

MINUTES

STATE COMMITTEE FOR THE REORGANIZATION OF SCHOOL DISTRICTS March 16, 2012

Nebraska State Office Building, State Board Room- 6th Floor,
301 Centennial Mall South, Lincoln, Nebraska 68509
8:30 a.m.

1. Call to order (roll call).

Gerry Osborn called the meeting to order at 8:45 a.m.

Roll Call of Committee Members:

1. Dale Fornander
2. Teresa Hawk
3. Gil Kettelhut
4. Gerry Osborn
5. Kendall Moseley

Others Present:

Brian Halstead, General Counsel, NDE
Micki Iverson, School Finance & Organization Services, NDE
Russ Inbody, School Finance & Organization Services, NDE

2. Gerry announced: Information regarding the Open Meetings Act is found on the East wall of this room on the south side of the door.
3. Approval of Minutes from the May 27, 2011 meeting.

A motion was made by Dale Fornander and seconded by Kendall Moseley to approve the minutes.

Aye: Gerry Osborn, Dale Fornander, Teresa Hawk, Gil Kettelhut, Kendall Moseley
Absent: None
Motion Carried

4. Approve appointment of Board Members for the newly created Colfax County School District No. 70 (19-0070)

The following people appeared and discussed various issues facing the new district:
Thomas McMahon, Superintendent – Dodge-Howells Unified District
Darrin Bjorklund, Dodge School Board
Paul Pieper, Dodge School Board

A motion was made by Kendall Moseley and seconded by Gil Kettelhut to approve the appointment of Board Members.

Aye: Gerry Osborn, Dale Fornander, Teresa Hawk, Gil Kettelhut, Kendall Moseley
Absent: None
Motion Carried

5. **Public Hearing:**

Public Hearing: Dawes and Sheridan County: Pursuant to §79-413 and 79-415 R.R.S. regarding the transfer of parcels of land between:

- Dawes County School District 23-0002, commonly known as Chadron Public Schools, (a Class III School) and:
- Sheridan County School District 81-0003, commonly known as Hay Springs Schools, (a Class III School).
(Effective 8-1-12) (Case LT 36)

No one appeared at the public hearing.

6. Executive Session – None

7. Action on Public Hearing:

Approve or disapprove the land transfer as previously presented.

A motion was made by Gil Kettelhut and seconded by Dale Fornander to approve the petition as described previously.

Aye: Gil Kettelhut, Gerry Osborn, Dale Fornander, Teresa Hawk, Kendall Moseley

Absent: None

Motion Carried

8. Public Comment: None

9. Other Business

- Election of Officers – Chair and Co-Chair

A motion was made by Gil Kettelhut and seconded by Dale Fornander to re-elect existing officers (Gerry Osborn – Chair & Teresa Hawk – Co-Chair).

Aye: Kendall Moseley, Teresa Hawk, Gil Kettelhut, Dale Fornander

Abstain: Gerry Osborn

Motion Carried

10. Adjourned at 9:36 a.m.

MINUTES

STATE COMMITTEE FOR THE REORGANIZATION OF SCHOOL DISTRICTS May 23, 2012

Nebraska State Office Building, State Board Room- 6th Floor,
301 Centennial Mall South, Lincoln, Nebraska 68509
8:30 a.m.

1. Call to order (roll call).

Gerry Osborn called the meeting to order at 8:36 a.m.

Roll Call of Committee Members:

1. Dale Fornander
2. Teresa Hawk (absent)
3. Gil Kettelhut
4. Gerry Osborn
5. Kendall Moseley

Others Present:

Brian Halstead, General Counsel, NDE
Scott Swisher, Deputy Commissioner, NDE
Micki Iverson, School Finance & Organization Services, NDE
Russ Inbody, School Finance & Organization Services, NDE

2. Gerry announced: Information regarding the Open Meetings Act is found on the back wall of the State Board Room.
3. Approval of Minutes from the March 16, 2012 meeting.

A motion was made by Gil Kettelhut and seconded by Kendall Moseley to approve the minutes.

Aye: Gerry Osborn, Dale Fornander, Gil Kettelhut, Kendall Moseley

Absent: Teresa Hawk

Motion Carried

4. **Public Hearing:**

A. Dodge County: The transfer of parcels of land between:

- Dodge County School District No. 46, commonly known as Dodge Public Schools, (a Class III School) and:
- Dodge County School District No. 595, commonly known as North Bend Central Public Schools, (a Class III School).
(Case LT 37-145 & 174-177)

Proponents:

Jeff Hrouda, Attorney for Pojar family
John Recknor, Attorney for Rich Pruss

Opponents:

Maureen Freeman-Caddy, Coalition for Better Education, Attorney
Rachael Nielsen, Howells
Richard Coufal, Jr., Howells
Heather Macholon, Howells
Jodeen Schmidt, Howells

Neutral:

Neal Stenberg, Dodge-Howells Unified District, Attorney

B. Dodge and Cuming County: The transfer of parcels of land between:

- Dodge County School District No. 46, commonly known as Dodge Public Schools, (a Class III School) and:
- Cuming County School District No. 1, commonly known as West Point Public Schools, (a Class III School).
(Case LT 146-173)

Proponents:

John Recknor, Attorney for Rich Pruss
Jeff Hrouda, Attorney for Pojar family
Wayne Beck, Dodge

Opponents:

Maureen Freeman-Caddy, Coalition for Better Education, Attorney

Neutral:

Neal Stenberg, Dodge-Howells Unified District, Attorney

5. Executive Session:

A motion to enter into Executive Session to receive advice from legal counsel on the reorganization petition was made by Kendall Moseley and seconded by Dale Fornander at 10:25 a.m.

Aye: Kendall Moseley, Gerry Osborn, Dale Fornander

Nay: Gil Kettelhut

Absent: Teresa Hawk

Motion Carried

A motion to return to regular meeting status was made by Kendall Moseley and seconded by Gil Kettelhut at 10:55 a.m.

Aye: Kendall Moseley, Gerry Osborn, Dale Fornander, Gil Kettelhut

Absent: Teresa Hawk

Motion Carried

6. Action on Public Hearing:

A motion was made by Dale Fornander and seconded by Gil Kettelhut that legal counsel for the committee be directed to request briefs from interested parties and to determine any briefing schedule on the following legal questions:

- 1. What is the legal standard or criteria to be utilized to determine who is an affected district?**
- 2. Is the definition of “affected district” in Title 92, Nebraska Administrative Code, Chapter 83, applicable to the petitions before the Committee?**
- 3. Who are the affected districts that must approve the land transfer petitions based upon the facts before the Committee?**
- 4. What standard or criteria is to be applied as to the date or time at which “affected district” under Section 79-413(2)(a) is to be determined by the Committee?**
- 5. Since the Petitions do not state an effective date, does the Committee have the authority to determine the effect date of any of these petitions?**
- 6. Are these petitions an improper collateral attack on the May 27, 2011, Committee order dissolving Dodge Public Schools and Howells Public Schools and creating Colfax County School District No. 70?**
- 7. Did the Dodge School Board retain the legal authority to change the boundaries of the Dodge Public School District once the petition to dissolve the Dodge School District and Howells School District and create Colfax County School District No. 70 was approved by the Committee on May 27, 2011?**

Aye: Gil Kettelhut, Gerry Osborn, Dale Fornander, Kendall Moseley

Absent: Teresa Hawk

Motion Carried

7. Other Business – Discussion was had about having the next meeting on Thursday, May 31, 2012 at 2:00 p.m. in the State Board Room. (subsequent to the meeting, the May 31st meeting has been postponed, and new date and time has not been scheduled as of May 24th).
8. Meeting adjourned at 11:03 a.m.

MINUTES

STATE COMMITTEE FOR THE REORGANIZATION OF SCHOOL DISTRICTS June 22, 2012

Nebraska State Office Building, State Board Room- 6th Floor,
301 Centennial Mall South, Lincoln, Nebraska 68509
9:30 a.m.

1. Call to order (roll call).

Gerry Osborn called the meeting to order at 9:30 a.m.

Roll Call of Committee Members:

1. Dale Fornander
2. Teresa Hawk
3. Gil Kettelhut
4. Gerry Osborn
5. Kendall Moseley

Others Present:

Brian Halstead, General Counsel, NDE

Micki Iverson, School Finance & Organization Services, NDE

Russ Inbody, School Finance & Organization Services, NDE

2. Gerry announced: Information regarding the Open Meetings Act is found on the back wall of the State Board Room.
3. Approval of Minutes from the May 23, 2012 meeting.

A motion was made by Kendall Moseley and seconded by Gil Kettelhut to approve the minutes.

Aye: Gerry Osborn, Dale Fornander, Gil Kettelhut, Kendall Moseley

Abstain: Teresa Hawk

Motion Carried

4. **Continuation of Public Hearings**

The Chair noted that the May 23, 2012, hearings were not closed when the Committee requested briefs from interested parties which were received on June 5, 2012, and provided to all of the members of the Committee. The Chair announced that any person could make additional comments to the Committee or members of the Committee could ask any questions, and that the Committee would take judicial notice or public notice of information provided on May 23 and make it part of the record in all cases. No one provided comments and questions by Mr. Kettelhut were answered by the Clerk of the Committee. The Chair closed the hearings at 9:35 a.m.

5. Executive Session:

A motion to enter into Executive Session to receive advice from legal counsel on the reorganization petition was made by Kendall Moseley and seconded by Teresa Hawk at 9:35 a.m.

**Aye: Kendall Moseley, Gerry Osborn, Dale Fornander, Teresa Hawk, Gil Kettelhut
Motion Carried**

A motion to return to regular meeting status was made by Gil Kettelhut and seconded by Dale Fornander at 10:05 a.m.

**Aye: Kendall Moseley, Gerry Osborn, Dale Fornander, Gil Kettelhut, Teresa Hawk
Motion Carried**

6. Action on Public Hearing:

A motion was made by Dale Fornander and seconded by Gil Kettelhut to disapprove the Petitions to Transfer Property to the North Bend Central Public Schools, involving Cases LT 37 through LT145 & LT 174 through LT 177.

**Aye: Gil Kettelhut, Gerry Osborn, Dale Fornander, Kendall Moseley
Abstain: Teresa Hawk
Motion Carried**

A motion was made by Kendall Moseley and seconded by Gil Kettelhut to disapprove the Petitions to Transfer Property to West Point Public Schools, involving Cases LT 146 through LT 173.

**Aye: Gil Kettelhut, Gerry Osborn, Dale Fornander, Kendall Moseley
Abstain: Teresa Hawk
Motion Carried**

7. Other Business – No other business at this time.

8. Meeting adjourned at 10:13 a.m.