

**Eureka County School District**

BOARD OF SCHOOL TRUSTEES  
MINUTES OF THE SPECIAL BOARD MEETING

OF  
June 25<sup>th</sup>, 2013

Board Room, Eureka Elementary School, Nevada  
Room 8, Crescent Valley Elementary School, Nevada  
Meeting sites connected by Interactive Video

5:30 p.m. – Call of Order

The meeting was called to order by President Kathy Bacon-Bowling

Roll Call

Present:

Kathy Bacon-Bowling, President  
John Brown, Clerk  
Darla Baumann, Member  
Terrilynn Brown, Member  
Sara Simmons, Member

Ben Zunino, Superintendent/Principal  
Ken Fujii, High school Principal  
Mark Martinsen, District Administrator  
Student Advisory Member (not appointed)  
Mike Pavlakis, School's Attorney

**ADOPTION OF AGENDA**

Action to adopt the agenda for June 25<sup>th</sup>, 2013 special meeting and Public Budget Hearing. –  
FOR POSSIBLE ACTION. Motion made by Sara Simmons , seconded by Darla Baumann to adopt  
the agenda as posted. Motion carries

**PUBLIC COMMENT**

President Kathy Bacon-Bowling read the following: Comments may be made by members of  
the public on any matters within the authority of the Board. Please note that Public Comment  
will be taken on any item on this Agenda marked "FOR POSSIBLE ACTION" before action is  
taken on such items, and members of the public are encouraged to comment on such items at  
the time they are being considered. Although members of the Board may respond to questions  
and discuss issues raised during the period reserved for Public Comment, no action may be  
taken on such a matter until the matter is placed on an agenda for action at a meeting of the  
Board. In making Public Comment, speakers are asked to identify themselves for the record  
and to limit their comments to no more than (3) minutes.

Members of the public who desire to have an item placed on an agenda of the Board are asked  
to submit their request and any supporting information to the Superintendent for review five  
(5) days prior to the date of a Regular Meeting of the Board.

Mike Rebaleati submitted written public comments to each board members. He provided a summary of his comments. His first comments concerned the Principal's contract renewal, which is on the agenda for this meeting. He said that he wants to state his objection to the school district contracting with private corporations (SueKen, Inc.) and for the Superintendent's contract (Benary, Inc.). He requested that the extra-curricular policy be totally rewritten and lined out properly. He said that the policy is not being followed by school administrators who fill coaching positions. He explained some of the issues that he has with the policy and the problems that he sees with administrators who are also coaches. He recommends a committee be appointed to rewrite these policies and that the principal, superintendent, and activity director should be excluded from the committee. Regarding the new gym project parking, he suggests that if the parking lot is developed between the football field and the existing high school, that a protected walkway be built so that foot traffic does not have to negotiate through traffic.

Fred Etchegaray commented on his concerns for a shop teacher. He suggested that the vacant shop teaching position is very important, and more important than the athletic programs. He said that he isn't sure what the delay is in obtaining a shop teacher, but that not having one in place needs to be addressed.

Donna Moyer stated that at the last meeting it was determined that one of the items that should be on the next agenda and voted on would be the issue of whether the public could use the gymnasium. She is disappointed that this discussion is not on the agenda for this meeting. She stated that she doesn't think that Mr. Fujii should continue to be the Principal, based on statements that she has heard from parents. In conclusion, she complemented music teacher, Ralph Cuda on the wonderful music program.

## **DISCUSSION/INFORMATION/ACTION ITEMS**

### **AGENDA**

1. *Discuss, approve, or deny allowing the Diamond Mountain FFA (Future Farmers of America) organization to travel to Louisville, Kentucky on October 29 through November 2, 2013, to attend the 2013 National FFA Convention. The trip is anticipated to cost approximately \$11,000 for 10 students and two chaperones. Presentation made by FFA students and Advisor Leslie Zimmerman. –FOR POSSIBLE ACTION. Public Comment will be taken prior to action.*

FFA students representing the Diamond Valley FFA chapter introduced themselves and requested permission to travel to Louisville, Kentucky to attend the National Convention. Students provided an overview of the chapter activities and the competitions that they were participating in on the national level. Some of the members that had attended past conventions explained what was likely to be available there and some of the opportunities they would experience. Three previous FFA members will be recognized at the National Convention. These members are Deanna Damele, Kacey Plaskett, and Will Marshall and will be awarded the National Chapter American Degree, a very distinguished honor.



Motion made by Darla Baumann, seconded by Terrilynn Brown, to approve FFA out-of-state trip. Motion carries

*2. Discuss, approve, or deny approving Nevada Public Agency Insurance Pool annual insurance renewal for the District's worker's compensation and property and casualty insurance for the period of July 1, 2013 through June 30, 2014. Premium renewal cost is anticipated to be approximately \$96,000 (last year's premium cost) and the exact amount will be provided by a Pool representative at the meeting. – FOR POSSIBLE ACTION. Public comment will be taken prior to action.*

Wayne Carlson, Executive Director of Nevada Public Agency Insurance Pool was present to provide the insurance renewal to the board members. He informed the board that the POOL was formed 26 years ago, with school district's joining in 1997. There are currently 111 members of governmental agencies in the POOL membership. Mr. Carlson described the insurance coverage and the policy limits that the school district receives from the POOL. He explained a new coverage added this year is for Cyber-liability coverage. Some of the cyber risks were discussed and described. Mr. Carlson informed the board that the renewal cost this year would be \$97,581, up about two percent from last year's cost. In conclusion, Mr. Carlson updated the Board regarding some of the large insurance losses that some members experienced during the Wells earthquake. Further description of risk management programs were described.

Motion to approve renewal application made by John Brown, seconded by Sara Simmons. Public Comment called for. No Public Comment. Motion carries

*3. High School Counselor Winnona Eversgerd will make a presentation on the scheduling process and the class schedule for the 2013/2014 school year. FOR DISCUSSION ONLY.*

High School Counselor, Winnona Eversgerd addressed the board regarding the process used to determine the high school and junior high class schedule. She narrated a Power Point slide show that detailed the pre-enrollment numbers of next year's enrolled students. Mrs. Eversgerd said that surveys are sent to students allowing them the opportunity to determine which elective classes they would like to take. Input to the schedule is provided by students, teachers, and parents. Several audience members expressed interest in the high school schedule and offered suggestions. The discussion regarding classes and the schedule was lengthy and involved board members suggestions and input too. President Bacon-Bowling suggested that perhaps there were too many options offered to students, and with a reduced student population, many classes had to be eliminated or had so few students that it wasn't practical to offer the class.

*4. Presentation of Mike Mitchell of Mike Mitchell Management (MMM), Owner's Representative, on Gymnasium Facility Project; construction update. – FOR DISCUSSION ONLY.*



Mike Mitchell addressed the Board regarding the status of the gymnasium construction project. He provided updates on the construction schedule, particularly the concrete pour, which is scheduled to start at 2:30 a.m. due to the temperature requirements. Other schedule deadlines were provided to the board, including the "dry-in" in late November. Other construction topics were provided by Mr. Mitchell. In conclusion, Mr. Mitchell said that he has been working on the topic of community use of the gym by doing some research.

*5. Discussion on school district policy #4120 "Appointment of Extra-Curricular Positions."  
Presentation by Board President Kathy Bacon-Bowling. – FOR DISCUSSION ONLY.*

Mrs. Bacon-Bowling indicated that this discussion topic is on the agenda because of some input that she received from community members. She introduced Travis Gallagher as an individual who wanted to provide some input about this policy. Mr. Gallagher suggested that the board consider changing policy #4120 as it gives preference to certified teachers over community members during selection for coaching positions. He believes that qualified members of the community should have just as much right to the extra-curricular or coaching positions as certified employees, if they are qualified. He cited other district policies to support his position that the district should select the most qualified candidates, rather than giving preference to the teaching staff. He has been the assistant girl's basketball coach and has been replaced by a certified staff member. Terrilynn Brown said that she agrees with Mr. Gallagher, and does not agree that teachers are given preference to these extra-curricular positions. Darla Baumann disagreed with Mrs. Brown. John Brown agrees with Terrilynn Brown that the primary reason to hire a teacher is for their teaching expertise, not because of their coaching expertise. Mrs. Baumann thinks that the current policy is problematic. Superintendent Zunino stated that he has been on a lot of hiring committees and he has not noticed that the hiring decision of a teacher has been influenced by their coaching experience. He believes that the school district has better control over behavior if the coach is a teacher or employee of the school. Some students in the audience spoke on behalf of Mr. Gallagher. Other audience members expressed their opinions as well and several voiced their support of changing the policy.

Mike Rebaleati shared his thoughts on the topic by stating that he thinks that non-certified coaches have to have a lot of training and spend a lot of time receiving this training. He feels that they are able to stay in touch with the students too, not just the teachers. Several audience members and students shared their thoughts on the issue, primarily that they don't know why teachers should necessarily be given preference over a non-certified coach who has already proven themselves. Athletic Director Elmer Porter shared his thoughts on the process. He said that an assistant girl's basketball coach has not yet been hired, despite the rumors. For Mr. Travis' coaching position, it has not yet been determined who will fill this position. As athletic director, he will look at the interested candidates to determine who is the most qualified. Sara Simmons asked him how he will determine who is the most qualified. He said that he will vet both candidates. Mrs. Simmons and Mrs. Brown feel like the district should select the most qualified candidate for extra-curricular positions and not factor in the preference factor for being a teacher. Mike Pavlakis, Attorney for School District, said that there is a reference to the provisions of the certified contract and that the board should be



mindful of the fact that at least the compensation schedule is set forth in the contract, and that the teacher's don't have an expectation of a preference in awarding the position. Elmer Porter concluded the discussion by admonishing the board to not look at individual sports, but to look at the issue in its totality.

President Bacon-Bowling called for a recess.

Meeting re-adjoined at 7:44 p.m.

*6. Discuss, approve or deny approving Independent Contractor agreement with SueKen, Inc., to provide High school Principal services for a two year period from July 1, 2013 to June 30, 2015. SueKen, Inc. is a corporation that employs Ken Fujii. Current cost of contract with SueKen is \$103,253 per year. No cost increase has been requested by SueKen, Inc. – FOR POSSIBLE ACTION. Public Comment will be taken prior to action.*

Principal Ken Fujii address the board concerning his proposed contract renewal. He stated that he would like to amend his contract request from a two year contract to a one year contract extension only. At the end of this contract year, he will retire completely from the Eureka County School District. He apprised the board that his current contract ends in five days and he had no intention of retiring this year, and the timing of only five days left does not allow the board sufficient time to replace him. He doesn't want to appear as if he is running off from his responsibilities or not completing things. He asked the board if they would permit him to continue on for the next year at the end of which, he will retire. He stated that his prior service to the Washoe County School District was for thirty-five continuous years. After his retirement from there, he was retired for seven years. He applied for the position in Eureka and he has been here for nine years. He addressed the issue of "double-dipping" complaints that have been lodged and feels that he is entitled to earn a second income, because he is putting in the time to earn this second income (reference to his receiving PERS retirement at the same time). John Brown stated that he feels that Mr. Fujii should retire as it is time for a change. His concern is that there is no shop teacher at the high school and he thinks that the district needs change at this point. Terrilynn Brown also feels the same and she thinks that something is not working quite right at the high school and a change in leadership is necessary. President Bacon-Bowling said that she feels that there are issues at the high school and it is time for a change. She wants to see the school district move back towards traditional hiring practices. She said that hiring a company (independent contractors) make it more difficult to follow policy and adds complications. She feels like the timing is wrong, though with only five days left in the contract, to search for someone else. Darla Baumann stated that she is concerned about the time frame, and there is not sufficient time to search for a replacement. Mr. Fujii said that he would like to know the nature of the complaints concerning the high school so that he could address them. Kathy Bacon-Bowling said that some of the problems are caused by the fact that the Superintendent and the High School Principal are independent contractors and they cannot be evaluated by the board. Therefore, it is hard for the board to communicate what they want them to improve when there is no evaluation process. Some audience members asked why the board did not address advertising for new candidates before now, when there are only a few



days left on the contract. Some students spoke on behalf of Mr. Fujii and how they feel about him as high school principal.

There were comments regarding the agenda item and whether the board could approve SueKen's contract for a period of one year, when the agenda item stated that the contract renewal would be for two years. Attorney Pavlakis stated that the agenda item is not being amended, but Mr. Fujii is amending his request.

Motion made by Darla Baumann, seconded Sara Simmons to approve the contract with SueKen, Inc. for a period of one year. Public Comment called for and made by Donna Moyer. Motion carries with Terrilynn Brown abstaining from vote.

*7. Discuss, approve, or deny approving a letter to Eureka County requesting that delinquent tax property APN 002-039-02 in the Crescent Valley township be set aside and sold to the school district for district use, per NRS 361.603. – FOR POSSIBLE ACTION. Public Comment will be taken prior to action.*

Discussion occurred regarding the property that can be reserved for school district use if the property is not redeemed via the property owner paying the delinquent taxes and fees.

Motion made by Sara Simmons, seconded by Darla Baumann, to approve motion to request APN 002-039-02 be reserved for school district use. No Public Comment. Motion carries

*8. Presentation by Superintendent Zunino of "President's Medal" from University of Nevada, Reno to Eureka County School District Teachers. – FOR DISCUSSION ONLY.*

Superintendent Zunino presented the plaque and medal that had been awarded to the teachers of Eureka County by the University of Nevada for their accomplishments.

**9. Consent Agenda** – FOR POSSIBLE ACTION. Public Comment will be taken prior to action.

A. Approval of minutes from May 15, 2013 Public Budget Hearing/Board Meeting.

B. Approve adding new employee(s) to district's authorized employee and substitute list. Dino Nappi, English Teacher, Janell Sheets, 1<sup>st</sup> Grade Teacher. *Pursuant to NRS 391.100: Each applicant for employment must submit to the school district a full set of fingerprints for a report on criminal history and if negative results are received, the offer of employment may be withdrawn.*

C. Approve Home School Application from Debbie Mason for student Skylar Davis.

D. Approve Home School Application from Amanda Fawson for student Tyler Fawson.

E. Accept resignation from classified employee, Richard Smith, effective August 1, 2013.

F. Accept resignation letter from teacher, Kathleen Iannacchione, effective at conclusion of 2012/2013 school year.

G. Approve FY13 "List of Disposed Assets" and removal of \$321,460 of obsolete items from Fixed Assets List.

H. Approve Independent Contract with Ann Marie Merritt for 21<sup>st</sup> Century Program Coordinator for 12 month period (7/01/13 to 6/30/14) for \$20,000.

I. Payroll and Warrants: Payroll check #055009 to #055100 for \$184,102.67, #055101 to #055180 for \$184,459.07, #055181 to #055271 for \$237,408.83, #055272 to #055278 for \$1,596.35, #055279 to #055294 for \$34,508.57. Account's Payable check #'s 020627 to #020682 for \$126,071.35, #020683 to #020684 for \$25,516.85, #020685 to #020752 for \$454,472.36.

Motion made by Sara Simmons, seconded by John Brown to approve the Consent Agenda with the removal of Item A. No Public Comment. Motion carries

President Bacon-Bowling called for adjourning to Executive Session prior to the report section of the meeting. Mike Rebaleati asked to make some public comments prior to the board adjourning to Executive Session. He thanked Mike Pavlakis for attending the meeting and said that he thinks that as the school's attorney, Mr. Pavlakis should attend all future meetings. If not in person, then at least by phone. He thinks that his presence helps the board.

The Board President asked for any other Public Comments. Debbie Skinner addressed the board regarding her high school observations over the last two years. She discussed communication issues as a parent and how she would approach becoming a more involved parent. She suggested that a parent organization be formed. Board members and Mrs. Skinner dialoged regarding communications concerns and parental involvement.

President Bacon-Bowling adjourned meeting to Executive Session.  
The Board returned to regular session at 9:45 p.m.

Motion made by John Brown, seconded by Darla Baumann to uphold the Letter of Admonition to Rod Garcia. No public Comment. Motion carries with President Bacon-Bowling voting 'Aye' for the record.

#### REPORTS – Information Only/No Action

Finance Officer's Report: Lisa Jones provided an update to the board to inform them of the budget transfers for the FY13 year and to make the transfers a matter of record.

High School Principal's Report: Ken Fujii reported a lengthy list of past activities that occurred at the high school and apprised the board of future events scheduled.

Superintendent Zunino reported on Eureka Elementary School accomplishments and testing results.

District Administrator Martinsen reported on activities at the Crescent Valley Elementary School and the unfortunate incident involving the accident of a Crescent Valley employee. The employee will be unable to work for some time.

Superintendent Zunino requested that the July meeting be held later in the month, to encompass having new teachers hired that are being interviewed. The meeting was tentatively scheduled for July 18<sup>th</sup>, but may be held later if the new hires have not been hired.

#### ADJOURNMENT

Motion made by Terrilynn Brown, seconded by Darla Baumann to adjourn meeting.

MEETING ADJOURNED AT 10:05 P.M.

\*Letter from Eureka County Recorder/Auditor, Mike Rebaleati, is attached to these minutes as an official record, pursuant to his request.





OFFICE OF  
**Eureka County Recorder/Auditor**

EUREKA COUNTY COURTHOUSE  
10 SOUTH MAIN STREET  
P.O. BOX 556 - EUREKA, NEVADA 89316  
PHONE: (775) 237-5263 • FAX: (775) 237-5614

MICHAEL REBALEATI  
COUNTY RECORDER/AUDITOR

E-MAIL: [mr@eurekanv.org](mailto:mr@eurekanv.org)

June 25, 2013

Eureka County School Board  
P.O. Box 249  
Eureka, NV 89316

Dear Board members:

**Principal Contract.**

I continue to oppose the School District contracting with "shell" corporations to fill both the Principal and Superintendent positions. Using this inappropriate method of filling the primary administrative School District positions is simply not right. The only reason this is being done is so these individuals can receive their full Public Employee Retirement benefits and collect a substantial fee for doing the same jobs they officially retired from several years ago. This method does not save the taxpayers money. In fact, these types of contracts purposefully take away a job from other qualified non retired administrator. Furthermore, these types of contracts are costing the taxpayers substantially more money because the PERS system rates of contribution go up for public employers, like school districts, each time another employee position is filled by a so called "contractor." There are numerous qualified individuals for these positions hungry for the opportunity to work here, and they should be given a chance to compete for these jobs instead of simply allowing for "double dipping" by already retired public employees. The 2<sup>nd</sup> reason that I'm opposed to these types of "double dipping" contracts is the Eureka County School District does not have the legal right to grant any individual an exemption from the Ethics Laws of the State of Nevada. Contractors are exempt from the ethics laws, and therefore by awarding this contract you exempt key school officials from restricting themselves to ethical behavior. The 3<sup>rd</sup> reason for my opposition is the Eureka County School District should not be giving away the entire control of our School District to one individual. By approving the contract before you tonight this is what you are approving. An independent contractor has absolute control over his area of work, and these contracts define that area of work as the authority this Board should be exercising instead of rubber stamping what a contractor decides. The Eureka County School District is obligated to the taxpayers of Eureka County to be in control of their buildings, administrators, and students at all times. You gave this taxpayer obligation away when you renewed the contract with Benary, Ltd and you will be giving away the obligation to control our School District one more time if and when you approve the contract presented to you by SueKen, Inc. tonight. The 4<sup>th</sup> reason for my opposition to these contracts is that there has been no accountability. There have been serious issues raised several times in the past years and no disciplinary action or review has ever been performed.

**Item 2.**

In my opinion, the extra-curricular activity policies of the Eureka County School District need to be totally rewritten and lined out properly. The policy is currently not being followed by school administrators who fill coaching positions. It is not being followed by the individuals who are being paid to administer all aspects of the extracurricular activities. There is a major conflict of interest inherent in the fact that the primary administrators being paid to administer the activities are filling coaching

positions. There is no allowance for this in the current School District policies. It just happens. The Superintendent does not have the legal authority to arbitrarily create a new policy without Board approval. On the other hand, the extra-curricular activity policies are applied with gusto against other individuals. A committee could be established to rewrite these policies and organize the School District's line of authority chart accordingly. The School Board should appoint this committee of 3-5 people and the Principal, Superintendent and Athletic Director should be excluded from this committee.

**Item 3.**

I understand the issue of the parking area for the new gym is now on hold due to the problems with the fill on the West area of the High School property, which was created as a result of lack of planning. It is obvious that a proper parking area south west of the gym (near the football field) will be the initial primary parking lot. A protected and properly lighted walking path needs to be constructed so all individuals have a safe path to the new gym and current high school from the new parking area.

I'm formally requesting that these public comments be permanently attached to the minutes of the June 25, 2013 Eureka County School Board. I take my oath of office very seriously so I will continue to inquire, comment and act upon any issue concerning the use of taxpayers' monies.

Regards,



Michael Rebaleati

Eureka County Auditor and Taxpayer