

Minutes of the Special School Board Meeting

Of the School Board of Independent School District No. 709 held at the Historic Old Central High School, 215 North First Avenue East, Duluth, Minnesota 55802, on

Monday, December 22, 2014

Members Present:

Annie Harala
Art Johnston
Rosie Loeffler-Kemp
Mike Miernicki
Judy Seliga Punyko
Harry Welty
Bill Westholm

Others Present:

Bill Gronseth, Superintendent
Bill Hanson, Deputy Clerk
Melinda Thibault, Secretary

- Chair Miernicki called the special school board meeting of December 22, 2014 to order at 4:30 p.m.

Member Welty requested that the meeting be open.

Member Johnston asked for an explanation of what the meeting was for. Member Welty asked to read the resolution that would be put forward prior to it being read in public. Chair Miernicki stated that the motion would be read and then he would be allowed to ask questions. Member Welty requested to know who called the meeting it was indicated that Members Harala, Loeffler-Kemp and Seliga Punyko requested the meeting. Member Johnston indicated that he believed the meeting was illegal. Kevin Rupp, Legal Counsel, stated that it was not illegal. Member Welty requested that he be given a copy of the resolution to read along with.

Member Loeffler-Kemp introduced the following Resolution and moved its adoption:

RESOLUTION CENSURING A SCHOOL BOARD MEMBER

WHEREAS, on November 26, 2014, Board Member Harry Welty published a public blog post disclosing the proposed sale price of real property owned by the District;

WHEREAS, as of November 26, 2014, the School Board had been working to develop and consider the proposed sale of the property during closed meetings in accordance with Minnesota Statutes section 13D.05, subd. 3(c)(3);

WHEREAS, on November 28, 2014, Mr. Welty published another public blog post in which he characterized his public disclosure of the proposed sale price as a “huge mistake” and “bone headed”;

WHEREAS, on December 1, 2014, School Board Members received a confidential letter from the District’s legal counsel related to an investigation concerning Board Member Art Johnston;

WHEREAS, the letter advised Board Members that it was subject to the attorney-client privilege and should not be disclosed unless the School Board formally voted to waive the privilege;

WHEREAS, on or about December 2, 2014, Mr. Welty disclosed a copy of the December 1, 2014 letter to the *Duluth News Tribune* without a vote by the School Board to waive the attorney-client privilege.

WHEREAS, the School Board has determined Mr. Welty's inappropriate disclosures of information provide a legitimate basis to censure him.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709, as follows:

1. The School Board censures Mr. Welty for the following reasons:
 - a. On November 26, 2014, Mr. Welty publicly disclosed the proposed sale price for real property owned by the District at a time when the School Board was treating the proposed sale price as confidential information.
 - b. On or about December 2, 2014, Mr. Welty disclosed to the media a copy of a privileged and confidential letter from the District's legal counsel under circumstances in which the School Board did not vote to waive the attorney-client privilege.
2. Mr. Welty has been advised on several occasions of the importance of data privacy. The above described conduct demonstrates that Mr. Welty abdicated his responsibilities as a member of the School Board in favor of his personal interests.

HR-12-14-3223

December 22, 2014

The motion for the adoption of the foregoing Resolution was duly seconded by Member Welty
Discussion took place regarding the resolution.

M-Johnston, S-Welty, to delete the resolution and substitute this amendment

1. Resolution Investigation of the Districts lack of compliance with the government data practices act. Whereas on February 26, 2013 a request was submitted to ISD 709, St. Louis County, concerning increases in cost relating to the long range facilities plan, soft costs of the long range facilities plan, soft costs, change orders, energy and sustainability designs and compliance with that. This request has only been partially honored almost most not at all complied with. Whereas on April 24, 2014 a request was submitted to ISD 709 concerning change orders between ISD 709 and Johnson Controls Inc. Whereas on August 11, 2014 a request was submitted to ISD 709, St. Louis County, requesting all emails, documents, memos, notes, call logs and meetings involving any school board member, any attorneys, the superintendent and his cabinet containing Art Johnston or Jane Bushey from September 5, 2013 to the present. Whereas August 18, 2014 a request was submitted to ISD 709 requesting all communication between ISD 709, attorney Kevin Rupp, Fafinski, Mark and Johnson and any contacts with the firm Fafinski Mark and Johnson containing to the investigation looking into the allegations concerning Member Art Johnston, and the fact that ISD has not responded to that request. Whereas on August 18, 2014 a request was submitted to ISD 709 requesting all communications including emails, memos, documents, notes, call logs, and meetings between ISD 709 superintendent members of his cabinet, including his staff including Lincoln Park Middle School administration, and any school board members concerning the elimination of the community outreach program and the fact that ISD has not responded to that request Whereas on September 2, 2014 a request was submitted to ISD 709 requesting all communications

3-Minutes of the Special School Board Meeting
December 22, 2014

between its employees, elected officials, agents of ISD 709 on one hand, the officers and employees of Johnson Controls on the other hand concerning the subject matters of change orders entered into between ISD 709 and Johnson Controls dated January 13, 2012 and November 30, 2009 and the fact that ISD has not responded to that request. Therefore be it resolved the School Board hereby authorizes an investigation into why these data practices act have not been complied with. With the investigation to be conducted by the law firm Dryer, Storassli, Knutson, and Pommerville, Ltd.

Discussion took place regarding the proposed amendment.

Upon a vote on the proposed amendment, the same failed 2-5 as follows:

Yea: Johnston, Welty

Nay: Harala, Loeffler-Kemp, Miernicki, Seliga Punyko, Westholm

Discussion continued regarding the original resolution.

and upon a vote being taken thereon, the following voted in favor of the motion:

Harala, Loeffler-Kemp, Miernicki, Seliga-Punyko, Westholm, Welty

And the following voted against the motion:

Johnston

Whereupon said Resolution was declared duly passed and adopted.

M-Seliga Punyko, S-Harala, to adjourn. Upon a vote the same was approved – unanimously.

- Chair Miernicki adjourned the Special School Board meeting of December 22, 2014 at 5:30 p.m.