

## SCHOOL BOARD PROCEEDINGS

The Avoyelles Parish School Board met in special session Tuesday, February 10, 2015, at 5:00 p.m. at the School Board Office with the following members present:

Van Kojis, President; Michael Lacombe, Vice-President; Freeman Ford, Darrell Wiley, Chris LaCour, James Gauthier, Shelia Blackman-Dupas, Lizzie Ned, and John Gagnard.

Absent: None.

1. The Board discussed rescinding the motion approving the land sale of Section 16 property on Bayou Joson.

A motion was offered by Freeman Ford, seconded by Darrell Wiley, to rescind Item Number 17 of the School Board Proceedings of February 3, 2015 regarding the land sale of Section 16 property on Bayou Joson. (This is in reference to the law suit entitled "School Board of Avoyelles Parish versus United States Department of Interior, et al", Docket Number 08-CV1374 on the Docket of the United States District Court, Western District of Louisiana.)

Mr. Charles A. Riddle, III, District Attorney, provided the Board with a background history of School Board properties. He stated that in 1785 Section 16 lands were given to the States to allow public school systems to have funds to utilize for maintenance of the schools.

Mr. Riddle also cited Robert's Rule of Order regarding rescinding this motion. Mr. Riddle stated that it is not legitimate at tonight's meeting to rescind this motion.

President Van Kojis called for a vote, as follows:

The motion was adopted by the following vote:

Ayes: Freeman Ford, Darrell Wiley, James Gauthier, Van Kojis, Michael Lacombe, Lizzie Ned, and John Gagnard.

Nays: Shelia Blackman-Dupas and Chris LaCour.

Board Member Freeman Ford requested that a copy of the resolution be forwarded to Representative Robert Johnson and Senator Eric LaFleur.

2. A motion was offered by James Gauthier, seconded by Shelia Blackman-Dupas, to adopt the minutes of the regular Board meeting held Tuesday, February 3, 2015, as printed and mailed to Board members and published in The Weekly News, official journal of the Board. MOTION CARRIED UNANIMOUSLY.

3. A motion was offered by Freeman Ford, seconded by Darrell Wiley, to remove from the table Item Number 2 of the Finance Committee Report of 1/20/2015 regarding joining pending litigation against the State of Louisiana, BESE, and the Louisiana Department of Education to protect state and local MFP funding transferred out of district to Type 2 Charter Schools.

Mr. Brian Blackwell, Attorney with Blackwell and Associates, advised the Board to leave the matter on the table regarding the Board joining pending litigation.

A motion was offered by Freeman Ford, seconded by James Gauthier, that the Board join in a second lawsuit to recover the annual growth adjustment of 2.75 percent required to be applied to the state and local base per pupil amount in the Minimum Foundation Program funding formula for Fiscal Years 2012-13 and 2013-14. (This motion was brought up for consideration at this time due to emergency time limitations).

### **RESOLUTION**

**WHEREAS**, during each fiscal year between Fiscal Year 2009-10 and Fiscal Year 2011-12, the Louisiana Board of Elementary and Secondary Education adopted and the Louisiana Legislature approved a Minimum Foundation Program funding formula that provides that an annual growth adjustment of 2.75% shall automatically be applied to the state and local base per pupil amount in the event that the Resolution adopting the formula remains in effect in a subsequent fiscal year, and

**WHEREAS**, one of the Minimum Foundation Program funding formulas adopted by the Louisiana Board of Elementary and Secondary Education and approved by the Louisiana legislature between Fiscal Year 2009-10 and Fiscal Year 2011-12 remain in effect for Fiscal Years 2012-13 and 2013-14 by virtue of the Louisiana Legislature's failure to approve a constitutional Minimum Foundation Program funding formula for Fiscal Year 2012-13 and failed to approve a Minimum Foundation Program funding formula for Fiscal Year 2013-14, and

**WHEREAS**, the Avoyelles Parish School Board has been negatively impacted by there being no growth in the state and local base per pupil amount in the Minimum Foundation Program funding formula for several prior years, and

**WHEREAS**, the application of one of the Minimum Foundation Program funding formulas adopted by the Louisiana Board of Elementary and Secondary Education and approved by the Louisiana legislature between Fiscal Year 2009-10 and Fiscal Year 2011-12 will result in a growth of 2.75 percent in the state and local base per pupil amount in the Minimum Foundation Program funding formula for Fiscal Years 2012-13 and 2013-14, and

**WHEREAS**, pursuant to La. R.S. 17:81(E)(1), school boards are mandated to exercise proper vigilance in securing for their schools all funds destined for the support of said schools, and

**WHEREAS**, the funds comprising the annual growth adjustment are funds destined for the support of the schools in this school system, and

**WHEREAS**, the Avoyelles Parish School Board, its Superintendent of Schools, and its staff are in need of special counsel with experience, training, and expertise in school and constitutional law issues to seek recovery any and all funds destined for the support of the public schools in Avoyelles Parish, and

**WHEREAS**, through its representation of various school boards in the State of Louisiana, the law firm of Hammonds, Sills, Adkins & Guice, LLP of Baton Rouge, Louisiana, has special experience, training, and expertise in those issues of school law relevant to the proposed litigation, and

**WHEREAS**, through its representation of the Louisiana Association of Educators and others in constitutional litigation concerning the Minimum Foundation Formula as well as its representation of various school employees throughout the State of Louisiana, the law firm of Blackwell and Associates of Baton Rouge, Louisiana, has special experience, training, and expertise in those issues of school law relevant to the proposed litigation, and

**WHEREAS**, the law firm of Kean Miller LLP of Baton Rouge, Louisiana has special experience in constitutional litigation through such past representations of the Louisiana Association of Educators in *Louisiana Association of Educators v. Edwards*, involving constitutional issues concerning the funding of the Minimum Foundation Program formula, now

**THEREFORE, BE IT DULY RESOLVED**, by the Avoyelles Parish School Board in regular session duly convened that it directs Hammonds, Sills, Adkins & Guice, LLP, Blackwell & Associates and Kean Miller LLP be hired for this specific purpose to immediately seek through litigation as may in special counsel's opinion be deemed necessary and appropriate the recovery the annual grown adjustment of 2.75 percent required to be applied to the state and local base per pupil amount in the Minimum Foundation Program funding formulas for Fiscal Years 2012-13 and 2013-14 as a result of the application of one of the Minimum Foundation Program funding formulas adopted by the Louisiana Board of Elementary and Secondary Education and approved by the Louisiana legislature between Fiscal Year 2009-10 and Fiscal Year 2011-12 on behalf of the Avoyelles Parish School Board.

**BE IT FURTHER RESOLVED** that the Avoyelles Parish School Board has been duly advised that the law firm of Blackwell & Associates of Baton Rouge, Louisiana has in the past, and may, in the future, represent school employees in matters in which the Avoyelles Parish School Board is an adverse party. The Avoyelles Parish School Board recognizes that such representation may present said law firm with an actual and/or potential conflict of interest. As an inducement to said law firm to undertake its representation on the terms set forth in this Resolution, the Avoyelles Parish School Board irrevocably waives any and all such past, present and future actual and/or potential conflicts of interest.

**BE IT FURTHER RESOLVED** , that the Avoyelles Parish School Board specifically authorizes special counsel to name it as a party plaintiff and/or intervenor to said lawsuits.

**BE IT FURTHER RESOLVED** , that a copy of this Resolution be sent to the Attorney General of the State of Louisiana.

**BE IT FURTHER RESOLVED** , that subject to approval of this Resolution by the Attorney General, this employment shall be effective immediately upon adoption of this Resolution.

**BE IT FURTHER RESOLVED** , that any and all attorneys' fees and expenses incurred in said litigation be contingent upon the recovery of amounts constituting the annual growth adjustment for Fiscal Years 2012-13 and 2013-14, not to exceed ten (10%) percent.

**BE IT FURTHER RESOLVED** , that the President of the Avoyelles Parish School Board is hereby authorized and empowered to execute the Contingent Fee Agreement and Power of Attorney, engaging the services of Hammonds, Sills, Adkins & Guice, LLP, Blackwell & Associates and Kean Miller LLP.

**RESOLUTION OFFERED BY: John Gagnard.**

**RESOLUTION SECONDED BY: Darrell Wiley.**

**YEAS: Freeman Ford, Darrell Wiley, Chris LaCour, James Gauthier, Van Kojis, Michael Lacombe, Shelia Blackman-Dupas, Lizzie Ned, and John Gagnard.**

**NAYS: None.**

**ABSENT: None.**

### **CERTIFICATE**

I hereby certify that the foregoing resolution was adopted by the Avoyelles Parish School Board in special session duly convened on the 10<sup>th</sup> day of February, 2015 and that same has not been rescinded or repealed.

In the city of Marksville, Louisiana, this 11<sup>th</sup> day of February, 2015.

Thelma J. Prater	Van Kojis, President
Secretary, Avoyelles Parish School Board	Avoyelles Parish School Board

4. Mr. Steve Marcotte, Maintenance Supervisor, presented a bid-opening report on renovations of classroom buildings at Cottonport Elementary School.

Mr. Marcotte stated that the committee acknowledged bids from Ribbeck Construction, \$398,690.00; Scallan Contractors, Incorporated; \$283,844.00; Ducote Development Group, LLC, \$461,600.00; Rusk Construction, \$373,199.00; and James A. Decker Builders, Incorporated, \$361,400.00.

On motion by Michael Lacombe, seconded by Chris LaCour, the Board awarded the low bid to Scallan Contractors, Incorporated for renovations of classroom buildings at Cottonport Elementary School in the amount of \$283,844.00. MOTION CARRIED UNANIMOUSLY.

5. On motion by John Gagnard, seconded by Chris LaCour, the Board agreed to go into Executive Session for the purpose of discussing a personnel matter regarding the newly appointed Superintendent's salary and contract. MOTION CARRIED UNANIMOUSLY.

The Board reconvened in open public session at approximately 6:00 p.m.

On motion by Chris LaCour, seconded by Michael Lacombe, the Board agreed to reconvene in open public session. MOTION CARRIED UNANIMOUSLY.

On motion by Michael Lacombe, seconded by Freeman Ford, the Board agreed to appoint Mr. Blaine Dazat to the position of Superintendent of Schools for a three year term, effective March 1, 2015, at a salary based on a 2.1 factor of the Avoyelles Parish School Board current teacher salary schedule. MOTION CARRIED UNANIMOUSLY.

There being no further business, on motion by Darrell Wiley, seconded by Freeman Ford, the meeting was adjourned.

AVOYELLES PARISH SCHOOL BOARD

Van Kojis, President

Thelma Prater, Secretary-Treasurer