

## UNIT ORGANIZATION

### Section 3 - ESU #13 Board Members

#### A. Election Districts

After each decennial census, the Board shall divide the territory of ESU #13 into at least five and up to twelve numbered election districts that are compact and contiguous and substantially equal in population. There are twelve election districts in ESU #13.

Board members are elected to represent the geographical boundaries of the ESU. One member is elected to represent each election district for the term provided by law.

Legal Reference:	Nebraska Statutes: 32-515; 79-1217; 79-1217.01
Date of Adoption:	6/18/19
Updated:	

#### B. Filling Vacancies

A vacancy in the membership of the ESU #13 Board shall occur as set forth in Nebraska Statute 32-560, or when a member is absent from the ESU for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the Board unless excused by a majority of the remaining members of the Board.

Nebraska Statute 79-1217(2): A vacancy in the membership of the ESU #13 Board resulting from the expiration of a term or any cause other than the expiration of a term shall be temporarily filled by appointment of a qualified registered voter by the remaining members of the Board. (Nebraska Statute: 32-515): The registered voter shall be elected at the *general election held immediately preceding the expiration of his/her term*. The registered voter appointed or elected pursuant to this subsection shall meet the same requirements as the member whose office is vacant.

When soliciting names of potential candidates for Board membership, the administrator shall do the following:

1. publish notice of the vacancy one time in either a daily or weekly newspaper domiciled within the boundaries of the election district where the vacancy exists; and
2. request that members of the Administrative Advisory Council recommend names of potential candidates that live within the boundaries of the election district where the vacancy exists.

(Nebraska Statute 32-571): Appointments shall be in writing and shall continue for the unexpired term and until a successor is elected and qualified except as otherwise provided in such sections. *Such written appointment shall be filed with the Secretary of*

*State or County Clerk.* No person shall be appointed to fill a vacancy unless he or she has the qualifications required to be elected to such office at the time of the appointment unless otherwise specifically provided.

Legal Reference:	Nebraska Statute: 79-1217(2)
Date of Adoption: Updated:	6/18/19

C. Role of Individual Board Members

The role of individual Board members is to express their position by voting on issues presented at duly called meetings of the Board. The Board of ESU #13 functions only when it takes official action at a duly called meeting of the Board. Individual Board members and individual Board officers cannot bind ESU #13 or its Board to a contract or obligation and may not speak on behalf of the Board except when acting upon specific authority given by the Board.

Legal Reference:	<i>Busboom v. Southeast Nebraska Technical Community College</i> , 194 Neb. 448 (1975); <i>Markay v. School District No. 18</i> , 58 Neb. 479 (1899).
Date of Adoption: Updated:	6/18/19

D. Orientation of New Board Members

The Board and the administrative staff will be available to assist each new member-elect to understand the Board’s functions, policies, and procedures and operations of ESU #13 both before and after the member takes office. Each member-elect will receive the following:

1. selected material on the functions of the Board and ESU #13;
2. an invitation to meet with the administrator and other administrative personnel to discuss services they perform;
3. an invitation to attend Board meetings; and
4. copies of the policies and administrative regulations and other pertinent materials.

Legal Reference:	
Date of Adoption: Updated:	6/18/19

E. Oath of Office

Board members before taking office shall take and sign the following oath or affirmation:

I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservations, or for purpose or evasions; and

that I will faithfully and impartially perform the duties of the office of member of the Board of Educational Service Unit No. 13, according to law, to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence; and that during such time that I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence. So help me God.

Legal Reference:	Nebraska Statutes: 11-101 to 11-101.03
Date of Adoption:	6/18/19
Updated:	

F. Code of Ethics for Board Members

Board members of ESU #13, like all public officers in the State, “stand in a fiduciary relationship to the people whom they have been elected or appointed to serve. As fiduciaries and trustees of the public wealth, they are under an inescapable obligation to serve the public with the highest fidelity. In discharging the duties of their office, they are required to display such intelligence and skill as they are capable of, to be diligent and conscientious, to exercise their discretion not arbitrarily but reasonably, and above all to display good faith, honesty and integrity. They must be impervious to corrupting influences and they must transact their business frankly and openly in the light of public scrutiny so that the public may know and be able to judge them and their work fairly. These obligations are . . . assumed by them as a matter of law upon their entering public office.”

To assure that the entire Board acts in accordance with the foregoing legal responsibilities and to ensure the effective functioning of the Board, each Board member will sign a Board-approved Code of Ethics for ESU #13 Board Members (attached). The Code of Ethics is to be signed upon assumption of office and at each annual meeting.

Legal Reference:	<i>Nebraska Legislature on behalf of the State of Nebraska v. C. David Hergert</i> , 271 Neb. 976, 1011 (2006)
Date of Adoption:	6/18/19
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G. Compensation of Board Members

Members of the Board shall not receive compensation for their services. Members may be reimbursed for the actual and necessary expenses incurred in the performance of their duties, pursuant to law and by a majority vote of the Board.

The Board may permit its members to participate in ESU #13’s hospitalization, medical, surgical, accident, sickness, or term life insurance coverage or any one or more of such coverages. A Board member electing to participate in the insurance program of ESU #13 shall pay both the employee and the employer portions of the premium for such coverage.

If the Board opts to permit its members to participate in insurance coverage, the administrator shall report quarterly at a Board meeting the Board members who have elected such coverage. Such a report shall be made available in the ESU #13 office for review by the public upon request.

Legal Reference:	Nebraska Statutes: 79-1217(3); 79-1232
Related Policy:	Coffee Act Policy (Reimbursable Expenses)
Date of Adoption: Updated:	6/18/19