law firm for investigation; it was determined the number of events could legally be increased from 10 to 12 per year.

Ms. Stephanie Fornoff, Director of Marketing & Box Office Operations of the Del E. Webb Center for the Performing Arts, explained to the Board that, before select events, beer and wine were offered for sale. She further explained the purpose of the selling of alcohol was not to make money for the Webb Center, but was only an amenity for their patrons. The proceeds from the sale of liquor is rolled into a scholarship which is presented at the end of the year. Ms. Gill asked if wine and beer were offered at intermission or just before the show. Ms. Fornoff told her if a show had an intermission, it was offered.

Ms. Brown asked how the school was notified that alcohol would be present at the school before an event. Ms. Fornoff told her the Center applies for special license before event and it is identified in the brochure, but had not sent an email informing the school. Dr. Carlson pointed out that in agreement it is stated that the school would be notified. Ms. Fornoff told the Board they will identify any event with alcohol in the school dude submitted.

Mr. Arnett commented that he understood from reading the material provided that the Webb Center has 10 events where they can sell alcohol and all are used for the Webb center. If the number of events is expanded to 12, what the Webb Center chooses to do is not the District’s problem; he stated he trusts there will be no legal liability if the Webb Center is rented to an outside entity and they have alcohol. He does not want the school district to have collateral liability. Ms. Fornoff stated the Webb Center has event insurance.

Ms. Brown commented three other organizations use 3 of the special event licenses and 2 are borrowed from the hospital. She stated she was not going to support this and felt it was not correct to have alcohol on campus. She also commented that students do not need to see that parents cannot go to an event without having alcohol.

A motion was made to approve and authorize administration to sign the revision of the Del E. Webb Center for the Performing Arts Agreement Addendum “Exhibit D – Revised Spirituous Liquor Guidelines” between Wickenburg Unified School District and the Del E. Webb Center for the Performing Arts, allowing the increase of the sale of spirituous liquor from 10 to 12 events, as submitted.

Motion	Mr. Arnett	Aye
Second	Mr. Maglio	Aye
Vote	Ms. Gill	Aye
Vote	Mr. Scott	Aye
Vote	Ms. Brown	Nay

Motion passed

4-1.

Update of Lawsuit and Authorization of Retention of Legal Counsel, Suzette Doody at Tiffany & Bosco P.A. to Investigate, Analyze and Take Any Legal Action Deemed Appropriate, Including Retaining Experts and Consultants, and Filing Legal Claims Against Persons and Organizations Involved in the Design and/or Construction of Festival Foothills Elementary School

Ms. Suzette Doody and Ms. Rosemary Hernandez of Tiffany & Bosco presented the Board with an update regarding the lawsuit the District has filed against the construction and design organizations for building issues with Festival Foothills Elementary School.

Lawsuits were filed in September 2015. A substitute of council occurred January 2016, due to a conflict of interest. A preliminary investigation was conducted early this year, which included a 4-level survey (4 buildings for Festival Foothills Elementary School).

The preliminary conclusions from the expert investigations (structural, geotechnical and architectural / cost of repair) are as follows:

Design:

- Improper Soil Recommendations
 - Differential Soil Movement
 - Exterior Wall Rotation
- Improper Grading and Drainage Design

Construction

- Stucco Application
- Flat and/or Trapped Drainage
- Unsealed Roof Penetrations

Soil Movement

- Floor Level Survey of Buildings A, B, C & D
 - 2.7 Inches of Vertical Differential Across Interior Floor Slabs
 - 1 Inch Vertical Movement Across 15 Horizontal Feet

Improper Construction

- Stucco Curing
- Flat and/or Trapped Drainage

Ms. Gill asked about if there had been building inspectors at the time of construction. She was told yes, and some of the issues should have been caught. However, many of the issues have been gradual.

Ms. Brown asked how the blocks with cracks through the middle of them would be fixed. She was told the blocks would have to be replaced.

Mr. George Pilicy, a member of the Community and a retired engineer, asked several technical questions of the attorneys.

Dr. Carlson asked if Ms. Doody was aware of an emergency repair that had to happen the weekend of November 4, 2016, when an 8 inch pipe required emergency repairs because of a major leak. The assumption was that the elbow was offset and leaking occurred because of that issue. Ms. Doody said it would be included along with the issue of the sewer gas smell.

Turner construction has approached the attorneys about the possibility of performing the repairs. Ms. Doody explained the company is showing a lot of motivation in moving forward to make repairs. While this may be possible, the attorneys are working to prevent “putting a band aid on the problems” and to ensure the issues are fully identified and permanent repairs are made.

Mr. Scott asked how often a construction lawsuit goes to trial. He was told less than 5%.

Mr. Maglio asked if it was in the attorney's experience that the company who caused the issues would come in to make repairs. He was told it is a commercial structure but they can get someone else if wanted. It depends on what issues are design issues and are construction issues and who is responsible. Mr. Scott commented the company would not have same people who built school come out, but would use others. The company is motivated to make it right because they would be worried about their representation. Dr. Carlson asked Ms. Case to inform administration if other issues surfaced.

Ms. Brown asked if the school building is still safe for the kids and about any mold and mildew. She was told the building is safe and is constantly being monitored to ensure there is no more movement. Also, professionals will be sent to evaluate any issues with mold and mildew. If this is proven to be an issue, it will be included in the litigation.

Mr. Arnett stressed that student safety is the key issue. One of the most important actions would be to turn off the gas, as lines run under the building and can be very dangerous with the shifting going on. He asked what the attorney's firm could tell the Board about student safety, if there are safety issues and what they are. His other question was if this situation will ever stabilize; he would like to see a professional opinion of that.

Ms. Doody told him this is why the soil analysis is being done, to see what has happened, to understand the circumstances and how to fix issues going forward. The firm of Peterson Geotechnical Group will investigate to ensure the water is away from the foundation and will sign off on repairs proposed based on testing and methodology.

Mr. Arnett commented one of the things the Board will do at this meeting is approve hiring the legal firm. He asked a process question; transferring the case from the former firm to the present firm required court approval. Does the Board have legal liability from the former firm? He was told no, as there was a conflict of interest. If District signs on with the attorney firm of Tiffany & Bosco, there will be no fee claim, nor can the District be sued for moving on.

Mr. George Pilicy commented that Glendale had significant cracking that was considered an immediate safety issue. He further commented the cheapest thing might be to get any salvageable stuff out and tear the school down. Ms. Doody told the Board a structural engineer has determined the buildings are structurally sound and are safe for the students. Ms. Johnson asked when the structural engineer was last out. She was told May of last year.

Next Steps:

1. Additional expert investigation: soils testing (ASAP)
 - a. Dig 3 ft. by 3ft. by 3ft. test pits
 - b. Small 8" cores and cuts through slabs to see thickness
2. Finalize expert opinions (January 30, 2017)
3. Depositions (April 28, 2017)
 - a. Exchange of documents
 - i. Civil engineer
 - ii. Geological engineer
 - iii. Design engineers – taking depositions
 - iv. Construction engineers – taking statements sworn statements
4. Mediation (March 28, 2017)
5. Trial - Court date has not yet been set

Mr. Maglio called for a 5 minute break at 7:50 PM. The meeting resumed at 7:55 pm.

Mr. Arnett commented that based on the discussion of the issues, it might be in the Board's best interest to hire a civil engineer consultant to report to the superintendent. Ms. Brown asked if the School Facilities Board would be able to do that. Dr. Carlson told her he could ask. Mr. Scott felt it would be a good idea.

A motion was made to approve the authorization for the retention of legal counsel, Suzette Doody, of Tiffany & Bosco P.A. to investigate, analyze and take any legal action deemed appropriate, including retaining experts and consultants, and filing legal claims against persons and organizations involved in the design and/or construction of Festival Foothills Elementary School and to authorize administration to sign the Engagement Letter, as submitted.

Motion	Mr. Arnett	Aye
Second	Mr. Scott	Aye
Vote	Ms. Brown	Aye
Vote	Ms. Gill	Aye
Vote	Mr. Maglio	Aye

Motion passed 5-0.

CALL TO THE PUBLIC

There was no response to Call to the Public.

PRINCIPAL REPORTS

Monthly school reports from the principals of Wickenburg Unified School District No. 9, which include enrollment figures, Safe & Orderly (Student Discipline) Report, how the school is moving each student to the "Next Level" academically, how the school is focusing on providing Quality First Instruction and a general school update.

- A. Festival Foothills Elementary School, Ms. Julie Case, Principal
- B. Hassayampa Elementary School, Ms. Carissa Hershkowitz, Principal
- C. Vulture Peak Middle School, Ms. Jennifer Lougee, Principal
- D. Wickenburg High School, Mr. Derek Streeter, Principal
- E. Wickenburg Virtual Academy, Ms. Rose Garcia, Principal

Mr. Arnett expressed his appreciation for the reports. He commented that one of the things he looked at before was the column criminal code violation report. The column that shows comparisons from which can you get some idea of the morale on campus. The numbers show student achievement, in which the numbers show the student failure rate, which is consistently below the curve of distribution. He said there was something whacky with the situation, not the students or the teachers, but it means there has to be fairness in the system. He asked the principals to refresh his memory of what happens to students who are not proficient after reteach.

Ms. Lougee told him there were many different realms in place to assist a student. 21st century provides tutoring after school as well as lunch time remediation. Hassayampa continues after quarter tutoring.

Mr. Arnett said he appreciates the emphasis with academics. It seems the overriding thing is the unity of purpose, which seems to be going someplace. Working together and dedication is as significant as the results.

Mr. Arnett told Mr. Streeter he appreciated that there is a lot of reporting and sees a welcome emphasis on academics. He commented he noticed in the discipline reports that we are running tighter discipline

and trusts that the message is coming across and the campus tone is reflecting that. Something on K-8 that is not in the high school report is what the student/teacher ratio and class sizes for each class taught is. Mr. Streeter said the second analysis of content areas is more meaningful than student/teacher ratio.

Ms. Gill noted that when looking at the reteach percentages, there always seems to be one grade that is extremely low. She asked if was because of the change in curriculum and it becoming harder. Even after reteach, it remains low. She asked if there was a curriculum change with Hassayampa Elementary School's 4th grade and Festival Foothills Elementary School's 3rd grade when going to the next grade. Ms. Hershkowitz told her there are two new teachers in 4th grade and they are learning the curriculum. Ms. Case told her reading was an issue for students when going from 2nd grade to 3rd grade.

Ms. Brown asked how the Hassayampa Pre-School was going. Ms. Hershkowitz told her they had hired a new lead teacher, who is awesome. There are 6 or 7 students enrolled at this time, and what they have is wonderful. Ms. Brown asked if they are certifying teachers in preschool and if they were doing Professional Development. She was told yes, this was required by ADE. Ms. Gill asked how many students needed to be enrolled to be cost effective. Ms. Hershkowitz told her they have shaved costs to make it more equitable. Mr. Scott asked if they are currently breaking even. He was told no.

Mr. Maglio asked Ms. Case the difference in assault and aggravated assault shown in the discipline matrix. He was told assault is an action with an intentional purpose. Multi assaults turn into aggravated assault. He commended the Hassayampa staff for their APTT meetings. He stated he loved Vulture Peak's 21st Century Grant and Programs. He commented Wickenburg High School had a very good report, stating the Credit Recovery By Objective (CRBO) was fantastic for kids. He also commended teachers for embracing the Cambridge Honors curriculum. Mr. Streeter said he was very proud of them.

Ms. Gill commented she saw a newspaper account of a student who had earned the Grand Canyon Diploma (GCD) and went to college for 2 years. She thought this was good for the District and also good publicity for the program. Dr. Carlson commented there was another student who graduated at the same time with a GCD and is now a junior at ASU.

Ms. Gill asked if the fighting at the high school had stopped. Mr. Streeter told her yes. There were 15 to 20 kids who were not disrupting classes anymore. He further commented that once the bell rings, students are in the classroom and not out on campus. Mr. Maglio commented he had noticed the parking lot monitor has made a huge difference in keeping the kids on campus.

Mr. Maglio thanked the Principals for their reports.

FINANCIAL REPORTS

- A. Business Account Summaries as of October 31, 2016
- B. Payroll Voucher Summary for the amount of \$734,251.90
- C. Expense Voucher Summary for the amount of \$547,785.66

Mr. Arnett asked Ms. Johnson if the budget balances were positive, the cash balances were positive, if the District was in compliance, if the District was solvent, and was there anything that would question the Board's stewardship.

Ms. Johnson told him the budget balances are positive with the exception of the State Projects Fund, which we are still awaiting our allocation/budget.

The cash balances are not positive at this time. M&O is negative, the FY15-16 tax rate was not set high enough to cover that year's budget. In analyzing the cash balances at the end of FY15-16, the tax rate was adjusted for the 16-17 year to assist in eliminating the deficit cash balance. Also, the Federal and State Projects accounts are negative due to allocations and budgets not being distributed & finalized.

The District is solvent and in compliance. There are no financial surprises.

She further told the Board there are more funds being reflected in both of the “big picture” reports this month. Now that the FY16 AFR has been completed and the fund balances were rolled to the new year, she was able to show accurate figures. She informed the Board she is currently in the process of working on the FY17 budget revision and will present it for approval at the next board meeting. A cash flow report is in the development process and will be given to the Board once complete.

An Executive Financial Summary as of 11/10/16 is as follows:

- Fund 620
 - The biggest change in expenditures is due to the project with the Town of Wickenburg on the Hassayampa Campus. This is not an expense we incurred last year, therefore making a large difference in the expenditures to date compared to last year (\$287,000 to-date-more).
- Fund 001
 - \$34,000.00 less was spent on General Supply’s year to date for FY17 compared to FY16.
 - \$7,000 more was spent year to date compared to last year on repairs and maintenance services. Now that the bond has passed, the expectation of for these expenses to subside in the future as there should not be as many repairs.
- FUND 500 School Plant Funds (Rental)
 - Doing a good job at safeguarding how the money is being spent and tightening the strings a bit
 - \$7,000 less was spent year to date from last year

Ms. Brown asked how fast the money from the bond available and what it could be spent on. She also asked when the speed bumps at the high school would be removed. Dr. Carlson told her Ms. Johnson will be meeting with Bryan Lundberg next week to start going over some of the bond issues. The bond will be funded in April. Projects will be discussed at the Board Retreat.

Mr. Arnett asked about the funds still available from the adjacent ways. He was told there was approximately \$150,000, which will be used repave entry to Wickenburg High School with the installation of speed humps, plus ingress and egress driveways and the sidewalk to Vulture Peak Middle School. Mr. Arnett asked if there will be handicap access at Aireleta. He was told that will be a problem for another day.

A motion was made to approve the Financial Reports, as submitted.

Motion	Mr. Arnett	Aye
Second	Ms. Brown	Aye
Vote	Ms. Gill	Aye
Vote	Mr. Maglio	Aye
Vote	Mr. Scott	Aye

Motion passed 5-0.

CONSENT AGENDA

A. Governing Board Meeting Minutes

- Regular Board Minutes for October 6, 2016
- Teleconference Board Minutes for October 6, 2016

B. Personnel

- Approval of New and/or Restructured Positions
- Personnel Action Reports

C. Financial Items

- o Approval of New Tax Credit Eligibility Clubs
- o Approval of Renewal of Tax Credit Eligibility Clubs
- o School Facilities Board (SFB) Preventative Maintenance Program Report
- o School Facilities Board (SFB) Capital Plan
- o Wickenburg Unified School District Sale of Surplus Property
- o 301 Performance Pay Plan FY2016/2017

D. Travel

- o Wickenburg High School Student Travel Experience – Fall Break of 2017

E. Donations

Festival Foothills Elementary School, Ms. Julie Case, Principal

Donations of Funds to be used towards the Purchase of Books

Mr. & Mrs. Lawson	Ms. Pandiani	Mr. & Mrs. Shipman
Mr. & Mrs. Kuehn	Mr. & Mrs. Kovats	Mr. & Mrs. Delaney
Mr. & Mrs. Tritten	Mr. & Mrs. McGrath	Ms. Veitenhans
Mr. & Mrs. Smith	Mr. & Mrs. Pearson	Ms. Wilson
Mr. & Mrs. Warren	Books	
Mr. & Mrs. Guertz	Computer Equipment	

Wickenburg High School, Mr. Derek Streeter, Principal
Support My Club \$100 – WHS Choir Program

Mr. Arnett requested Consent Agenda 8-D - Wickenburg High School Student Travel Experience – Fall Break of 2017 be pulled for further discussion.

A motion was made to approve the Consent Agenda for November 10, 2016 with the exception of Consent Agenda Item 8-D - Wickenburg High School Student Travel Experience – Fall Break of 2017.

Motion	Ms. Brown	Aye
Second	Mr. Scott	Aye
Vote	Mr. Arnett	Aye
Vote	Ms. Gill	Aye
Vote	Mr. Maglio	Aye

Motion passed 5-0.

Consent Agenda Item 8-D - Wickenburg High School Student Travel Experience – Fall Break of 2017

Mr. Arnett stated he has a problem with this item. He said it seemed to him that the District is moving towards being a travel agent. He commented that although he knows that foreign travel is great for students, these trips cost about \$2000 a pop. He asked if students could be given academic credit for students for the trip. He was told no, not if tax credit monies are used to fund the trip. His questioned whether there would be enough tax credit money to allow everyone to go, and expressed his doubts, as the cost was \$2000 a pop. He commented that teachers were able to go on the trips for free, and asked “what are we doing”. He had no objection to a teacher on his/her own time taking a bunch of kids on a trip, but it seemed to him the District is getting in the business of being agents for travel agencies, who are rounding up the teachers, who are rounding up the kids.

Ms. Gill stated that the comment that “teachers go free” was not completely true. On their own time and without pay, they give up about seven Saturdays to teach about the country they are planning to visit. She further commented she understood why Mr. Arnett is against this because everyone should be able to go, but kids work for the money for the trips and it is an incentive to do something they may never get to do in their lifetime. There may be 4 teachers going on a trip; one may get a free trip and others pay full price.

Mr. Scott asked if tax credit was only given to parents whose kids are going. He was told others can donate to the trip and designate who they would like to benefit. Mr. Streeter told the Board he appreciates the teachers who give up their own time to work with kids.

Mr. Arnett stated that, as a public school guy, he is of the opinion that all students deserve equal opportunity.

A motion was made to approve the Consent Agenda Item Wickenburg High School Student Travel Experience – Fall Break of 2017.

Motion	Ms. Brown	Aye
Second	Ms. Gill	Aye
Vote	Mr. Maglio	Aye
Vote	Mr. Scott	Aye
Vote	Mr. Arnett	Nay

Motion passed 4-1.

NEW BUSINESS

First Reading of Policy Advisories

1. JL Student Wellness
2. KB Parental Involvement in Education

Mr. Arnett made the comment that these were two more unfunded mandates with local control going slightly down the drain. Legislatures are intruding more and more into what used to be local issues.

No motion was required.

Arizona School Board Association’s Honor Roll Award – Nomination of Mr. Curtis Arnett

The Arizona School Board Association’s Honor Roll Award recognizes retiring board members who were nominated by their boards for outstanding service. The recipients have either retired since the last annual conference or are planning to do so after serving at least two consecutive terms (at least eight years of service) on their boards. Nomination Requirements: The nominee must meet the criteria.

The nominee must meet the criteria stated above. In addition:

1. Before submittal, the school board on which the nominee serves/served must take board action to endorse the nomination.
2. The official, online entry form is then completed fully.
3. All individuals nominated for this award who meet the criteria will receive this award. The award is presented at the ASBA Annual Awards Dinner at the ASBA-ASA Annual Conference.

Mr. Arnett has served on the Wickenburg Unified School District Governing Board for a total of 23 consecutive years (1993 through 2016).

A motion was made to nominate Mr. Curtis Arnett for the Arizona School Board Association’s Honor Roll Award.

Motion	Ms. Brown	Aye
Second	Ms. Gill	Aye
Vote	Mr. Maglio	Aye
Vote	Mr. Scott	Aye
Vote	Mr. Arnett	Abstained

Motion passed 4-0-1.

ITEMS FOR FUTURE AGENDAS

Mr. Arnett brought up the issue of immunity and asked to what extent are unvaccinated students compromising the overall wellness of the District’s student community. He was not asking administration for a report at this time.

Mr. Scott left meeting at 8:45 pm

ANNOUNCEMENTS, CALENDAR

Ms. Gill stated she would be unable to attend the Board Retreat scheduled for November 18, and would not like to miss the retreat. The possibility of moving it January or go ahead with it as planned was discussed.

ADJOURNMENT

A motion was made to adjourn the meeting.

Motion	Ms. Gill	Aye
Second	Ms. Brown	Aye
Vote	Mr. Arnett	Aye
Vote	Mr. Maglio	Aye

Motion passed 4-0.

Meeting was adjourned at 8:51 PM.

ATTEST:

_____ **Mr. Joe Maglio, Board President**