

Board of Education Special Meeting

Monday, January 13, 2020 5:00 PM

Elm Creek Public Schools Media Center /Board of Education meeting room
230 Calkins Avenue
Elm Creek, NE 68836-0490

1. Call to Order
2. Flag Salute
3. Open Meetings Act
4. Roll Call
5. Review of Agenda
6. Election of Officers
 1. Election of President
 2. Election of Vice-President
 3. Election of Secretary
 4. Election of Treasurer
7. Appointments, Delegations, and Authorizations for 2020
 1. Appoint Superintendent of Schools as the district financial officer
 2. Authorize the Superintendent of Schools as the official district representative for all state, federal and local programs
 3. Appoint the Superintendent of Schools as the Federal Programs officer
 4. Designate the Beacon-Observer as the official district newspaper
 5. Designate Firstier Bank as th depository of district funds
 6. Designate the law firm of KSB School Law to act as legal counsel for the school district
8. 2020 Committee Appointments
 1. Building and Grounds
 2. Negotiations
 3. Transportation
 4. Finance, Curriculum and Technology
 5. Americanism
9. Approval of Current Board Policies and Regulations
10. Policy Review Schedule - one section per month beginning in February
11. Conflict of Interest policies
 1. Dissemination of Board Members Conflict of Interest Statutes and poliocies
 2. Conflict of Interest Contracts
 3. Conflict of Interest Procedures
12. Adjournment

Internal Board Policies - Board MembersConflict of Interest/Contracts

It shall be the policy of Elm Creek Public Schools that any contract whether oral or written, formal or informal, which is entered into by the school district and in which a member of the Board of Education is directly or indirectly interested, is voidable unless certain reporting, disclosure and abstention requirements are met. The school district is authorized to enter into a contract in which a member of the Board of Education is directly or indirectly interested so long as:

1. The Board member makes a declaration on the record regarding the nature of his/her interest prior to official consideration of the contract.
2. The affected Board member does not participate in consideration or discussion of the contract.
3. The Board member does not vote on the granting of the contract except that if the number of members of the Board declaring an interest in the contract would prevent the Board with all members present from securing a quorum in the issue, then all members may vote on the matter.
4. The Board member does not in any way participate in the inspection, operation, administration or performance under the contract on the part of the district.

It shall further be the policy of Elm Creek Public Schools that the above provisions apply not only to formal contracts but also to open accounts.

Legal Reference: Neb. Rev. Stat. § 49-14,103.01

Date of Adoption: May 13, 2013

Internal Board PoliciesConflict of Interest - Employment of Family Member of Board Member or Supervisor and Employment of Board Member

1. A member of the Board of Education or an administrator or other employee with supervisory responsibilities may employ or recommend or supervise the employment of an immediate family member if:
 - a. He or she does not abuse his or her official position (for this purpose, "abuse" means employing an immediate family member: who is not qualified for and able to perform the duties of the position; at an unreasonably high salary; or who is not required to perform the duties of the position);
 - b. He or she makes a full disclosure on the record to the Board of Education and a written disclosure to the Superintendent and/or Secretary of the Board; and,
 - c. The Board of Education approves the employment or supervisory position.

2. No immediate family member of a Board of Education or an administrator or other employee with supervisory responsibilities shall be employed by the School District:
 - a. Without first having made a reasonable solicitation and consideration of applications for such employment.
 - b. Who is not qualified for and able to perform the duties of the position.
 - c. For any unreasonably high salary.
 - d. Who is not required to perform the duties of the position.

3. Neither the Board of Education nor an administrator or other employee with supervisory responsibilities shall terminate the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.

4. This policy shall not apply to an immediate family member of a member of the Board of Education or an administrator or other employee with supervisory responsibilities who was previously employed in a position with the School District prior to the election or appointment of the Board member or employee. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes his or her responsibilities, such Board member, administrator or other employee with supervisory responsibilities shall make a full disclosure of any immediate family member employed in a position subject to this policy.

5. A member of the Board of Education may not be engaged in a contract to teach with the Elm Creek Public School District. Nor shall a member of the Board of Education cast a vote in favor of the election of any employee when the Board member is related by blood or marriage to such employee.

Legal Reference: Neb. Rev. Stat. §§ 49-1499.04; §49-1499.05; 79-544; and 79-818

Date of Adoption: May 13, 2013

Internal Board PoliciesConflict of Interest—Other Than Contracts or Employment

1. Members of the Board of Education of this School District shall abstain from voting on matters on which they may have a conflict of interest. Any Board member who would be required to take any action or make any decision in the discharge of his or her duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

- (A) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and,
- (B) Deliver a copy of the statement to the Secretary of the Board of Education, who shall enter the statement into the public records of the School District.

The Board member shall take such action as the Commission shall advise or prescribe to remove himself or herself from influence over the action or decision in the matter.

2. The provisions of paragraph 1 above shall not prevent a Board member from making or participating in the making of a School District-related decision to the extent that the individual's participation is legally required for the action or decision to be made. In such event, the Board member shall report the occurrence to the Commission.

3. Except as defined in Nebraska statute and this policy, conflict of interest of a Board member shall not prevent a Board member from serving on the Board or restrict the hiring or purchasing practices of this School District.

4. The Superintendent, or the Superintendent's designee, shall provide:

- (A) Each Board member with copies of state statutes of Nebraska pertaining to conflicts of interest at the organizational meeting of the Board of Education held at the regular School Board meeting in January of each year. In addition, any newly appointed or elected Board member shall be provided such statutes.
- (B) When possible, provide each Board member with a list of financial matters on the agenda to come before the Board of Education at the next regular meeting in sufficient detail to allow the Board member to identify potential conflicts of interest and report and receive advice from the Commission.

5. For purposes of this policy, immediate family member shall be defined as a child residing in the Board member's household, a Board member's spouse or an individual claimed by that Board member or the Board member's spouse as a dependent for federal income tax purposes.

Legal Reference: Neb. Rev. Stat. § 49-1425; § 49-14,101; § 49-14,102; § 49-14,103; § 49-14,103.01; § 49-14,103.02; § 49-14,103.03; § 49-14,103.04; § 49-14,103.05; § 49-14,103.06; § 79-818; § 79-544 and § 49-1499.

Date of Adoption: July 11, 2016

CONFLICTS LEDGER
CONTRACTS IN WHICH BOARD MEMBER HAS A POSSIBLE CONFLICT

(1) Names of the contracting parties-- (a) Business	(b) Board member with possible conflict	(2) Nature of the interest of the officer in question	(3) Date contract was approved by Board	(4) Amount of the contract ¹	(5) Basic terms of the contract

Note: May attach and reference NADC Form C-3.

§ 49-14,103.02. Contract with officer; information required; ledger maintained. The person charged with keeping records for each governing body shall maintain separately from other records a ledger containing the information listed in subdivisions (1) through (5) of this section about every contract entered into by the governing body in which an officer of the body has an interest and for which disclosure is made pursuant to section 49-14,103.01. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the:

- (1) Names of the contracting parties;
- (2) Nature of the interest of the officer in question;
- (3) Date that the contract was approved by the governing body;
- (4) Amount of the contract; and
- (5) Basic terms of the contract.

The information supplied relative to the contract shall be provided no later than ten days after the contract has been signed by both parties. The ledger kept pursuant to this section shall be available for public inspection during the normal working hours of the office in which it is kept.

Source: Laws 1986, LB 548, § 3; Laws 2001, LB 242, § 22.

§ 49-14,103.03. Open account with officer; how treated. An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to sections 49-14,103.01 to 49-14,103.06. The statement required to be filed by section 49-14,103.02 shall be filed within ten days after such account is opened. Thereafter, the person charged with keeping records for such governing body shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to sections 49-14,103.01 to 49-14,103.06.

Source: Laws 1986, LB 548, § 4.

¹ If contract involves an open account insert "open account." A running account of amounts purchased is maintained in the records of the District Bookkeeper.

Internal Board Policies - Board MembersReporting Procedures

It shall be the policy of Elm Creek Public Schools that any school Board member who has a direct or indirect interest in a formal contract entered into with Elm Creek Public Schools, or an open account, shall provide the Superintendent of schools with the following:

1. Names of the contracting parties.
2. Nature of the interest of the school Board member.
3. Date that the contract was approved by the school Board.
4. Amount of the contract.
5. Basic terms of the contract.

The above information shall be provided to the Superintendent of schools no later than ten (10) days after the contract has been signed by both parties. Such information shall be kept on a ledger, and shall be retained in the ledger for five (5) years from the date of the last day in office of the school Board member. The ledger kept by the Superintendent of schools shall be available for public inspection during the normal working hours.

It shall further be the policy of Elm Creek Public Schools that in the case of open accounts, the above information shall be filed within ten (10) days after the account is opened and thereafter the interested officer shall file a revision to the statement within ten (10) days of each payment on the account specifying the date and amount of the payment.

Legal Reference: Neb. Rev. Stat. § 49-14,103.02

Date of Adoption: May 13, 2013