

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

Tuesday May 15, 2012

Members Present:

Mary Cameron
Art Johnston
Mike Miernicki
Judy Seliga Punyko
Ann Wasson
Bill Westholm

Others Present:

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

Members Absent:

Tom Kasper

- Chair Wasson called the special school board meeting of May 15, 2012 to order at 2:00 p.m.

Member Seliga Punyko presented the resolution:

RESOLUTION Executive (Closed) Session

WHEREAS, Pursuant to Minnesota Statutes Section 13D.05 Subdivision 3(b) allowing a closed session to engage in attorney-client privileged discussions.

NOW, THEREFORE, BE IT RESOLVED, By the School Board of Independent School District 709, St. Louis County, Minnesota, that the School Board shall meet in Executive (Closed) Session on Tuesday, May 15, 2012 at approximately 2:00 p.m. in the Board Conference Room of Historic Old Central High School for the purpose of discussion regarding Court of Appeals case: “Minnesota Voters Alliance and Duluth Taxpayer Association vs. The Minnesota Department of Education”, Appellate Case File No. A12-0737, and the School District’s possible intervention.

B-5-12-3020

May 15, 2012

M-Seliga Punyko, S-Westholm, to approve Resolution B-5-12-3020 – Executive Closed Session. Upon a vote on the resolution as presented, the same was approved – 6-0.

The board recessed into closed session at 2:04

The board reconvened at 2:22

Member Cameron presented the resolution:

RESOLUTION **AUTHORIZING LEGAL ACTION**

Whereas, the School Board met in closed session with its attorney to discuss the merits and strategy relating to the District’s involvement in the Minnesota Voters Alliance and Duluth Taxpayers Association vs. The Minnesota Department of Education case (Appellate Court File

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No. A12-0737);

Whereas, one of the options discussed in that closed meeting was for the District to intervene in that matter for the purposes of requesting that the Petitioners' be required to file a surety bond in an amount sufficient to protect the District and its taxpayers from any costs caused by the pending litigation; and

Whereas, the School Board has determined that it is in the best interests of the District and its residents to protect them from the unnecessary costs associated with any delay in construction caused by the litigation.

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

1. The District's legal counsel and administration are authorized and directed to move the Court of Appeals for an Order requiring Petitioners in the above-referenced litigation to post a surety bond in an amount sufficient to protect the District and its residents from any increased construction, bonding, or other costs, caused by Petitioners' litigation.
2. The District's legal counsel and administration are authorized and directed to file the necessary paperwork with the Court of Appeals on the District's behalf and to take any other action required by this directive.

B-5-12-3201

May 15, 2012

M-Cameron, S-Westholm, to approve Resolution B-5-12-3201 – Resolution Authorizing Legal Action.

M-Johnston to eliminate the resolution and replace it with the Myers-Wilkins and Congdon projects recently approved by the Minnesota MDE will be put up for a referendum. Motion fails due to lack of a second.

Upon a vote on the resolution as presented, the same was approved 5-1 as follows:

Yea: Cameron, Miernicki, Seliga Punyko, Wasson, Westholm

Nay: Johnston

➤ Chair Wasson adjourned the Special School Board meeting of May 15, 2012 at 2:25 p.m.