

# **BOARD OF EDUCATIONAL SERVICE UNIT NO. 13 (ESU 13)**

**Tuesday - January 19, 2021**

**Location - ESU 13 Main Office, 4215 Avenue I, Scottsbluff, NE**

**In accordance with the Governor's Executive Order No. 20-36 (Coronavirus - Public Meetings Requirement Limited Waiver), some members of the Board will be participating in the meeting by Zoom connection.**

**Finance Committee (Knapper, Millette, Sinner, Richards) - 5:15 PM - Discussion of proposed HVAC replacement and a potential renovation to the Computer Lab.**

## **Regular Meeting - 6:00 PM**

### **A. Call to Order**

1. Meeting is governed by the Nebraska Open Meetings Act as posted.
2. The ESU 13 Board reserves the right to rearrange the order of the agenda.
3. The ESU 13 Board reserves the right to convene an executive session in accordance with § 84-1410.

### **B. Reorganization of the Board**

- Election of President
- Election of Vice President
- Election of Secretary
- Appointment of Treasurer
- Appointment of Recording Secretary

### **C. Conflict of Interest Statutes and Code of Ethics for Board Members**

- State Statutes 49-14, 101.01, 49-14, 101.02, and 49-1499.03 regarding conflict of interest will be uploaded to the Board member webpage. Disclosure forms will be available, if needed.
- Following Board Policy, and to assure that the entire Board acts in accordance with the foregoing legal responsibility, and to ensure the effective functioning of the Board, each Board member will sign a Board-approved Code of Ethics (uploaded to Board Materials webpage). For members participating by video-conference, please send or email a signed copy back to Desira.

### **D. Excuse Absent Board Member(s) (Motion Necessary for Approval)**

### **E. Approval of Agenda (Motion Necessary for Approval)**

#### **Consent Action Items (Motion Necessary for Approval)**

- Minutes of meeting (December regular meeting)
- Treasurer's Report
- Fund Balance
- Budget Report

- Claims for Disbursement
- Approval of attendance for educational workshops, conferences, training programs, official functions, hearings, or meetings

**Calendar**

- **January 27, 2021** - Advisory Council meeting - 10:00 AM
- **February 1, 2021** - 2021 NASB Legislative Issues Conference - Virtual (Jones)
- **February 15, 2021** - ESU 13's Mid-Winter Conference
- **February 16, 2021** - Regular Board meeting
- **February 19, 2021** - ESU 13 offices closed

**Public Forum:**

- Time limit for each person is three (3) minutes; no response or action taken by the Board.

**Reports**

- Strategic Plan Goal #3 Update - BJ Peters, Jadie Beam, and Danielle Cole
- Head Start Policy Council has not met since the last Board meeting. The Head Start Continuation Grant was submitted to Region 7 Office of Head Start. Approval of the grant will be announced by March 31, 2021. The Head Start Annual Report is uploaded to the Board Materials webpage for review.
- Administrator's Report ([Appendix A](#))
- Board Member Comments

**F. Old Business**

**1. Motion to Take from the Table the Consideration of the Proposed HVAC Replacement and Computer Lab Renovation**

At the December meeting, the proposed HVAC Replacement and Computer Lab Renovation was tabled for further discussion by the Finance Committee. We need a motion to reopen the item for Board approval.

**Recommendation: Move to take from the table the consideration of the proposed HVAC replacement and Computer Lab renovation.**

**2. Proposed HVAC Replacement and Computer Lab Renovation**

The Board Finance Committee will review bids and continue discussion for the proposed HVAC replacement and a potential renovation to the Computer Lab prior to our meeting on Tuesday and make a recommendation to the Board for approval. The bid opening took place on Friday, December 11th and the results are below:

<b>Contractor</b>	<b>Option</b>	<b>Cost</b>
Anderson-Shaw	Base Bid	\$403,940.68
	Alternate A Computer Lab	\$63,533.80

	Alternate B HVAC Upper Level	\$82,613.85
	Alternate C Lighting/Controls	\$32,620.50
	Alternate D Carpeting	\$18,871.88
	Alternate E HVAC IT Room	\$18,507.50

**Recommendation: Move to approve the recommendation of the Board Finance Committee regarding the proposed HVAC Replacement and Computer Lab Renovation.**

## **G. New Business**

### **1. Public Auction 1114 Toledo Street, Sidney NE 69162**

The Board has previously approved selling the Sidney building, with a minimum bid of \$130,000. Jerald L. Ostdiek, Attorney, will conduct the auction. Interested individuals may bid in person or by Zoom.

**Recommendation: Conduct auction. Purchase Agreement will be prepared for Board approval at the February meeting. No action necessary.**

### **2. Interlocal Agreement-Chadron Public Schools-AWARE Grant Project**

The AWARE Grant Project is an Interlocal Agreement between ESU 13 and Chadron Public Schools to provide an AWARE Grant Manager employed by ESU 13 to coordinate services for program development of and manage resources to meet AWARE grant goals as related to mental health program development. (Agreement is uploaded to the Board Materials webpage.)

**Recommendation: Move to approve the 2020-21 Interlocal Agreement for Aware Grant Project Manager and Behavioral Mental Health Services Provider.**

### **3. ESU 13 Legal Counsel**

Annually, the Board approves ESU 13's legal counsel. Jerald Ostdiek (Douglas, Kelly, Ostdiek, Snyder, Ossian, Vogl & Lookabill, PC) has agreed to serve as our attorney.

**Recommendation: Move to approve Jerald Ostdiek as ESU 13's attorney.**

### **4. Board Standing Committee Appointments**

In accordance with our Board Policy, we take action annually to appoint members to a committee, or make changes to current committees. A list of current committee assignments is attached as [Appendix B](#).

**Recommendation: Board decision.**

### **5. ESU 13 Depositories**

Each year, the Board approves ESU 13's current depositories as listed on the Treasurer's Report and gives the Treasurer the latitude to shift money when in

ESU 13's best interest to do so.

**Recommendation: Move to approve ESU 13's current depositories and give the Treasurer the latitude to shift money when in ESU 13's best interest.**

**6. Designate Newspaper of Record**

Pursuant to Board Policy, included in our annual organizational meeting is the need to designate our newspaper of record. ESU 13 will continue to use the Scottsbluff Star-Herald.

**Recommendation: Move to approve Scottsbluff Star-Herald as ESU 13's newspaper of record.**

**7. Payment of ESU 13 Claims Between Board Meetings**

Annually, the Board is asked for authorization to pay credit cards, utilities and payroll between Board meetings. These claims are then included with the Check Listing for official approval at the next regular meeting.

**Recommendation: Move to authorize the Business Manager to pay credit cards, utilities and payroll between Board meetings.**

**8. July Board Meeting**

AESA's Summer Leadership Conference is tentatively scheduled for July 20-22, 2021 in Dallas, TX. July 20th coincides with the July Board meeting date. In past years, we have canceled our July board meeting if the agenda permits us to do so. However, we will need your approval to pay the General Fund claims for July. This action will be ratified at our August Board meeting. Desira will email Board members when the claims have been posted on the Board webpage.

**Recommendation: Board decision.**

**9. Employee Resignation**

Lisa Myles has submitted her resignation for retirement effective May 28, 2021. Lisa has been in our Professional Learning Department since January 2011. She states, "I have enjoyed the challenges of 'serving, supporting, and hopefully empowering' your 21 school districts in our panhandle area of Nebraska. In all of my interactions with the districts and staff, I have come to understand the meaning behind *Nebraska's The Good Life* slogan and *Nebraska Nice*. Everyone is pleasant, hardworking, caring, and striving for success for all of our students and communities."

**Recommendation: Move to accept the letter of resignation for retirement from Lisa Myles effective May 28, 2021.**

**10. Employee Resignation**

George Schlothauer, Director of Alternative Education, has submitted his resignation effective June 25, 2021. George states "I have enjoyed this position and am very proud of the strides our department has made with our students and the relationships we have built with our member districts over the last 8 years".

**Recommendation: Move to accept the resignation of George Schlothauer effective June 25, 2021.**

**11. Discuss, Consider, and Take All Necessary Action with Regard to the Extension of Paid Sick Leave Under the Federal Families First Coronavirus Response Act**

The Paid Sick Leave and EFMLA Leave requirements under FFCRA expired on December 31, 2020, and, as a result, ESU 13 is no longer legally required to make such leave available to eligible employees. COVID-19 has created real hardships for some employees in the near future. See [Appendix C](#) for further details of motion for extension of paid sick leave under FFCRA.

**Recommendation: Motion regarding Extension of the Paid COVID-19 Leave of absence.**

**12. Executive Session for Administrator's Evaluation**

The Board will move to Executive Session for the purpose of the Administrator's evaluation.

**Recommendation: Move to Executive Session for the purpose of discussing a personnel matter with the Board and the Administrator present.**

**H. Approval of Minutes (Motion necessary for Approval)**

**I. Adjournment**

## **Appendix A**

### **Administrator Notes January 2021**

#### **Sidney Office Construction Project Update**

Andrew will provide an update on progress of the ESU 13/WNCC – Sidney Office construction project. The budget for this project included \$100,000 for contingencies. As of Thursday, January 14th, \$56,654.34 remained in this account. Unless otherwise requested, this will be the final update on the project.

#### **Credit Card Purchases**

In accordance with Board Policy Article 3, Section 6 K(2), a list of names of our employees who have credit cards that are checked out to them on a permanent basis has been uploaded to the Board Materials webpage. We will provide this information annually at our organizational meeting.

#### **Administrator Contract**

In accordance with Board policy, the contract with the Administrator is to be acted on at the regular February meeting. Would the Negotiations/Personnel Committee like to convene prior to the February Board meeting?

#### **Executive Order regarding Open Meetings Act**

On January 11th, Governor Ricketts signed Executive Order No. 21-02 extending the original Executive Order No. 20-36 which allowed a limited waiver of certain requirements of the Nebraska Open Meetings Act. This extension goes through April 30, 2021.

#### **School District Redistricting**

The Census data will be released in March or April. Once the data is released, the Election Districts Committee will need to convene. M.C. Schaaf will be involved in the process.

#### **Nebraska School Board Recognition Week**

The week of January 31 to February 6 is School Board Recognition Week in Nebraska. The educational system in the Panhandle of Nebraska is stronger because of your leadership and engagement. THANK YOU for your dedication and service to the ESU 13 Board of Education.

## Appendix B

### BOARD COMMITTEE ASSIGNMENTS 2020

#### Policy:

- Diane Coon
- Heather Crofutt
- Tim Horn
- Patricia Jones

#### Building/Grounds: (formed at the 9/13/11 Board Meeting)

- Steve Diemoz
- Tom Millette (Andrew Dick/Fermin Hernandez)
- Ray Richards
- Mark Sinner

#### Projects, Programs and Services: (Programs/Services combined with Projects at the 1/21/20 Board Meeting)

- Kim Marx
- Tom Millette
- Mark Sinner
- Ray Richards

#### Negotiations/Personnel:

- Don Egging
- Tom Millette (appointed by Chairman on 10/18/16)
- Bill Knapper
- Ray Richards
- Mark Sinner

#### Finance:

- Bill Knapper
- Tom Millette (Andrew Dick/Desira Martin)
- Ray Richards
- Mark Sinner

#### ESU/WNCC Project Board:

- Ray Richards Linda Guzman-Gonzales (WNCC)
- Mark Sinner F. Lynne Klemke (WNCC)
- Scott Marsh R. J. Safely, Jr. (WNCC)

#### Election Districts:

- Bill Knapper (Andrew Dick)
- Tom Millette
- Ray Richards
- Mark Sinner
- Tim Horn

#### Legislative Liaison:

- Patricia Jones
- Diane Coon
- Steve Diemoz

#### Complaint and Grievance:

- Patricia Jones
- Bill Knapper
- Scott Marsh
- Ray Richards

## Appendix C

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_ that the ESU 13 Board of Education should and does hereby authorize that from the effective date of this Motion until March 31, 2021, unless earlier repealed by this Board of Education, ESU 13 will voluntarily, and on a temporary, limited basis provide COVID-19 related paid leave (similar to the Paid Sick Leave under the Federal Families First Coronavirus Response Act (FFCRA) on similar terms and conditions as Paid Sick Leave as provided under FFCRA. Any ESU 13 employee who has not exhausted all of his or her FFCRA leave during the 2020 calendar year may carry over COVID-19 related paid leave during the second semester of the 2020-2021 school year, and the Administrator, or designee, is delegated full power and authority to implement, administer, and carry into effect the voluntary, temporary and limited leave benefits provided under this Motion. The benefits provided under this Motion do not entitle any employee to any additional paid leave; instead, the Administration has the complete discretion to approve or deny any request for COVID-19 related leave based on the circumstances of each employee's situation. This Motion and the voluntary, temporary leave benefits provided to eligible employees of ESU 13 hereunder shall automatically terminate on the date provided herein, unless this Motion is early rescinded by the Board, without any further actions by the Board of Education of ESU 13.