



Grand Canyon Unified School District #4
Tuesday, December 1, 2020
6:00 p.m.
Special Meeting
Minutes

Minutes are recorded as annotations of the agenda, as indicated in gray background and left paragraph bars (bars have been added because the gray background may not copy).

Due to the pandemic, this meeting will be conducted online and telephonically

Pursuant to A.R.S. 38-431.02, notice is hereby given to the public that the Governing Board of the Grand Canyon Unified School District #4 will convene for a Special Meeting. The Meeting will be held Tuesday, December 1, 2020 at 6:00 p.m.

Please click the link below to join the webinar:

<https://zoom.us/j/91204233834>

Or iPhone one-tap :

US: +12532158782,,91204233834# or
+13462487799,,91204233834#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1
312 626 6799 or +1 646 558 8656
Webinar ID: 912 0423 3834

The Governing Board reserves the right to move into Executive Session for discussion and consideration of employment, assignment, promotion, demotion, salaries, etc., and/or legal advice with its attorneys for any item listed on the agenda, in person or telephonically, pursuant to A.R.S. 38-431.03(A)(1) or (A) (3).
All items on the agenda may be discussed or considered at this meeting.

AGENDA

1. OPENING ITEMS

A. CALL TO ORDER

Motion: Call to Order
By: Mr. Kevin Hartigan
Second: Ms. Kathryn Morris
At: 6:05 PM

Board Member	Yes	No	Abstain	NA
Kevin Hartigan	X			
SuZan Pearce				X
Joe Rabon	X			
Pete Shearer	X			
Kathryn Morris	X			

Motion Passes.

B. ROLL CALL

*** Note on Virtual Meetings ***

In compliance with social distancing and stay-at-home recommendations issued by the Center for Disease Control and directions from Federal and State governments in response to the COVID-19 pandemic, this Board meeting was held virtually by phone/web conference.

Designation of “present” in the roll call indicates these members were identified as active members in the conference call.

The Board Meeting phone/web conference information was provided for the public in the meeting posting. As a result not all individuals who called into the meeting were identified. Only Board Members and district staff who actually reported to the Board are identified in the roll call.

Board members present:

- Mr. Kevin Hartigan
- Ms. SuZan Pearce, was not available at the call to order, joining at approximately 6:20 PM
- Mr. Joe Rabon
- Mr. Pete Shearer
- Ms. Kathryn Morris

District staff members present:

- Dr. Shonny Bria, Superintendent
- Mr. Thomas O’Connor, Program Director, Acting Board Secretary

C. APPROVAL OF THE AGENDA

Motion: Approval of the Agenda as presented
 By: Mr. Kevin Hartigan
 Second: Ms. Kathryn Morris
 At: 6:08 PM

Board Member	Yes	No	Abstain	NA
Kevin Hartigan	X			
SuZan Pearce				X
Joe Rabon	X			
Pete Shearer	X			
Kathryn Morris	X			

Motion Passes.

2. HUMAN RESOURCES: Acceptance of resignation from Mr. Ray Curley, Food Service Assistant, effective December 10, 2020

Motion: Acceptance of the resignation of Mr. Ray Curley.
 By: Mr. Kevin Hartigan
 Second: Ms. Kathryn Morris
 At: 6:12 PM

Board Member	Yes	No	Abstain	NA
Kevin Hartigan	X			
SuZan Pearce				X
Joe Rabon	X			
Pete Shearer	X			
Kathryn Morris	X			

Motion Passes.

3. NPS Special Use Permit

Mr. O'Connor discussed the current status of the proposed special use permit with the National Park.

Ms. Henry was not available at this time, however Ms. Tosca did review his report prior to the meeting for accuracy.

On November 19, Dr. Bria, Mr. Yost, Ms. Henry and Mr. O'Connor met with: Pam Edwards, Doug Lentz, Brian Drapeau, Ed Keable, Sarah Acomb and Michael Williams (the park service attorney) to review their feedback on our comments on the proposed Special Use Permit.

The Park Service has addressed most of the concerns we expressed in language in the agreement, particularly language which we found either too vague or potentially limiting.

For paragraph 5 regarding Revocation/Termination: They agreed to the majority of Ms. Henry's proposed language. They did strike the clause addressing cures to mitigate continuation, but they extended our recommendation of 9 months for the school to act on a termination to 12 months. Ms. Henry states she prefers the language of this paragraph, even with the struck clause, over the original.

They agreed to include the 1620 Barry Hanse Circle property, though we believe we should address details further in a future separate agreement. They explicitly acknowledge our rights to two lots across the street from the Catholic chapel. These are all to our advantage.

They also propose changing this from a special use permit to simply an agreement, though the most recent markup remains titled as a Special User Permit.

Overall, Mr. O'Connor said he believed the Park Service addressed most of our concerns, while emphasizing their own desire for a more collaborative agreement.

The One Area of Concern

The one area of concern regards property ownership. In the November 19 meeting, the Park Service attorney did make a statement that *it is the Park Service's stand (or actually Department of Interior) that all structures built on federal property revert to federal ownership.*

In the earlier meeting with Ms. Henry, she stated that she is not particularly concerned with this statement or the removal of language about working to resolve building ownership because should the park attempt to assert such a presumption, it would trigger litigation by the state Attorney General, because the Arizona tax payers retain an interest in their investments.

Ms. Tosca does not believe that we can resolve ownership before the expiration of the existing agreement, and probably not likely before the end of calendar year 2021. She recommends that we ask for language to the effect "The parties will work toward resolving the ownership question of School properties during calendar year 2021." The Park Service attorney, Mr. Williams seemed amenable to the idea of adding such language.

Related to the statement of intent by Mr. Williams (Park Service Solicitor) Mr. O'Connor noted that there have been concerns raised by some individuals that there is nothing in the agreement which

would prevent the Park Service possibly assessing fees for the school on federal land. Ms. Henry noted in the earlier meeting with Mr. O'Connor, that other national parks have assessed fees for state owned entities on federal land.

There was some discussion between Board members about this, particularly a concern that we may be suggesting a distrust of the park.

Board member Ms. Morris noted that if there is nothing in the agreement allowing the assessment of fees, the Park Service cannot assess such fees.

Board member Mr. Hartigan explained that APS has had some experience with the Park which suggests that we ensure we cover all our bases.

If the Board chose to address this concern in the agreement, Ms. Henry proposed requesting the agreement include wording, something like:

In consideration of the importance of the function provided by the school in the park, that the Park Service in consideration of the school being operated and funded by State funding, that no fees will be assessed against the school during the period of the agreement.

Mr. O'Connor noted that this would be new language we are requesting, and there is no assurance the Park would accept it.

Mr. O'Connor also mentioned that the Ms. Henry had noted that it would be in the best interest of the school to have fully resolved ownership ratios and prior agreements, including any reversion clauses or preventions before the end of the term of this new contract. There is no rush however, given the more than 100 year history of the school and Park relationship, this will take some archivist effort.

Directions to Staff from the Board:

- Ask the Park to include language regarding a joint effort to resolve ownership during the 2021 calendar year (being clear that progress should be made, but not a commitment to resolve before the end of the year).
- Ask the Park to include language regarding exclusion of fees during the term of the agreement similar to the above.
- Explore the possibility of titling the agreement as an Intergovernmental Agreement.

The Board members described these as high wants in order of priority, but indicated that failure to deliver would not be a cause for the Board to reject the agreement.

Note that Board member Ms. SuZan Pearce joined the meeting at approximately 6:20 PM.

4. EXECUTIVE SESSION

- A. Discussion regarding business manager position. The Governing Board may vote to convene in executive session pursuant to A.R.S. Section 38-431.03(A)(1) for discussion and consideration of employment, assignment, promotion, demotion, discipline, or termination, etc., or A.R.S. Section 38-431.03(A)(3) for consultation with the attorney of the Governing Board for legal advice.

Motion: Enter Executive Session pursuant to A.R.S. 38-431.03(A)(1) for discussion of the Business Manager Position.
 By: Mr. Kevin Hartigan
 Second: Mr. Joe Rabon
 At: 6:38 PM

Board Member	Yes	No	Abstain	NA
Kevin Hartigan	<u>X</u>			
SuZan Pearce	<u>X</u>			
Joe Rabon	<u>X</u>			
Pete Shearer	<u>X</u>			
Kathryn Morris	<u>X</u>			

Motion Passes.

The Board entered executive session at 6:39 PM

The Board exited executive session at 7:30 PM

5. RECONVENE TO REGULAR SESSION

Motion: Reconvene Regular Session.
 By: Mr. Kevin Hartigan
 Second: Ms. SuZan Pearce
 At: 7:30 PM

Board Member	Yes	No	Abstain	NA
Kevin Hartigan	X			
SuZan Pearce	X			
Joe Rabon	X			
Pete Shearer	X			
Kathryn Morris	X			

Motion Passes.

A. The Board may take action on the items discussed in Executive Session (2.A.)

Motion: Approve the payout for the previous business manager of all undesignated leave and vacation as provided by policy GCCA.
 By: Mr. Kevin Hartigan
 Second: Ms. SuZan Pearce
 At: 7:31 PM

Board Member	Yes	No	Abstain	NA
Kevin Hartigan	X			
SuZan Pearce	X			
Joe Rabon	X			
Pete Shearer	X			
Kathryn Morris	X			

Motion Passes.

6. ADJOURNMENT

Motion: Adjourn
 By: Mr. Kevin Hartigan
 Second: Ms. SuZan Pearce
 At: 7:32 PM

Board Member	Yes	No	Abstain	NA
Kevin Hartigan	X			
SuZan Pearce	X			
Joe Rabon	X			
Pete Shearer	X			
Kathryn Morris	X			

Motion Passes.

Respectfully submitted by, _____
 Board Secretary

Date _____

 Kevin Hartigan
 Board President

 Pete Shearer
 Board Member

 Joe Rabon
 Board Clerk/Vice President

 Kathryn Morris
 Board Member

 SuZan Pearce
 Board Member