

WILLCOX UNIFIED SCHOOL DISTRICT NO. 13  
480 NORTH BISBEE AVENUE  
WILLCOX, AZ 85643

Pursuant to (A.R.S.) 38-431.02, notice is hereby given to members of the Willcox Unified School District Governing Board and to the general public that the Board will hold a **SPECIAL** meeting that is open to the public on December 4, 2014 at 5:00 P.M. at the **Willcox Board Room, 480 N. Bisbee Ave., Willcox, AZ**. Pursuant to A.R.S. §38-431.03 (A)(3) the Board may choose to discuss or consult with the Board's attorney in person or via telephonic conference call for legal advice regarding any matter listed on the agenda.

**SPECIAL BOARD MEETING  
MINUTES  
December 4, 2014  
5:00 P.M.**

**I. OPENING OF MEETING**

A. Call to Order

**The meeting was called to order by Mrs. Ellis at 5:00p.m.**

B. Approval of Agenda

**Mrs. Ellis entertained a motion to approve the agenda. Mr. Nolan MOTIONED. Mr. Owen SECONDED. The MOTION CARRIED UNANIMOUSLY.**

**ATTENDANCE**

**Board Members**

**Debbie Ellis, Board President; Bill Nolan, Vice-President; Gary Clement, Board Clerk; Larry Schultz, Board Member; Dwayne Owen, Board Member**

**Administration:**

**Hector Figueroa, District Leader/superintendent; Kevin Davis, Business Manager; Valerie Simon, ES Principal; Mike Patterson, MS Principal; Andy Carrasco, IT**

**Staff:**

**Margie Looney, Marsha Davidson, Officer Lacey**

**Visitors:**

**Sue Lynch, Ainslee Wittig, Doris Jones, Dr. Singer, Delcie Schultz, Mark Simon, Mrs. Figueroa, Michelle Mullins.**

**II. AGENDA**

- A. Discussion and Action to approve the FY 2014/15 Revised Maintenance and Operations (M&O) Expenditure Budget.

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**Mrs. Ellis entertained a motion to adopt the FY 2014-2015 Revised Maintenance and Operations (M&O) Expenditure Budget. Mr. Owen MOTIONED. Mr. Clement SECONDED. The MOTION CARRIED UNANIMOUSLY.**

- B. Discussion and Action to address the issues of Errors and Omission Coverage, Liability Coverage and Worker's Compensation coverage for Mr. Hector Figueroa during the time that Mr. Figueroa is serving as a volunteer interim superintendent/CEO.

**Mrs. Ellis questioned Mr. Davis regarding the answer from the Trust regarding the coverage's for Mr. Figueroa. Mr. Davis stated that the Trust had not gotten back to him as of the time of the board meeting. Mr. Nolan MOTIONED to table the discussion until the Trust responded. Mr. Schultz SECONDED. THE MOTION CARRIED UNANIMOUSLY.**

- C. Discussion and Action to approve the payment of the costs for fingerprint clearance and background check for Mr. Figueroa and direction to Mr. Figueroa to not be unaccompanied in the presence of minors at the schools until such fingerprint clearance has been received by the District.

**Mrs. Ellis stated it was her understanding that Mr. Figueroa had submitted his fingerprints to the district and it usually takes around twenty days or longer to clear and come back to the district. Ms. Candy Pardee, attorney to the board, explained to Mrs. Ellis that the board can approve Mr. Figueroa to work without the fingerprint or background check completed but she is not advising this. Mrs. Ellis questioned Mr. Davis regarding volunteers paying the cost of the fingerprinting. Mr. Davis stated the district pays for all volunteer fingerprinting.**

**Mr. Nolan stated he is uncomfortable with people starting in the district office without the fingerprint or background clearance completed.**

**Mr. Clement questioned Mr. Davis if he was sure on the fingerprints for volunteers. Mr. Davis stated the last policy adopted was that volunteers paid the fingerprinting cost themselves but the law changed that volunteers are not required to pay nor can they pay their fees, so the district picks up those fees. Mr. Davis stated this started after he became business manager last year, prior to that volunteers paid their own fees. Mr. Nolan stated he had no objections to paying the fees. Mr. Nolan stated he is just not sure any employee should start until that process is completed.**

**Mr. Schultz questioned Mr. Figueroa if he already had a background clearance in another area and if he did please explain it to the board. Mr. Figueroa stated he has a concealed weapons permit which required a full background check and fingerprints. Mr. Figueroa stated he has had this since 1995 as a judge and it is renewed every five years.**

**Mr. Schultz stated at this point he would move that the board wave that requirement for Mr. Figueroa since he already has a background check.**

**Mrs. Ellis stated there is a MOTION on the floor is there a SECOND.**

**Mrs. Ellis stated the motion died for lack of a second, is there an alternate motion.**

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Mr. Nolan MOTIONED to pay the fees for Mr. Figueroa and that he begins work once the clearance has been received. Mr. Owen stated that is still twenty days out. Mr. Schultz questioned Mr. Davis on the restrictions. Mr. Davis stated at this point in time volunteers are allowed to work or volunteer in the classroom as long as they are not alone with children. Mr. Schultz stated so it's not being said he cannot work he just cannot be alone with a minor without someone being present.

Mr. Nolan stated that is not his MOTION. Mr. Nolan stated that his MOTION was to approve the cost and that he start work when the district receives the clearance. Mrs. Ellis asked if there was a SECOND. Mrs. Ellis stated she was going to ask Mr. Schultz and Mr. Nolan a question regarding procedure since they are the ones who keep the board on track regarding parliamentarian procedures. The question was if the board president is allowed to make a MOTION or make a SECOND. Mr. Nolan stated he didn't think there was a restriction against it; it is just not typically done. Mr. Owen stated he didn't think the president could make a motion but that the president could vote in case of a tie. Mr. Schultz stated the board didn't wait this long for the last motion so this motion dies for lack of a second. Mrs. Ellis stated thank you Mr. Schultz for the help. With no second Mrs. Ellis stated is there another MOTION.

Mr. Owen MOTIONED that Mr. Figueroa work pending his fingerprint and background check and not be in the presence of a minor without supervision. Mr. Schultz SECONDED.

**Discussion:**

Mr. Clement stated that Mr. Figueroa should not be in the presence of minors because if he was he would be with the principals anyway and he stated he was good with that. Mr. Figueroa stated he was fine with that. Mr. Owen stated if the fingerprints and background does not get back until after twenty days and he is here until the end of the month it's a moot point. Mr. Owen questioned if there was cause for concern that the district is not moving forward for the thirty days. Mr. Owen stated is there a true concern. Mr. Nolan stated his cause for concern is that he voted wrong at the December 2<sup>nd</sup> meeting. Mrs. Ellis stated she voted against the volunteer arrangement but since then, in all the time she has been on the board and lived in this town and she has seen controversies come and go, she has never ever had so many calls, texts and personal visits that were 100% against what happened. Mrs. Ellis stated so she does have a cause for concern, in all the controversies the district has been through she has always had calls for both sides, she states she has never had this volume of negative before. Mr. Schultz questioned Mrs. Ellis as to who the comments were from. Mrs. Ellis stated friends, teachers, tax payers, people she has never met. Mrs. Ellis stated she has always been an independent thinker and gone with her gut on what she thought was right or wrong. Mrs. Ellis stated she went with her gut Tuesday night and was out voted, she accepts that. Mr. Schultz stated this surprises him because he would think the rest of the board would get the same calls. Mr. Nolan stated he received over 20 calls and about 15 emails, every one of which was negative about what he had done at Tuesday night's board meeting. Mr. Nolan stated he is an elected official and has to listen to what people

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say. Mr. Owen stated he had had no comments from anyone that is why he was asking. Mr. Schultz stated it seemed that the comments are directed at two people on the board. Mr. Clement stated he had received calls until 1:00a.m. last night and this morning after turning on his phone he had 12 messages and people parading in and out of the theater all day yelling at him. Mr. Schultz stated anti Mr. Figueroa. Mr. Clement stated anti.

Mr. Owen amended his MOTION to pay for Mr. Figueroa's fingerprint and background check fees. Mr. Clement SECONDED. The MOTION CARRIED with 4 Yea's (Nolan, Schultz, Owen, Clement) and 1 Nay (Ellis)

**Discussion:**

Mrs. Ellis stated she was no comfortable, she also stated there is sensitive material in the district, lots of staff and students with sensitive material. Mrs. Ellis stated she is not comfortable with laying that information out to someone that has not been checked into. Mr. Nolan stated he agreed with the board president. Mr. Schultz stated his position has always been and still is, what is the board is trying to hide. If the board does not want the public to know what is going on what is Mr. Figueroa going to dig into that will cause problems. Mrs. Ellis stated she did not know. Mr. Schultz questioned why is the board worried about it. Mrs. Ellis stated because she does not look through personnel files but maybe there is something in them that people do not want other people to know about, it's not the boards place to go through personnel files. Mr. Schultz stated if it personnel and has something to do with records the public does not have access to that anyway. Mrs. Ellis stated she was not talking about the public she is talking about allowing a person that the board has no background check on file at all to be in our schools. Mr. Owen stated his only concern is there won't be someone to help the district for the next thirty days if Mr. Figueroa is not approved, the board will need to locate someone promptly and even then the district is still out thirty days. Mrs. Ellis stated she thinks there is staff who can handle it for the next few weeks.

Mr. Schultz stated there are motions on the floor and he is calling for a vote.

**Original Motion was:**

Mr. Owen MOTIONED that Mr. Figueroa work pending his fingerprint and background check and not be in the presence of minors without a supervisor. Mr. Schultz SECONDED.

**Discussion:**

Mrs. Ellis stated so the vote is does the board let Mr. Figueroa start work or not, Mrs. Ellis stated she just wanted to make sure she knew what the board was voting on. Mr. Schultz stated allow him to work. Mr. Owen stated yes, allow him to work. Mr. Schultz stated if he is limited to the 20 days before the clearance comes in and you have the Christmas break coming, he won't work at all.

The vote went as follows: 1 Yea (Schultz) and 4 Nay's (Ellis, Nolan, Clement, Owen). Mrs. Ellis stated the Nay's have it.

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Mrs. Schultz stated from the audience Mr. Owen made the motion. Mr. Owen stated maybe it was and he didn't get any calls but if the board is telling him they had calls. Mrs. Ellis stated she would ask that the people in the gallery, if the board wants to recognize you, they will through the board president.

Mr. Figueroa stated he gave the board a letter of resignation, put today's date on it if the board can't handle a little hear from the public. Mr. Figueroa stated if the board had concerns that were raised to them they should have addressed them. Mr. Figueroa stated he is not going to waste his time or lower himself to comment. Mrs. Ellis questioned Mr. Figueroa if he wanted the board to give him a letter. Mr. Figueroa stated just put a date on the letter he gave the board. Mrs. Ellis instructed Mrs. Gallagher to obtain the letter for the board and Mr. Figueroa to sign. Mr. Figueroa questioned the board if they told people he had volunteered his time for free. Mrs. Ellis stated she did not initiate any conversation, they all came to her. Mr. Schultz asked Mrs. Ellis as the board president if she would recognize the gallery, he would like to know what the principals think. Mrs. Ellis stated there is an open session with the principals and they could speak then if they want too and if not ok.

Mrs. Gallagher gave Mrs. Ellis Mr. Figueroa's letter of resignation and Mrs. Ellis stated it didn't need to be signed by anyone but she would approve it. Mrs. Ellis dated the letter December 4, 2014 and Mr. Nolan signed the letter as well.

D. Discussion and Action to approve

- an individual board member or members or
- to appoint a committee made up of not more than two board members, a faculty member, a noncertified staff member, a principal and a member of the public

to advertise and/or solicit proposals for an interim superintendent beginning at the end of Mr. Hector Figueroa's volunteer term on January 6, 2015 (Mr. Figueroa may be considered for this as a continuing paid position as well).

Mr. Nolan MOTIONED to pick two board members to solicit and advertise to get proposals for an interim superintendent to begin work as soon as possible since Mr. Figueroa has resigned. Mr. Owen SEDONDED.

Discussion:

Mr. Clement stated he did not think it should be just two board members. Mr. Owen questioned if this was just going to be the search committee for the superintendent. Mr. Nolan stated it is to find someone to fill in. Mrs. Ellis stated this is for the interim superintendent. Mr. Owen questioned if there were going to be any staff or the principals included in the committee. Mr. Nolan stated his motion did not include those because he was going with option one of Item II D. Mr. Nolan stated his reasoning for picking option one is by the time the board picks the whole committee being that it is Christmas time and having meetings and so on it's going to be a more lengthy process so the board needs to move quickly. Mr. Owen questioned Mr. Nolan again on his motion if it only

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contains two board members. Mr. Nolan stated it reads an individual board member or members, he believes two board members would be better. Mr. Owen questioned Mr. Nolan again stating there is no staff members or principals in your motion. Mr. Nolan stated his motion did not. Mr. Nolan stated he was going with option one, there are only two option, the other is the committee made up of not more than two board members, a faculty member, a noncertified staff member, a principal and a member of the public, by the time you get all those people together... you need someone in place.

Mrs. Ellis stated Mr. Nolan did not have to go with those options; the options can be whatever you want to motion and is determined. Mr. Owen stated his concern is the board made what he thought was a decision and there was a lot of flak for it, Mr. Owen stated he didn't get any flak but understands three of the other board member (Ellis, Nolan, Clement) did. Mr. Owen stated he wanted transparency on this board and wants people to feel they can approach the board and if it means having a few staff members involved in this process it would be great. Mr. Nolan stated he would withdraw his motion and make a new one. Mr. Owen stated perfect.

Mr. Nolan MOTIONED for Mrs. Ellis to appoint two board members and that they work with the three principals to solicit and advertise to get proposals for an interim superintendent. Mr. Owen SECONDED.

**Discussion:**

Mr. Clement stated he feels the board still needs more input from other people. Mr. Owen stated wouldn't the principals be able to take input from staff, being the liaison between staff and board members.

**The MOTION CARRIED with 4 Yea's (Ellis, Nolan, Owen, Schultz) and 1 Nay (Clement).**

Mrs. Ellis stated since Mr. Nolan took the lead on the motion she would like for Mr. Nolan and Mr. Owen to be on the committee. Mr. Owen asked if Mr. Clement could be on the committee instead. Mrs. Ellis stated she actually wanted Mr. Owen and Mr. Nolan on the committee. Mr. Owen stated he was fine with that. Mrs. Ellis admonished the board members and principals to work together and come back to the board with the results.

E. Work Session: The Board and Mr. Figueroa will meet with the principals of the District schools to discuss issues regarding their schools and/or their concerns following Dr. Rundhaug's resignation. NO ACTION WILL BE TAKEN.

F. Schedule additional board meetings as may be needed.

**Mrs. Ellis questioned it the board wanted to go ahead and set a board meeting for anything that has come up. A special board meeting was scheduled for Monday, December 15, 2014 at 6:00pm**

**III. SETTING FUTURE AGENDA ITEMS; DATE OF NEXT MEETING IS JANUARY 6, 2015**

**IV. ADJOURNMENT**

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With no further discussion Mrs. Ellis entertained a motion to adjourn. Mr. Clement MOTIONED. Mr. Nolan SECONDED. The meeting was adjourned at 6:46p.m.

Verified by Board Approval:

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Gary Clement, Clerk

January 6, 2015  
Date

Respectfully Submitted:

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Patricia Gallagher, Secretary

January 6, 2015

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