

**Mobile Elementary School District No. 86  
42798 South 99<sup>th</sup> Ave  
Maricopa AZ 85139**

**BOARD OF TRUSTEES REGULAR MEETING  
MINUTES**

**DATE:** Tuesday, December 23, 2014  
**TIME:** 5:30 PM  
**LOCATION:** Mobile Elementary School Cafeteria

**CALL TO ORDER:** Mrs. Brown called the meeting to order.

The Pledge of Allegiance was said by Mrs. Bianca Schrader

**ROLL CALL BY** Mrs. Bianca Schrader

<b>Mr. Bianca Schrader</b>	<b>Present</b>
<b>Mr. Derek Jacobson</b>	<b>Not Present</b>
<b>Mrs. Delores Brown</b>	<b>Present</b>
<b>Dr. Kit Wood</b>	<b>Present</b>

**Agenda Items Discussed**

- ❖ Audience: Mrs. Blair
  
- ❖ Mrs. Brown moved that the Governing Board approve the agenda as presented. Mrs. Schrader seconded the motion, all in favor, motion carried.
  
- ❖ Public Participation: Mrs. Brown states that we are accepting Public Participation and input at this time. The Board invites the viewpoints of citizen throughout the District, and considers the responsible presentation of these viewpoints vital to the efficient operation of the District. The Board also recognizes its responsibility for the proper governance of the school and therefore, the need to conduct its business in an orderly and efficient manner.

Members of the Governing Board cannot discuss matters that are not on the Agenda; therefore no action will be taken as a result of public comments for the items that are not on the Agenda. The Governing Board may direct staff to study matters that come up during public comments for further consideration and discussion at a later date.

Public Comments are limited to 3 minutes per individual. Please remember that the names of employees and other individuals should not be part of your comments. Are there any requests from the public to speak at this time?

No comments were made by the public at this time.

- ❖ Governing Board Report: Mrs. Brown gives the Governing Board report. “Pat and I went to the conference on tenth, eleventh, and twelve. I think the best part of it the break out session was the very last one we went to and it was Higley which is our sister school. They have a plan if kids come in to their school that are maybe a year or two behind by the time school is

out they can bring them up. I thought that was the best one there was. How about you Pat?” Pat-“It was most positive. Most of the sessions were about closing the learning gap. The other presenters made it seem like this is impossible however Higley presenters showed how they did this successfully. They used the Dreambox program. Most of the presentations were about closing the learning gap and STEM.”

- ❖ Dr. Wood presented the Superintendent’s report: Dr. Wood-“ Mobile ESD has a STEM program in our district and it’s through Maricopa County Education Services Agency. It’s the ESI STEM program and our students are really doing a wonderful job on their projects in this program. The last project they did in Mrs. Dominguez class before the break was creating cricket habitats. The students completed research to find out what the characteristics and qualities of a good cricket habitat were and they designed their own habitats. When they come back from break they are going to place live crickets in their habitats to observe which cricket lives the longest in their habitat. The students are excited about that and when I’ve gone in there they want to show their habitats. I am pleased for the students that we are a part of that curriculum and grant.

Probably the most significant thing to report concerns out internet connection. As of June 2012 we have had a fifty megabyte internet connection. That connection costs almost \$2800.00 a month. There was a need to install the 50 mbps internet connection, and we were at 90% erate reimbursement at the time that line was installed. ERATE reimbursement laws and guidelines were changed in the summer of 2014. We were informed of this during our meeting with Ernie Nicely and Deanna Maddox on October 23<sup>rd</sup>. At that time they thought we were not going to get hit that hard for this next year. However a couple of weeks ago I received a notice stating that we no longer qualify for ERATE reimbursement for our \$2800.00 monthly charge for the internet line. As a district we cannot afford this cost. I immediately made a copy of the letter and sent it to Ernie Nicely and he responded. Ernie wrote a letter first of all to the people who refused it and attached documents of support. I received this most recent communication from Ernie last Thursday. (“Kit, The people I sent the letter to are taking this under review but I am not optimistic about the reviewer reversing his position on this. It almost never happens. If he doesn’t then our next opportunity is to appeal to USAC.” That’s where I hope we can win. If not our last hope would be to appeal to the FCC Federal Communication Corporation directly. I am confident we can win there but it takes a long, long time to get anything resolved with them.”) So I am informing the board of this news. We will continue our efforts; however the government basically stated that fifty megabytes is too large of an internet capacity for a school that has twenty to thirty students. Well that’s one way to look at it but another way to look at it is, probably the students who are in rural or isolated areas need far more access to technology then those living in cities or urban areas where there is Wi-Fi and abundant access to technology. We had a wonderful winter program and a great ending to the second quarter of the school year. We had a nice last day the students had good activities in the afternoon and it was fun. I also wanted to share with everyone that this is Bianca Schrader’s last governing board meeting with us. Bianca I want to express on behalf of the students, the staff and the community and the governing board how much we have appreciated your service and leadership to the school the school district and your involvement. We miss your children terribly this year. It was so great to see them at the program last Tuesday. Thank you very much for everything you have done for the school district. You are appreciated. We have something on order for you that hasn’t arrived yet. We will be sure to get that to you once it has arrived.

I want to say on Derek Jacobson’s behalf that he is out of state. That is why he is not here and I don’t know how that situation is going to resolve itself. We will see what the New Year brings. Everybody has to have a way to make a living so we just have to work through that and see what works out for him and his family. That completes my report.”

- ❖ Item 8 which is a motion by exception. Mrs. Brown moved the Governing Board approve the recommended actions of 8A , 8B, 8C, 8D and 8E including attachments as presented, Mrs. Schrader seconded the motion, it was moved and seconded, all in favor, motion carried.
  
- ❖ Item 9A: Mrs. Brown moved that the Governing Board approve the Data Sharing Agreement between the Maricopa County Education Services Agency and Mobile Elementary School District for use in the implementation and program evaluation for the Engineering STEM Identity (ESI) program, as presented. Mrs. Schrader seconded the motion.  
 Discussion-(Dr. Wood)-“This Data Sharing Agreement allows the students in 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade in Mrs. Dominguez’s class to take the Galileo Science Test. They will be taking that test quarterly and then Maricopa County Education Service Agency will use that data to measure students’ progress and growth in science. It’s all part of the ESI STEM grant and we believe it will provide valuable information.”  
 Mrs. Brown states that it has been moved and seconded the Governing Board approve the Data Sharing Agreement between the Maricopa County Education Services Agency and Mobile Elementary School District for use in the implementation and program evaluation for the Engineering STEM Identity (ESI) program, as presented. All those in favor, motion carried.
  
- ❖ Item 9B: Mrs. Brown moves that the Governing Board approve the requested leave of absence, as submitted by Mr. Michael Westcott, for the approximate time period of March 9 through April 20, 2015, as presented. Mrs. Schrader seconded the motion.  
 Discussion-(Dr. Wood)-“Mr. Westcott informed me late last summer that he needed a knee replacement/surgery per his doctor. He tried a variety of alternatives because he has been planning to have the surgery in the summer of 2015, in June so his absence wouldn’t affect the bus schedule. However the situation with his knee has increased and it has been physically difficult and challenging on a daily basis for him. He informed me that he is anticipating his surgery to be Monday March 9<sup>th</sup> with a four to six week recovery period. If the board approves this I will need to post for a temporary part time person to come on board and learn his tasks and responsibilities, but primarily, the person must be a licened, certified be a bus driver. That’s the most important qualification.”  
 Mrs. Brown states that it has been moved and seconded that the Governing Board approve the requested leave of absence, as submitted by Mr. Michael Westcott, for the approximate time period of March 9 through April 20, 2015 as presented. All those in favor, motion carried.
  
- ❖ Item 9C: Mrs. Brown moves that the Governing Board approve the Preventive Maintenance Report for Mobile ESD for the 2013-2014 school year, as presented. Mrs. Schrader seconded the motion.  
 Discussion-(Dr. Wood)-“This is an annual report that has been required by the School Facilities Board for a number of years. This is our report completed for the 2013-2014 year. You can see it lists the number of task that were completed. The report is due to the state. It closely parallel’s previous years reports.”  
 Mrs. Brown states that it has been moved and seconded that the Governing Board approve the Preventive Maintenance Report for Mobile ESD for the 2013-2014 school year, as presented. All in favor, motion carried.
  
- ❖ Item 9D: Mrs. Brown moves that the Governing Board approve the Arizona School Risk Retention Trust Membership and Participation Agreement and Bylaws, as presented. Mrs. Schrader seconded the motion.

Discussion-(Dr. Wood)-“The Trust has had a committee that has been working on revising their Participation Agreement and Bylaws for the last year. They have sent out revisions and asked for input along the way. This is what the committee members have presented for approval. I am bringing the agreement to the Governing Board for approval.”

Mrs. Brown states that it has been moved and seconded that the Governing Board approve the Arizona School Risk Retention Trust Membership and Participation Agreement and Bylaws, as presented. All in favor, motion carried.

- ❖ Item 9E: Mrs. Brown moves that the Governing Board approve the hire of Todd Gale as a temporary, part-time, as needed, as requested, bus driver and maintenance employee, at the rate of \$18.00 per hour, as presented. Mrs. Schrader seconded the motion.

Discussion-(Dr. Wood)-“When Todd Gale left it was unexpected. His hours were reduced from eight hours a day to six hours a day. That change was not financially feasible for him. He did resign and the Governing Board accepted his resignation in November. However as he resigned I did ask him if there was a possibility he could drive for us part time on a set schedule. Todd contacted me and he is able to drive the morning shift some days of the week. In light of the fact that Michael is planning an extended leave of absence, it’s important to secure Todd’s employment as a bus driver. It also gives some relief to Michael because he’s working 42 to 43 hours a week. Also I don’t know how much success we will have in securing the services of a bus driver during Michael’s absence. It will be challenging getting a part-time bus driver for the time period of March, April and possible May of this year. Todd is excited to do this.”

Mrs. Brown moves that it has been moved and seconded that the Governing Board approve the hire of Todd Gale as a temporary, part-time, as needed, as requested, bus driver and maintenance employee, at the rate of \$18.00 per hour, as presented. All in favor, motion carried.

- ❖ Item 10A: Mrs. Brown states that this is a discussion item to gather input and further information and direction from the Governing Board. Dr. Wood will you please review item Budget Update 2014-2015.

(Dr. Wood)- “With our revised budget we are ending the first half of the year on budget. We’re not over expending our budget. We are set, with the staff changes we made and reductions and staff, we will be in good shape for the second half of the year. The next six, seven months we will be planning next year’s budget and new information will be brought to the Governing Board in January. There will probably be some tough decisions we have to make. For one thing, this year we could plan our budget on a student count of about twenty four students. Next year we will be planning our budget on a count of twelve students. This will affect the M&O budget, and therefore staffing. There will be significant changes in how we spend money and how we are able to spend money on the 2015-2016 year. I am looking forward to working with Talise Berry on this. I think she is a very intelligent woman and has insight and understanding. I am continually grateful that she is doing this at no cost to the district and appreciate her efforts and work.

- ❖ Item 10B: Mrs. Brown states that this is a discussion item to gather input and further information or direction from the governing board. Dr. Wood will you please review item School Well Update.

(Dr. Wood)- “I made some copies of documents and communications to share with the board. I will give an oral report, and I will follow this basic script. Since our last Governing Board meeting a number of activities and events have happened surrounding the Mobile School Well and I am outlining them for you to give information but also to seek direction.

1. Findings from the Law:

Four legal reasons support the fact that community members may not have access to well water from Mobile ESD. They are outlined in the memo dated December 23, 2014: “Summary of Laws RE: Mobile Elementary School District Well”.

(Dr. Wood)-“I am going to give you a copy of this it is very similar to the one that I sent to the Governing Board that was a synopsis of what we discussed from the November 25<sup>th</sup> Executive Session but it is not the same. This is a summary of laws so this can be shared. The one that I sent you that had the November 25<sup>th</sup> date may not be shared. So basically there are four reasons we have learned and that we can share with people why we cannot share our well:

Mobile ESD may not legally provide water from our school well to the community. The legal reasons are as follows:

1. Per Arizona State Constitution: Mobile ESD has a deed to prove the school district owns the land on which the school well is located. In addition, the school well is registered in the name of the Mobile Elementary School District, per the ADWR report. The well is a public asset and per the State Constitution (Article 9, Section 7 which is called the “Gift Clause”): “Neither the state...nor any... subdivision of the state shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation...” To give water away from a public well could violate this Constitutional restriction.
2. Certificate of Need/Necessity: Mobile may not sell water—Mobile ESD is not a water company. Per the Attorney General Opinion of November 2, 1987, an entity must either be a city or town or be a corporation regulated by the Arizona Corporation Commission to operate as a public utility. Mobile ESD is neither a city nor a town nor a corporation regulated by the Arizona Corporation Commission.
3. Per Arizona Revised Statutes, 15-341 and 15-342, the powers and duties of the School District Governing Board are listed. The powers and duties are identified as those actions a governing board “shall” do, and those actions a governing board “may” do. Governing boards of school districts are limited to the duties and powers identified in ARS 15-341 and ARS 15-342. School districts cannot sell water to the community.
4. Arizona School Facilities Board: The School Facilities Board was created to help school districts with building and grounds needs/repairs. The District has been informed that the capital funds provided by SFB cannot be used for community use.

(Dr. Wood)-“So that is a summary of laws. The second point is:

2. December 9, 2014:

Two adults were observed attempting to “get” water from the Mobile ESD well, even after they were informed that well was not open to the community and was only for school use. Those individuals continued to “tamper” with the well piping which resulted in water leaking onto the road (99<sup>th</sup> Avenue). A police report was filed.

Following the December 23, 2014 governing board meeting, we plan to contact Bloomquist Pump Service to have the pipes from the well tank to the road cut, or stemmed off.

3. Per legal counsel Bill Sims direction, Dr. Wood contacted Pat Cruse from the Arizona School Facilities Board to inform him that Mobile community members were no longer accessing water from the school well, and that we were working through Bill Sims, our legal counsel, to resolve the well water use by the City of Goodyear.

Following this initial contact, Pat Cruse was in contact with Michael E. Johnson from Wilson Engineers, to relay the need to review the August 2014 DVD of the well and begin planning to either rehab or replace the well. This research and conversation is in progress.

(Dr. Wood)-“Now I have series of emails and will share the basic content. The engineer looked at the video.

(“Based on the age and the poor condition of the well as well as the limited available aquifer we would strongly advocate designing and installing a new replacement well and abandoning the existing well. This would also include designing a new well pump, motor and motor starter based on the new wells conditions. Going down that route we will also need to look at the current electrical setup to make sure it has sufficient capacity for the new well pump motor if the changes based on the new well conditions and that the current service is up to code.”)

(Dr. Wood)-“I can already tell you our electrical is nit adequate, or in good condition.

(“But if the existing discharging piping valves etc. are in good condition we could try and reuse it if that’s desirable or replace it. Also assuming this well is part of the Mobile Schools potable water system any rehab or replacement well effort will also require Maricopa County Environmental Services permitting approval and the drilling part will also need to be procured by ADWR .”)

(Dr. Wood)-“I am relaying this information to say it looks like we’re on the road but it’s not going to be a quick fix. There’s going to be red tape and there will be a series of steps resolving this situation. So that’s the information.

Governing board, here is my question for you. As I read through the minutes from the last meeting, I honestly believe the community, the residents, thought there was hope for using the well water and as I reread these documents again this afternoon, from everything the lawyer has said the community cannot have access to the school’s well water..”

(Mrs. Brown)-“They think that because they’ve used that well for so many years that they’re entitled to it now.”

(Dr. Wood)-“I would like some direction or ideas on how to take it from here with the community.”

(Mrs. Schrader)-“Didn’t Bill Sims offer some kind of advice that he could give individual community members to direct them where they need to go since we’re just the school board and we’re not the city and we can’t tell them more because we’re not a utility company?”

(Dr. Wood)-“Yes...”

(Mrs. Schrader)-“That he would give them some sort of advice.”

(Dr. Wood)-“ I did hear him say if they had their lawyer bring things to him like something in writing that he would be open to listening to that and hearing that.”

(Mrs. Brown)-“Well it turns out we found out not to long ago was that the community lawyer they thought they had turned out to also be Goodyear’s lawyer and not only that but I think they’re just stalling over here there not trying to get their own tank put in or anything. Do you think they are?”

(Mrs. Schrader)-“I don’t think there trying to do much of anything.”

(Mrs. Brown)-“The community doesn’t think it’s fair that Goodyear is getting water when they can’t.”

(Dr. Wood)-“I understand that and I will relay that. Governing Board is ok with you if I proceed with the stemming off of the water there?”

(Mrs. Brown)-“Definitely!”

(Mrs. Schrader)-“We can’t have any more vandalism or the water system is going to shut down for the whole school.”

(Mrs. Brown)-“Well the people that were trying to come over the fence... nobody recognized them.”

(Mrs. Schrader)-“So they are from somewhere else.”

(Dr. Wood)-“So that concludes my report on the well.”

- ❖ 11. Discussion of items for next Governing Board Meeting: Mrs. Brown asks are there any items needed to be brought forth at the next governing board meeting?

(Dr. Wood)-“The School well and it will be an organizational meeting so you will be voting on the president and welcoming Pat Blair as our new member.

- ❖ 12. Executive Session Mrs. Brown moves that governing board adjourn to executive session at 6:15. Mrs. Schrader seconded the motion. Mrs. Brown states that it has been moved and seconded that the governing board adjourn to executive session at 6:15pm. All those in favor, motion carried.

Mrs. Brown states that we will now reconvene from executive session at 6:25pm.

- ❖ Adjournment: Mrs. Brown moves that the Governing Board adjourn the meeting at 6:26pm. Mrs. Schrader seconded the motion. Mrs. Brown states that it has been moved and seconded that the Governing Board adjourns the meeting. All those in favor, motion carried.

_____	_____
Board President	Date
_____	_____
Board Member	Date
_____	_____
Board Member	Date
_____	_____
Superintendent	Date