

**MINUTES OF FINAL MEETING
SPECIAL MEETING #1
OF
BOARD OF EDUCATION, SCHOOL DISTRICT NO. 172
ADAMS COUNTY, ILLINOIS
HELD ON APRIL 20, 2011**

Meeting Convened

The Board of Education of School District No. 172, Adams County, Illinois, met in final session on April 20, 2011, at 9:03 p.m. in the Round Room in the Baldwin Intermediate School Building located at 3000 Maine Street, Quincy, Illinois, in said school district.

The meeting commenced upon the adjournment of the regular meeting of April 20, 2011.

Roll Call

The meeting was called to order by President Niekamp, who directed the secretary to call the roll. On the call of the roll, the following members were present and answered to their names: Members Bemis, Daniels, Dickerson, Krause, Lovelace, Mays, and Niekamp; and the following member was absent: None. Whereupon the President declared a quorum was present.

**Questions and
Comments**

President Niekamp opened the meeting to questions and comments to members of the Board, by members of the public and employees of the district, in compliance with state statutes.

1. Mike Schuttler spoke in support of Tom Dickerson. He said he feels good about him as he is CEO of a successful company. He is not a politician and the district should be taken care of like a business.
2. Jeff Kerkhoff read from district policy regarding board elections and terms. He said the judge ruled that Bud Niekamp could remain on the Board during an appeal. Any action to remove him would overrule the judge.
3. Scott Stone said that issues in the last two elections have been trust and credibility. Any action by this Board to remove Bud would continue to place a cloud over the district.
4. Steve Butts spoke in support of Bud Niekamp.
5. Jesse Gilsdorf, Mr. Niekamp's attorney, said that there was no agenda item for a pre-termination hearing to remove Mr. Niekamp from his current two-year seat. He said the judge ordered a stay and that can't be ignored. Mr. Niekamp has a right to due process.

Recess

Attorney Gilsdorf asked to confer with Member Niekamp. It was moved by Member Mays and seconded by Member Bemis to recess for five minutes. On the call of the roll, the following members voted Aye: Members Bemis, Daniels, Dickerson, Krause, Lovelace, Mays and Niekamp; and the following member voted Nay: None. Whereupon the president declared the motion carried.

Resume Order

It was moved by Member Mays and seconded by Member Krause to call the meeting back to order. On the call of the roll, the following members voted Aye: Members Bemis, Daniels, Dickerson, Krause, Lovelace, Mays and Niekamp; and the following member voted Nay: None. Whereupon the president declared the motion carried.

Questions and
Comments
Continued

Member Mays asked for the right to recall Attorney Gilsdorf to the podium. Attorney Gorman stated that it is not a hearing. Board members can ask Gilsdorf questions.

1. Carol Nichols said she worked with Bud for eight years on the Board. He told her in 2006 that Tom Dickerson treated him with respect and that he appreciated Tom's honesty and fairness. She said this helped her change her behavior and build alliances. Mr. Niekamp has been re-elected to a clear and uncontested seat and she hopes this will put an end to any further manipulation.

2. Member Niekamp said in 2009 he was re-elected to the school board while a member of the Adams County Board. He said he was the highest vote-getter with 6,047 votes and there was no action against him. He resigned the County Board but the quo warranto lawsuit was filed even after he resigned. He said he has spent thousands in legal fees and lost the \$7,000 salary he would have received as a member of the Adams County Board. He said the judge ruled he was not to be removed from the Board until the appeals process was completed. Member Niekamp said certain board members are trying to hijack his seat. He said it is lynch mob injustice.

Resignation as
President/Vice-
President Becomes
President

Member Niekamp submitted his resignation as president to the board secretary. He said he is resigning as president but he intends to remain in his two-year seat. Attorney Gorman indicated that Vice-President Dickerson is now president.

Receipt of Results

It was moved by Member Mays and seconded by Member Krause to acknowledge receipt of results from the election authority for the April 5, 2011 election (Doc. Reg. No. 2525). Elected or re-elected Board Members are Stephanie Erwin, Jeff Mays, Bud Niekamp and Scott Stone. On the call of the roll, the following members voted Aye: Members Bemis, Daniels Dickerson, Krause, Lovelace, and Mays; and the following member voted Nay: None; and the following member abstained: Member Niekamp. Whereupon the president declared the motion carried

Address Vacancy
Issue

Member Niekamp indicated that he would not resign his current two-year seat. Member Lovelace presented basis for the Board to declare the seat vacant (Doc. Reg. No. 2527). He said Member Niekamp has been elected to a new separate seat and cannot hold two seats on one board. He said Mr. Niekamp's current seat became invalid in April 2009 when Mr. Niekamp took the oath of office for the school board while serving as a member of the Adams County Board. The Public Officer Prohibited Activities Act precludes a sitting county board member from being elected to a school board in counties with a population over 40,000. An advisory opinion from the attorney general also stated the seat is void. He also noted that Judge Lagoski issued a judgement of ouster in the quo warranto lawsuit although she stayed the decision pending appeal.

It was moved by Member Lovelace and seconded by Member Krause to declare Mr. Niekamp's current seat vacant. Member Mays asked for further clarification regarding Member Lovelace's motion. Member Lovelace reiterated the reasons for declaring a vacancy. The rules were suspended without objection for Mr. Gilsdorf, Mr. Niekamp's attorney, to speak. He said that the Board cannot declare the seat vacant because court action is still pending in the appellate court.

He said Mr. Niekamp has a right to due process to remove him from office. Attorney David Penn stated that the Board is *declaring a vacancy*, not removing him from office. Only the Regional Superintendent of Schools can remove a board member. The School Board has power independently and the authority to declare the seat vacant. A pre-termination hearing is not applicable.

On the call of the roll on the motion to declare Mr. Niekamp's seat vacant, the following members voted Aye: Members Daniels Dickerson, Krause, and Lovelace; and the following members voted Nay: Members Bemis, Mays, and Niekamp. Whereupon the president declared the motion carried. Mr. Niekamp left the table where Board members were seated.

Vice-President
Elected

It was moved by Member Daniels and seconded by Member Lovelace to elect Member Lovelace as Vice-President of the Board. On the call of the roll, the following members voted Aye: Members Daniels Dickerson, Krause, and Lovelace; and the following members voted Nay: Members Bemis, and Mays. Whereupon the president declared the motion carried.

Member Dickerson
Resigns/Member
Lovelace President

Member Tom Dickerson resigned his seat as a member of the Board of Education and submitted his resignation letter to the board secretary. Vice-President Lovelace became President.

Waive Policy 2:70

It was moved by Member Daniels and seconded by Member Lovelace to waive Policy 2:70 regarding filling board vacancies. Member Bemis said there is plenty of time to fill the vacancy according to policy. It does not have to be done tonight. Members Mays, Niekamp and Bemis have called a special meeting for April 23 to accept applications for the vacancy. Member Mays said that if the Board fills the vacancy tonight, the credibility of this board action will not move the board forward. Member Krause said the time has come to eliminate the dark cloud of uncertainty hanging over Niekamp's position. He said a lot of time and energy has been wasted on this issue and should not be left for the new board to inherit. There are much more important issues for the new board to address. He said to waste another minute of the board's valuable time on this issue is unacceptable. Member Mays said the policy regarding vacancies should be followed. He stated that this is a willful violation of policy and a contorted plan.

On the call of the roll on the motion to waive Policy 2:70 regarding filling board vacancies, the following members voted Aye: Members Daniels, Krause, and Lovelace; and the following members voted Nay: Members Bemis, and Mays. Whereupon the president declared the motion carried.

Fill Vacancy

It was moved by Member Daniels and seconded by Member Lovelace to appoint Tom Dickerson to the vacant seat. Mr. Dickerson was the next highest vote-getter in the April 5th election. Member Mays stated that a legal cloud will continue to hang over the Board if this action is taken. Member Lovelace said the issue of Member Niekamp's seat is not new. It has been around for quite some time. Member Niekamp had the opportunity to resign and chose not to. Member Lovelace said there has been that cloud for his 12 years on the Board. Although Niekamp finally did resign from the Adams County Board, he clearly needed to do that prior to taking the oath of office for the school board seat. He said Tom Dickerson received the next most votes. He has been a good board member and will continue to do so. If the seat is left vacant, many decisions will be locked at 3-3. The Board will not be able to elect a president or vice-president. The Board needs to move forward.

On the call of the roll on the motion to appoint Tom Dickerson to the vacancy, the following members voted Aye: Members Daniels, Krause, and Lovelace; and the following members voted Nay: Members Bemis, and Mays. Whereupon the president declared the motion carried.

Mr. Tom Dickerson was administered the oath of office by President Lovelace and seated to a two-year term.

Restore Presidential Powers

It was moved by Member Dickerson and seconded by Member Daniels to rescind the Resolution regarding Duties of the President dated November 18, 2009 and restore presidential powers. On the call of the roll, the following members voted Aye: Members Daniels, Dickerson, Krause, and Lovelace; and the following members voted Nay: Members Bemis, and Mays. Whereupon the president declared the motion carried.

Comments by Superintendent Lemon


Superintendent Lemon thanked all the board members. He said it is a tough and thankless job at times. He said the biggest misconception is that this board has disharmony and conflict and is dysfunctional. He said that is not true. In executive session, this board has done great work with few raised voices and worked together to get things done. Member Lovelace and Member Bemis were presented commemorative plaques for their service to the Board.

Adjourn Sine Die


It was moved by Member Daniels and seconded by Member Krause that the old Board adjourn sine die, and new Board convene immediately following such adjournment. On the call of the roll, the following members voted Aye: Members Bemis, Daniels, Dickerson, Krause, Lovelace, and Mays; and the following members voted Nay: None. Whereupon the president declared the motion carried.

Adjournment

It was moved by Member Dickerson and seconded by Member Krause that the final meeting adjourn. On the call of the roll, the following members voted Aye: Members Bemis, Daniels, Krause, Lovelace and Mays; and the following members voted Nay: None. Whereupon the president declared the motion carried and the final meeting was duly adjourned.



Curtis Lovelace
President



Phyllis Stewart
Secretary