

April Agenda

Special Meeting of Trustees

The special meeting of the Board of Trustees of School District #35 has been scheduled for **Friday, April 10, 2015 at 12:00pm** at the Gallatin Gateway School conference room.

Call to Order

Presiding Trustee's explanation of procedures (GGS Policy #1070)

Public Comment- Non Agenda Items- Sign in sheet- (GGS Policy #1070)

New Business

Legal Update: *Houghton v. Gallatin Gateway School District, School District No. 35, Gallatin County and Kim DeBruycker, individually and as Superintendent of Gallatin Gateway School District, and John Does 1 through 5.* School Attorney Jeff Weldon will brief the Board on the lawsuit filed by Wendy Houghton.

Defense and Indemnification of an Employee: The Board will be asked to take action on the defense and indemnification of an employee, as required by MCA 2-9-305

Discuss Legal Strategy: *Executive Session.* Mr. Weldon will ask the Chairperson to close the meeting to discuss litigation strategy, as permitted in Montana law. MCA 2-3-203. Any action taken by the Board will be in open session.

Adjournment

**MINUTES
SPECIAL MEETING
BOARD OF TRUSTEES, GALLATIN GATEWAY SCHOOL DISTRICT #35**

Call to Order

The Board of Trustees of the Gallatin Gateway School District #35 met at 12:00pm on Tuesday, April 10, 2015 in the Gallatin Gateway School conference room. Board Chair Ann Prescott presided and called the meeting to order at 12:07pm.

Trustees Present

Ann Prescott, Board Chair; Donna Shockley, Board Vice-Chair; Dan Curtis, Lyn Morton, and Peter Scott (via phone)

Trustees Absent

None

Staff Present

Carrie Fisher, District Clerk

Others Present

Jeff Weldon, School Attorney (via phone)

Presiding Trustee's Explanation of Procedures

Board Chair Ann Prescott explained the public comment process to be followed for addressing the Board in accordance with Gallatin Gateway School policy. She noted: 1) that prior to a vote the public may comment on agenda items; 2) there will be time for public comment on non-agenda items; and 3) public comment periods are not intended to be a question and answer session.

Public Comment on Non- Agenda Items

None

New Business

Legal Update

Board Chair Ann Prescott explained that the purpose of the meeting was to receive an update from the attorneys who have been hired to represent the District in the lawsuit brought by Wendy Houghton. She noted that she would turn the meeting over to Jeff Weldon, but wanted to first read this statement concerning the lawsuit:

Ms. Houghton was an employee of the District who resigned her employment in December 2013. Ms. Houghton filed a grievance with the Board concerning her employment. Ms. Houghton claimed that she had been constructively discharged from her employment. The Board took the allegations very seriously, of course, and hired an independent outside investigator to look into Ms. Houghton's grievance.

The Board received the investigator's report in June 2014. Ms. Houghton was interviewed by the investigator and had the opportunity to review the investigation report. The independent investigator concluded, "Upon consideration of the witness statements and documents, the Investigator does not find substantial credible evidence to support a finding of constructive discharge."

Consequently, the Board took no further action on the grievance.

Ms. Houghton now claims in this lawsuit that she was constructively discharged and that the District and Dr. DeBruycker otherwise caused her harm. The District denies her allegations and will vigorously defend this suit.

For the Board's information and for the public's information, the District has insurance that covers lawsuits like this. The District will pay a \$1,000 deductible and then the District's insurance carrier will pay for the District's lawyers and other litigation costs in this matter.

The District's lawyer, Jeff Weldon, is attending this meeting by telephone to brief the Board.

Defense and Indemnification of an Employee

Board Chair Ann Prescott explained that Dr. Kim DeBruycker has requested the District to provide defense and indemnify her pursuant Montana law (MCA § 2-9-305) in the matter of Wendy Houghton v. *Gallatin Gateway School District, School District No. 35, Gallatin County and Kim DeBruycker, individually and as Superintendent of Gallatin Gateway School District, and John Does 1 through 5*

Motion: Vice Chair Donna Shockley to provide a defense to Kim DeBruycker, a school District employee, pursuant to section Mont. Code Ann. § 2-9-305 in connection with the suit brought by Wendy Houghton in State District Court and to indemnify her against any liability which may be incurred in that suit by the employee, subject to the withdrawal of such defense and indemnity should the Trustees determine that she has not acted in the course and scope of the her employment with respect to the claims contained in this suit.

Seconded: Trustee Dan Curtis

Public Comment: None

For: Curtis, Morton, Prescott, Scott, and Shockley

Opposed: None

Motion passed unanimously

Discuss Legal Strategy

Board Chair Ann Prescott closed the meeting at 12:13pm, to discuss litigation strategy, as permitted by Montana Law (MCA, 2-3-203).

The meeting was reopened at 12:24pm.

Adjournment

Motion: Trustee Dan Curtis to adjourn the meeting at 12:25pm.

Seconded: Vice Chair Donna Shockley

Public Comment: None

For: Curtis, Morton, Prescott, Scott, and Shockley

Opposed: None

Motion passed unanimously


Ann Prescott, Board Chair


Carrie Fisher, District Clerk

Special Meeting

April 10, 2015

Sign-in Sheet

<u>Name- please print</u>	<u>Signature</u>
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**GALLATIN GATEWAY SCHOOL
PO BOX 265, GALLATIN GATEWAY, MT 59730**

Gallatin Gateway School Policy #1070- The agenda must also include a "public comment" item in order to allow members of the general public to comment on any public matter under the jurisdiction of the district that is not specifically listed on the agenda, except that no member of the public will be allowed to comment on contested cases, other adjudicative proceedings, or personnel matters. The Board Chairman may place reasonable time limits on any "public comment" item in order to maintain and ensure effective and efficient operations of the Board. The District shall not take any action on any matter discussed, unless the matter is specifically noticed on the agenda, and the public has been allowed the opportunity to comment.

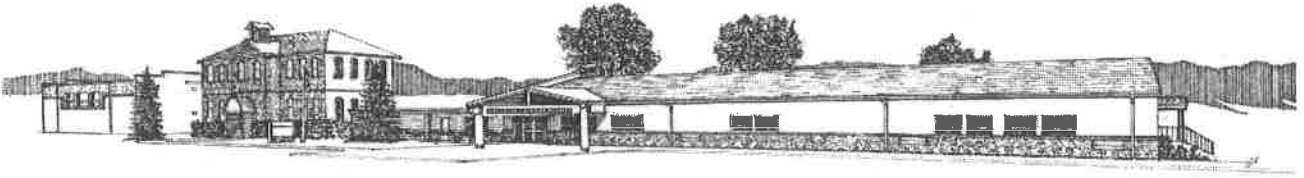
** Public comment will be asked on each agenda item. Do not sign below for agenda items.*

Public Comment Sign-in

Date: April 10, 2015

**Please sign below for non-agenda items to be heard under New business: Public comment.*

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**GALLATIN GATEWAY SCHOOL
PO BOX 265, GALLATIN GATEWAY, MT 59730**

Memorandum

To: Board of Trustees of Gallatin Gateway School District
From: Kim DeBruycker *KD*
Date: 4/1/2015
Re: Houghton v. Gallatin Gateway School District, School District
No. 35, Gallatin County and Kim Debruycker, individually and as
Superintendent of Gallatin Gateway School District, and John
Does 1 through 5

I am a named defendant in this case. I request that the District provide a defense in this matter and indemnify me pursuant to Montana law. Mont. Code Ann. § 2-9-305.

Thank you.

Agenda Item: Defense and Indemnification of an Employee

Dr. Kim DeBruycker has requested the District to provide defense and indemnify her pursuant Montana law (MCA § 2-9-305) in the matter of Wendy Houghton v. *Gallatin Gateway School District, School District No. 35, Gallatin County and Kim Debruycker, individually and as Superintendent of Gallatin Gateway School District, and John Does 1 through 5*

Suggested Motion: to provide a defense to Kim DeBruycker, a school District employee, pursuant to section Mont. Code Ann. § 2-9-305 in connection with the suit brought by Wendy Houghton in State District Court and to indemnify her against any liability which may be incurred in that suit by the employee, subject to the withdrawal of such defense and indemnity should the Trustees determine that she has not acted in the course and scope of the her employment with respect to the claims contained in this suit.