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Attorney for Plaintiffs

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

PEGGYLEE A. SMITH, CITIZEN OF ZONE  
2 of West Bonner County School District #83  
and voter in Recall of Susan Brown, DANA  
DOUGLAS as a CITIZEN OF ZONE 4 of  
West Bonner County School District #83 and  
voter in Recall of Keith Rutledge, individually  
and collectively on behalf of the 1,386 voters  
who voted in favor of recall, and on behalf of  
the West Bonner County School District.

Plaintiffs,

v.

Keith Rutledge, individually and as Chairman  
of West Bonner County School District #83,  
Susan Brown, individually and as Vice  
Chairman of West Bonner County School  
District #83, and West Bonner County School  
District #83 Board of Trustees,

Defendants.

Case No. CV09-23-1365

VERIFIED COMPLAINT FOR OPEN  
MEETING VIOLATIONS UNDER IDAHO  
CODE 74-208 AND REQUEST FOR  
DECLARATORY JUDGMENT UNDER  
IDAHO CODE 10-1201

**AND**  
**EMERGENCY MOTION FOR**  
**TEMPORARY RESTRAINING ORDER**  
**PURSUANT TO I.R.C.P. 65(b)**  
**REQUESTED TO BE ISSUED PRIOR TO**  
**5:00 PM ON SEPTEMBER 1, 2023**

Plaintiffs in this matter, PEGGYLEE A. SMITH and DANA DOUGLAS, by and through  
their attorney of record, Katherine Elsaesser, of ELSAESSER ANDERSON, CHTD, and  
hereby filed this complaint and **apply for an emergency temporary restraining order,**  
**without notice, pursuant to IRCP 65(b),** based upon the following:

Meulenber, Lori

1. West Bonner County School District #83 (“WBCSD”) is a public school district located in Bonner County and subject to the jurisdiction of this court as it is the county where the public agency ordinarily meetings.
2. Plaintiff, PEGGYLEE A. SMITH, (“Smith”) is a resident of this county and a voter who voted in the recall election held August 29, 2023 for Zone 2 of WBCSD.
3. Plaintiff, DANA DOUGLAS (“Douglas”) is a resident of this county and a voter who voted in the recall election held August 29, 2023 for Zone 4 of the West Bonner County School District #83.
4. Keith Rutledge is an individual who resides in Bonner County and as Chairman of the WBCSD Board, who was recalled from his position as Trustee on August 29, 2023.
5. Susan Brown is an individual who resides in Bonner County and as Vice Chairman of the WBCSD Board, who was recalled from her position as Trustee on August 29, 2023 with a majority voting in favor of her recall.
6. Venue is proper under Idaho Code.
7. On August 29, 2023 Keith Rutledge was recalled from his position as Trustee with 762 votes in favor of Recall, including Plaintiff Douglas, voting for recall and 454 voting to retain Keith Rutledge. Keith Rutledge was recalled by 62.66%, and 307 votes in excess of what was required for a simple majority. Attached and incorporated as **Exhibit 1** to this Complaint is a true and correct copy of the unofficial election results published by Bonner County Elections Department.
8. On August 29, 2023 Susan Brown was recalled from her position as Trustee with 624 votes in favor of recall, including Plaintiff Smith, voting for recall and 322 voting to

- retain Susan Brown. Susan Brown was recalled by 65.96% and 301 votes in excess of what was required for a simple majority. See **Exhibit 1**.
9. On August 22, 2023 an emergency meeting was held that was scheduled by Keith Rutledge on items that were not an emergency. There was no emergency, as modifying a Superintendent's Contract for his exclusive benefit before an election is not an emergency, the state board of education stated the Rutledge's position was incorrect and Mr. Durst could apply for the provision waiver without further action, and the letter from the state on the agenda was received more than a week earlier. Attached and incorporated is a true and correct copy of the Agenda for August 22, 2023 as **Exhibit 2** to this complaint.
  10. Idaho Code 74-204 (2) sets for the following requirement for an emergency meeting "An emergency is a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage or loss, when the notice requirements of this section would make such notice impracticable or increase the likelihood or severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting." There was nothing that qualified under Idaho Code and as such is a direct violation of Open Meeting Law that was knowingly done by Keith Rutledge.
  11. On August 25, 2023 a special meeting was held that Keith Rutledge scheduled. Attached and incorporated is a true and correct copy of the Agenda for August 25, 2023 as **Exhibit 3** to this complaint.
  12. The August 25, 2023 Agenda did not address the items of apparent urgent need that are now suddenly having to be addressed with minimal notice, after a successful recall

- election against the trustee who set the meeting, and on the Friday before school is set to commence, where teachers are set to teach without a contract and the district is without a state approved budget.
13. On August 31, 2023 at or around 5 p.m. the WBCSD by and through Keith Rutledge and/or Susan Brown scheduled a meeting for September 1, 2023. Attached and incorporated is a true and correct copy of the Agenda for September, 2023 as **Exhibit 4** to this complaint.
  14. On August 31, 2023 at or around noon, a supporter of Rutledge and Brown posted he knew a board meeting was scheduled for September 1, 2023, even though the public was not notified and the bare minimum notice was provided to the public. Attached and incorporated is a true and correct copy of the screenshot from Nextdoor attached as **Exhibit 5** to this complaint.
  15. Agenda for September 1, 2023 (“September Agenda”) has action items and agenda items that are an attempt to subvert the lawful election results and virtually prevent the future board from doing their due diligence as trustees.
  16. If Keith Rutledge, Susan Brown, and WBCSD Board are not temporarily restrained the district, employees, students, and district members, including Plaintiffs, will suffer irreparable and immediate harm. Consequences of the rushed items the recalled Trustees seek to do, will put the district in expensive and intense litigation to unwind and are not necessary to occur in the 72 hours after the election recalled the Trustees.
  17. If Keith Rutledge, Susan Brown, and WBCSD Board are not restrained, the duly recalled board members will cause the district to incur substantial financial

expenditures, which is irreparable for a district that is in extreme financial difficulties, does not have a state approved budget in place, and teachers have not been issued contracts.

18. The September Agenda has many concerning and unlawful actions within the agenda:
  - a. Nothing requiring shortened notice of agenda that need to be acting on with shortened notice and are clearly an attempt to subvert the election results as these items were not addressed in the two special meetings, including one declared to be an emergency even though it did not meet Idaho Code for an emergency basis, held within the last 10 days.
  - b. There is old business listed under section V, however the items are not included on the prior two agendas which is a mischaracterization by stating old business. See **Exhibit 2-4**.
  - c. Idaho Code 33-506 requires that special meetings may be called “as may be **necessary** for the proper conduct and management of the school or schools of the district.” (**Emphasis added**). There is absolutely nothing on this agenda that is necessary for the proper conduct and management of the school. Not one item would need to be resolved for the proper conduct and management of the school and this is unethical and morally reprehensible to try and ignore Idaho Code to benefit an individual, Branden Durst, or a political agenda.
  - d. Reorganization of Board is not provided for under Idaho Code. Idaho Code 33-506 provides for organization at the annual meeting in January and no other provisions. Any attempt by Rutledge and Brown to reorganize the board is a

violation of Idaho and must be stopped or immediate and irreparable harm will be caused to Plaintiffs, district, students, and staff of the district.

e. There is no authority under Idaho Code to dissolve the Current Board of Trustees.

i. There is concern as Mr. Durst has filed as incorporator for a 501(c)(3) with the same name as the school district with the Secretary of State of Idaho and that this is an attempt override a governmental entities power and listed himself as director. See a true and correct copy of the 501(c)(3) filing attached to and incorporated in this Complaint as **Exhibit 6.**

f. There is no authority under Idaho Code to turn meeting over to the Superintendent. The superintendent reports to the board, the board does not report or take direction from the Superintendent.

g. There is no authority under Idaho Code for nomination and election of chairman of a school board to occur under a dissolved board.

h. There are items that require action that are not listed as Action Items under IV of September Agenda (see Exhibit 4) which is required under Idaho Code 72-204(4).

i. There is an addendum to the Superintendent's Contract that removes provisions already agreed to the board, including requiring board permission for Mr. Durst's speaking engagements and removing a restriction that requires that Mr. Durst to be approved by the state as a superintendent. If Mr. Durst is not state

approved it will cost the district his entire salary (\$110,000.00) out of the general fund instead of state funding, as the State will not fund an uncertified superintendent. This would be irreparable harm to all district members as the general fund will be further depleted, putting district at financial risk.

- i. This is not necessary as set forth as a requirement for a special meeting, a modification to benefit a sole district employee is about as far from a necessity as it can get.
- j. There is a request to allow the Superintendent legal counsel for employment with no basis provided and appears to benefit solely the Superintendent and has no benefit, in fact only a detriment, to the district, its employees, students, and residents of district including Plaintiffs.
- k. There is request to commit the board, through January, with legal counsel not approved of by the entire board, with no cancellation provision, this appears to be an attempt by the recalled trustees Brown and Rutledge to dictate the operation of the district for months to years even though the trustees have been recalled for this type of egregious behavior. The board that commences after the recalled positions are filled has the right to retain legal counsel of its choosing, not financially forced to remain with legal counsel chosen by Keith Rutledge. Idaho Code 33-506(3)(c).
- l. There is a request and approval for legal action against the State Board of Education which is not in the benefit of the district, or its employees, students, and residents of district including Plaintiffs.

- m. None of these agenda items are urgent or necessary but are clearly intended to benefit solely the superintendent or a personal or political agenda of the recalled trustees.
- n. The agenda items are a clear attempt to subvert the election results of the trustees who were recalled and done without respect the financial condition of the district, the students, the district residents including Plaintiffs, and the 1,386 voters in Zone 2 and Zone 4 who recalled Keith Rutledge and Susan Brown with a 2 to 1 voting majority for the recall. As set forth above this agenda does not comply with the necessary provisions under Idaho Code 33-506 for a special meeting to be called.

19. In the last three months over, well over ten complaints of continuing open meeting violations have been reported to the Bonner County Prosecutor's Office and the Idaho Attorney General without action being taken by either office. Even when notified directly of open meeting violations, Brown and Rutledge as chair and vice chair of WBCSD Board have failed to remedy open violation meetings and Brown, Rutledge and Trustee Reinbold continue to make their decisions in unison before board meetings, as evidence by reading off of paper that is refused to be shown to other board members and coming to the same answer on an agenda item without any discussion in open meetings.

20. Specifically on June 14, 2023, Susan Brown read a motion off a piece of paper and when another trustee requested to view the document the trustee was denied. A Public Records request for this paper have been unfulfilled by WBCSD.



21. Specifically on August 22, 2023 a motion was read off without a copy being provided to the rest of the board.
22. As set forth above, recalled Trustees Brown and Rutledge have continually and systematically ignored open meeting violations and quorum violations by attending with prepared motions and refusing the engagement in public discussion of their decisions, showing decisions are being made in advanced of board meetings by the recalled trustees and Trustee Reinbold.
23. Brown and Rutledge took an oath of office as trustee and have violated many terms of the oath throughout their term but have taken a further step by trying to benefit everyone but the district, its students, employees, and district members by the actions to benefit Branden Durst, the current “superintendent”, and no one else.
24. When sworn in as trustees Brown and Rutledge agreed to the Code of Ethics. Board Policy for WBCSD 1600. Attached and incorporated is a true and correct copy of the Code of Ethics is as **Exhibit 7** to this complaint.
25. Brown and Rutledge have and continue to violate the following provisions contained within the Code of Ethics.
  - a. Recognize that the board must comply with open meeting law;
  - b. Make all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
  - c. Understand that the board makes decisions as a team;
  - d. Be open, fair and honest – no hidden agendas, and respect the right of other board members to have opinions and ideas which differ from mine; and

e. Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

26. Under Idaho Code 33-512 (13) WBCSD is required “To govern the school district in compliance with state law and rules of the state board of education.” Brown and Rutledge and the WBCSD Board of Trustees are not in compliance with State law and the rules of the state board of education. The response of the lack of compliance by the recalled Trustees Brown and Rutledge is to authorize litigation against the State Board of Education even though the voters of their zones stated they do not represent the district or their constituents.

27. Recalled Trustees Brown and Rutledge seek to hire legal counsel to lock in the remaining board and the trustees to be appointed for the recalled trustee zone in a contract through the end of 2023 with no termination clause provision. A move that makes no fiscal sense for the district and will cause irreparable harm to a district already in financial difficulty as well as potentially cause additional litigation. Attached and incorporated as **Exhibit 8** to this complaint, is a true and correct copy of the Proposed Professional Services Agreement.

28. Both sides of the recall, for and against, have reported threats and safety concerns during this election process. To hold this meeting is an attempt to ignore the wishes of the majority of voters on August 29, 2023 as well as to further harm WBCSD, those members of the public that it serves, and employees is promoting dangerous behavior and Plaintiffs are concerned that the extreme people on both sides could escalate the situation to dangerous levels if a temporary restraining order is not ordered.

- a. In one prior meeting Rutledge and Brown brought in numerous men armed with guns to a meeting for “Trustees ‘security” who refused to identify themselves, nor did Brown and Rutledge inform other Trustees of the intent to have armed men at the board meeting. There is no urgency for the agenda items to be decided on and for the safety of all members of the district a temporary restraining order to prevent action by the WBCSD Board until certifications of election is requested by Plaintiffs.

#### IRCP 65(b) IRREPARABLE AND IMMEDIATE HARM

Under IRCP 65(b) there is clear evidence of immediate irreparable harm if Defendants are not enjoined by a temporary restraining order without notice, specifically but not limited to items set forth in the Agenda for the meeting schedule for 5:00 p.m. on September 1, 2023:

- a. dismantlement of a school district board of trustees in direct violation of Idaho Code;
- b. grant unprecedented authority to a Superintendent before a three-day weekend with unknown additional damages for the public and students set to start school on Tuesday, September 5, 2023;
- c. permit open meeting violations to blatantly occur when the “necessary” requirement for a special meeting under Idaho code 33-506 has not been met;
- d. agenda items are for the sole benefit of an individual, recalled trustees, and not the district, which is granted would cause irreparable financial harm of the Plaintiffs and all WBCSD residents;
- e. Actions threaten to subvert the results of lawful election results; and
- f. Action items on Agenda, if not enjoined threatens to cost all collateral parties of West Bonner County School District #83 substantial financial costs and contractually

obligates the collateral parties of West Bonner County School District #83 in a manner in direct violation with Idaho Code on School Boards and Governmental Agencies.

There is no conceivable harm by the actions by restraining but a substantial and great harm possible if the Defendants are not restrained.

### **Prayer for Relief**

Plaintiffs respectfully requests the following,

1. The Court issue a temporary restraining order preventing any action by Rutledge, Brown in capacity as trustees of WBCSD Board and the WBCSD Board until the August 29, 2023 election results are certified.
  - a. In the alternative issue a temporary restraining order prohibiting any action at a board meeting that has bearing on the structure of the WBCSD Board, financially commits WBCSD, or contractually obligates WBCSD in any way until the August 29, 2023 election results are certified.
2. The Court set security for the temporary restraining order under IRCP 65(c) at \$1,000.00 or other reasonable amount as deemed by the court as there would be no damages in the Defendants being restrained as the ultimate stakeholder, the district, only benefits by restraining improper and illegal actions by Rutledge, Brown, or the WBCSD Board.
3. The Court issued a Declaratory Judgment that any actions taken by the WBCSD Board that involve a vote or direction by Rutledge or Brown be null and void.
4. The Court issue a Declaratory Judgment

- a. That WBCSD under Idaho Code cannot dissolve a school board under Idaho Code 33-506 and a Superintendent has no authority to run a school board meeting under Idaho Code 33-501.
  - b. That WBCSD is a public school district with all the rights, duties, and obligations of a public agency and school district under Idaho Code and Idaho Constitution.
  - c. That WBCSD is not a 501(c)(3) entity separate from its public school district in the state of Idaho role.
5. That WBCSD Board fix its open meeting violations under Idaho Code 74-208
  6. A civil fine be issued against Keith Rutledge for \$2,500.00 for knowing violating Chapter six of Title 74 under Idaho Code 74-606(3).
  7. A civil fine be issued against Susan Brown for \$2,500.00 for knowing violating Chapter six of Title 74 under Idaho Code 74-606(3).
  8. Plaintiffs be awarded attorney's fees and costs of suit;
  9. Plaintiffs be granted such other and further relief as the Court deems just and proper.

DATED this 31 day of August, 2023.

ELSAESSER ANDERSON, CHTD.

/s/Katherine Elsaesser

Katherine Elsaesser

Attorney for Plaintiffs

ATTORNEY IRCP 65 CERTIFICATION UNDER PENALTY OF PERJURY

I certify I am the attorney in this matter, and certify in writing that notice could not be provided to Defendants as the notice for the actions which are sought to be restrained occurred on or around 5:00 p.m. this evening 8/31/2023., after the hours of the school district office, giving Plaintiffs and their counsel mere hours to attempt to get this complaint and request for Temporary Restraining Order prepared, signed by Plaintiffs and filed first thing on September 1, 2023. Notice should not be required because there is insufficient time to have this presented and can be set for hearing under IRCP 65.

Notice will be provided if Temporary Restraining Order is granted as immediately as possible.

DATED this 31 day of August, 2023.

ELSAESSER ANDERSON, CHTD.

/s/Katherine Elsaesser

Katherine Elsaesser

Attorney for Plaintiffs

VERIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the laws of the State of Idaho, that I am the Plaintiff in this matter and that the foregoing is true and correct.

DATED: 8-31-2023



PEGGYLEE A. SMITH

I certify under penalty of perjury pursuant to the laws of the State of Idaho, that I am the Plaintiff in this matter and that the foregoing is true and correct.

DATED: 8-31-23



DANA DOUGLAS



# Bonner County, Idaho Elections Department

(<https://sos.idaho.gov/>)

## August 2023 Consolidated Election

### UNOFFICIAL ELECTION RESULTS

#### PRECINCTS REPORTING

100%



Not Reporting	0
Partially Reporting	0
Fully Reporting	6
Total Precincts	6

Showing 2 of 2 contests

Recall of Susan Brown - West Bonner County School Board Trustee - Zone 2					
<input type="checkbox"/>	FOR recalling Susan Brown who holds office of Board Trustee, WBCSD Zone 2	✓	624	65.96%	<div style="width: 65.96%;"></div>
<input type="checkbox"/>	AGAINST recalling Susan Brown who holds office of Board Trustee, WBCSD Zone 2		322	34.04%	<div style="width: 34.04%;"></div>
Recall of Keith Rutledge - West Bonner County School Board Trustee - Zone 4					
<input type="checkbox"/>	FOR recalling Keith Rutledge who holds office of Board Trustee, WBCSD Zone 4	✓	762	62.66%	<div style="width: 62.66%;"></div>
<input type="checkbox"/>	AGAINST recalling Keith Rutledge who holds office of Board Trustee, WBCSD Zone 4		454	37.34%	<div style="width: 37.34%;"></div>





**MEETING NOTICE**

WEST BONNER COUNTY SCHOOL DISTRICT #83

Board of Trustees Emergency Meeting - AMENDED - Tuesday, August 22, 2023

District Office

134 Main St

Priest River, ID 83856, 5:00 PM

This is an Emergency Meeting and therefore no public comment will be accepted. This agenda has been amended.

---

Vision Statement

*Strive for Greatness!*

Mission Statement

**Success for all with the  
Understanding that  
Community, parents, students, and educators will  
Collaborate and  
Empower the  
Student to make positive lifelong choices.  
Strive for greatness!**

---

This Emergency Meeting is being called in response to a letter from the State Board of Education that imminently implicates district funds.

**AGENDA**

- I. **Call Meeting to Order**
  - I.A. Chairman's Explanation for Condition Necessitating Emergency Meeting Pursuant to Idaho Code 74-204(2) and Board Policy 1500.
- II. **Pledge of Allegiance**
- III. **Approval of the Amended Agenda and Emergency Meeting (Roll Call Vote) - Action Item**
- IV. **Old Business - Action Items**
  - IV.A. Declaring an Emergency Pursuant to Idaho Code 33-1203 and associated matters.
  - IV.B. Directing Superintendent Durst to Apply for an Emergency Provisional Certificate to serve as WBCSD Superintendent and associated matters.
- V. **New Business - Action Item**

V.A. Directing Superintendent Durst to reply to August 16, 2023 Idaho State Board of Education letter.

**VI. Motion to Adjourn**

Note: If any auxiliary aids or services are needed for individuals with disabilities, please contact the administration office at 448-4439.

Posted: Administration Office  
West Bonner Schools  
Priest River City Hall  
Oldtown City Hall

By: Brandy Paradee, Board Clerk

**MEETING NOTICE**  
WEST BONNER COUNTY SCHOOL DISTRICT #83  
Board of Trustees Meeting- AMENDED - Friday, August 25, 2023  
Priest River Lamanna High School - Cafeteria  
596 ID-57  
Priest River , Idaho 83856, 5:30 PM

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Vision Statement

***Strive for Greatness!***

Mission Statement

**S**uccess for all with the  
**U**nderstanding that  
**C**ommunity, parents, students, and educators will  
**C**ollaborate and  
**E**mpower the  
**S**tudent to make positive lifelong choices.  
**S**trive for greatness!

---

**AGENDA**

- I. **Call Meeting to Order**
- II. **Pledge of Allegiance**
- III. **Approval of the Amended Agenda - Action Item**
- IV. **Approval of Board Meeting Minutes- June 28, 2023 and August 22, 2023- Action Item**
- V. **Comments from the Audience: (Limit of 2 minutes)**
- VI. **Old Business - Action Items**
  - VI.A. Consideration and Approval of the PRJH Handbooks
  - VI.B. Preliminary Audit Presentation from Eide Bailly
- VII. **Consent Agenda - Action Items**
  - VII.A. Accounts Payable
    - Nelson Hall Parry Tucker PLLC
    - Istation
    - Easycbm
    - Edmentum

**EXHIBIT 3-1**

- CDW-G
- Amazon Credit Plan
- Trafera

VII.B. New Hires

- Melissa Reilly- Director of Finance
- Charity Hinshaw- Transportation Supervisor
- Brandon Moon- Facilities manager
- Alex Zepeda- High School Math
- Beverly Maitland- Life Skills
- Shawna Heath- Elementary Counselor
- Sean Bostrom- Elementary Music
- Adrie Minish- Preschool Paraprofessional
- Blair Gaines- Developmental Preschool Teacher
- Nancy Gregory- Jr. High Resource Teacher

VII.C. Resignations

- Delia Thompson

VIII. **New Business - Action Items**

VIII.A. Declaring an Emergency Pursuant to Idaho Code 33-1203 for Emergency Teacher Hires

- Alex Zepeda- High School Math
- Oliver Bardin- High School Math
- Christine Alexander- 6th Grade
- Jordan Munar- 6th Grade
- Kathryn Hara- Jr. High Science

VIII.B. Facilities Use Agreement- Buckle Up Driving School

IX. **Motion to Adjourn**

Note: If any auxiliary aids or services are needed for individuals with disabilities, please contact the administration office at 448-4439.

Posted: Administration Office  
West Bonner Schools  
Priest River City Hall  
Oldtown City Hall

By: Brandy Paradee, Board Clerk

**MEETING NOTICE**  
WEST BONNER COUNTY SCHOOL DISTRICT #83  
Board of Trustees Meeting - Friday, September 1, 2023  
Priest River Lamanna High School - Cafeteria  
596 ID-57  
Priest River , Idaho 83856, 5:00 PM

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Vision Statement

*Strive for Greatness!*

Mission Statement

**S**uccess for all with the  
**U**nderstanding that  
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**C**ollaborate and  
**E**mpower the  
**S**tudent to make positive lifelong choices.  
**S**trive for greatness!

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**AGENDA**

- I. **Call Meeting to Order**
- II. **Pledge of Allegiance**
- III. **Approval of the Agenda - Action Item**
- IV. **Reorganization of the Board**
  - IV.A. Dissolve Current Board of Trustees
  - IV.B. Turn Meeting Over to the Superintendent
  - IV.C. Nominations and Election of Chairman
  - IV.D. Approve Signatories:
    - Director of Finance
    - Accounts Payable
    - Superintendent
    - Board Chair
- V. **Approval of Board Meeting Minutes- Action Item**
  - June 28, 2023**
  - August 25, 2023**

- VI. **Old Business - Action Items**
  - VI.A. Consideration and Approval of Legal Representation Contract
  - VI.B. Consideration and Approval of Phases 2 & 3 of the Forensic Audit
- VII. **Consent Agenda - Action Items**
  - VII.A. New Hires
    - Sammy Sevy- Special Education Paraprofessional
    - Krista Fincher- Facilities 1
    - Crystal Brauhn- Kitchen Manager
    - Amber Dunnington- Kitchen Server
    - Kim Shaner - SPED Director (Contractor)
  - VII.B. Resignations
    - Jennifer Ellsworth
    - Daryl Hall
    - Tierra Plaster
- VIII. **New Business - Action Items**
  - VIII.A. Executive Session Pursuant to Idaho Code 74-206(1)(b) - Superintendent Evaluation
    - VIII.A.1. Board Findings Regarding Superintendent Evaluation
  - VIII.B. Executive Session Pursuant to Idaho Code 74-206(1)(b) - Board Clerk Evaluation
    - VIII.B.1. Board Findings Regarding Board Clerk Evaluation
  - VIII.C. Reaffirming Board Actions from June 28, 2023
  - VIII.D. Reaffirming Board Actions from August 22, 2023
  - VIII.E. Consideration and Approval of Updating of Superintendent's Contract
  - VIII.F. Consideration and Approval of Superintendent's Right to Legal Counsel Related to Employment and Certification
  - VIII.G. Consideration and Approval of Possible Legal Action Against the Idaho State Board of Education
- IX. **Comments from the Audience: (Limit of 2 minutes per person, 20 minutes total)**
- X. **Motion to Adjourn**

Note: If any auxiliary aids or services are needed for individuals with disabilities, please contact the administration office at 448-4439.

Posted: Administration Office  
West Bonner Schools  
Priest River City Hall  
Oldtown City Hall

By: Brandy Paradee, Board Clerk

7:30



**Alan Galloway**

Priest River · 1d ·



**Alan Galloway** Author · Priest River



**Chery** Do you know when the next board meeting is?

7h

Like Reply Share



**Donald Paden** · Priest River



**Alan** Tomorrow, Friday @5:00 pm at the high school.

7h 3

Like Reply Share



**Alan Galloway** Author · Priest River



Thanks, Donald.

2h

Like Reply Share



**Jennifer Casey** · Priest River



**Diane** Yes, I would not be at all surprised. So much for "It's for the children."

58m

Like Reply Share



**Paul Turco** · Priest River



**Donald** I'm curious to know how you knew of the board meeting time and place before it was posted on the district website?

Now

Like Reply Share



Comment



Home



Discover



Post



For Sale



Notifications



0005361680



**STATE OF IDAHO**  
*Office of the secretary of state, Phil McGrane*  
**ARTICLES OF INCORPORATION (NONPROFIT)**

Idaho Secretary of State  
PO Box 83720  
Boise, ID 83720-0080  
(208) 334-2301  
Filing Fee: \$30.00

*For Office Use Only*  
**-FILED-**  
File #: 0005361680  
Date Filed: 8/12/2023 2:12:53 PM

B0829-8573 08/12/2023 2:18 PM Received by Office of the Idaho Secretary of State

Articles of Incorporation (Nonprofit)					
Select one: Standard, Expedited or Same Day Service (see descriptions below)	Same Day Service (+\$100; filing fee \$130)				
Article 1: Corporation Name Entity name	West Bonner County School District #83, INC				
Article 2: Effective Date The corporation shall be effective	when filed with the Secretary of State.				
Article 3: Purpose The purpose for which the corporation is organized is:	Educational				
Article 4: Voting Members: The corporation	has voting members.				
Article 5: Asset Distribution on Dissolution Upon dissolution the assets shall be distributed:	all assets will be distributed to another nonprofit organization with a similar purpose.				
Article 6: IRS Designation Does this nonprofit corporation intend to file as a 501(c)(3) with the IRS? 501(c)3 purpose for which the corporation is organized:	Yes  Educational Entity, Governed by a School District				
Article 7: The mailing address of the corporation shall be: Mailing Address	134 MAIN STREET PRIEST RIVER, ID 83856				
Article 8: Registered Agent Name and Address Registered Agent	Registered Agent Brandy Paradee Physical Address: BOARD CLERK 134 MAIN STREET PRIEST RIVER, ID 83856 Mailing Address: BOARD CLERK 134 MAIN STREET PRIEST RIVER, ID 83856				
<input checked="" type="checkbox"/> I affirm that the registered agent appointed has consented to serve as registered agent for this entity.					
Article 9: Incorporator Name(s) and Address(es)					
<table border="1"> <thead> <tr> <th>Name</th> <th>Incorporator Address</th> </tr> </thead> <tbody> <tr> <td>Branden Durst</td> <td>134 MAIN STREET PRIEST RIVER, ID 83856</td> </tr> </tbody> </table>		Name	Incorporator Address	Branden Durst	134 MAIN STREET PRIEST RIVER, ID 83856
Name	Incorporator Address				
Branden Durst	134 MAIN STREET PRIEST RIVER, ID 83856				
Article 10: Director Name(s) and Address(es)					
<table border="1"> <thead> <tr> <th>Name</th> <th>Title</th> <th>Director Address</th> </tr> </thead> <tbody> </tbody> </table>		Name	Title	Director Address	
Name	Title	Director Address			





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Carlyn Barton	Director	134 MAIN STREET PRIEST RIVER, ID 83856
Susan Brown	Director	134 MAIN STREET PRIEST RIVER, ID 83856
Margaret Hall	Director	134 MAIN STREET PRIEST RIVER, ID 83856
Troy Reinbold	Director	134 MAIN STREET PRIEST RIVER, ID 83856
Keith Rutledge	Director	134 MAIN STREET PRIEST RIVER, ID 83856
Branden Durst	Director	134 MAIN STREET PRIEST RIVER, ID 83856

The Articles of Incorporation must be signed by at least one Incorporator.

*Branden Durst*

Branden Durst

*08/12/2023*

Date

EXHIBIT 6-2

**West Bonner County School District**

**THE BOARD OF TRUSTEES**

**1600**

Code of Ethics for School Board Members

AS A MEMBER OF MY LOCAL BOARD OF TRUSTEES, I WILL STRIVE TO IMPROVE PUBLIC EDUCATION, AND TO THAT END I WILL:

*As a member of my local board of trustees, I will strive to improve student achievement in public education, and to that end I will:*

Attend all regularly scheduled board meetings insofar as possible, having read my packet ensuring that I am informed about the issues to be considered at the meetings;

Recognize that the board must comply with the Open Meeting Law and only has authority to make decisions at official board meetings;

Make all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

Understand that the board makes decisions as a team. Individual board members may not commit the board to any action unless so authorized by official board action;

Recognize that decisions are made by a majority vote and the outcome should be supported by all board members;

Acknowledge that policy decisions are a primary function of the board and should be made after full discussion at publicly held board meetings, recognizing that authority to administer policy rests with the superintendent;

Be open, fair and honest – no hidden agendas, and respect the right of other board members to have opinions and ideas which differ from mine;

Recognize that the superintendent is the board's advisor and should be present at all meetings, except when the board is considering the superintendent's evaluation, contract or salary;

Understand the chain of command and refer problems or complaints to the proper administrative office while refraining from communications that may create conditions of bias should a district concern ever rise to the attention of the board as a hearings panel;

Keep abreast of important developments in educational trends, research and practices by individual study and through participation in programs providing such information;

Respect the right of the public to be informed about district decisions and school operations;

Understand that I will receive information that is confidential and cannot be shared;

Give staff the respect and consideration due skilled, professional employees and support the employment of those best qualified to serve as district staff, while insisting on regular and impartial evaluation of all staff;

Present personal criticism of district operations to the superintendent, not to district staff or to a board meeting;

Refuse to use my board position for personal or family gain or prestige. I will announce any conflicts of interest before board action is taken; and

Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

Trustee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Policy History:

Adopted on: March 14, 2007

Revised on:

## EXHIBIT 7-2

## AGREEMENT FOR LEGAL SERVICES

This Agreement, effective the \_\_\_\_\_ day of August, 2023, is between the West Bonner County School District No. 83, an Idaho school district and political subdivision (the “District”), whose address is 134 Main Street, Priest River, Idaho 83656, and Yorgason Law Offices, pllc, (“Yorgason”) whose address is 6200 N. Meeker Place, Suite 200, Boise, Idaho 83713.

### RECITALS:

A. The District is a political subdivision duly organized and existing under the general laws of the State of Idaho and desires to retain the services of Yorgason to serve as Attorney to the District; and

B. Yorgason is an attorney duly licensed and practicing in the State of Idaho with the requisite skills to provide the legal services desired by the District; and

C. The parties desire to enter into an agreement for legal services on the terms and conditions set forth herein.

NOW THEREFORE, the parties hereto agree as follows:

1. Yorgason agrees to serve as Attorney for the District to render civil legal services as set forth herein. Yorgason shall be an independent contractor and shall not be considered an employee of the District.
2. Yorgason shall be compensated by an hourly fee of \$185.00. This fee includes typical overhead charges. Any additional out of pocket charges must be approved by the District prior to incurring such charges. District agrees to reimburse Yorgason for mileage at the prevailing IRS rate.
3. Attorney shall provide the following legal services:
  - a) Attend monthly board meetings at the District office or at such other location as determined by the District.
  - b) Advise the Board of Directors and staff of the District on matters pertaining to the performance of their official District duties.
  - c) Draft or review all resolutions, contracts, and other legal instruments pertaining to the business of the District and render legal advice with respect thereto.
  - d) Advise the District regarding pending lawsuits or other actions at law to which the District may be a party. The actual legal representation in such actions before State or Federal court or other tribunal, including but not limited to arbitration or mediation, may not be considered a duty of Yorgason pursuant to this Agreement, at Yorgason’s sole discretion. If Yorgason declines to handle litigation, arbitration or mediation, the legal representation in each such matter shall be determined by the parties on a case-by-case basis and the District may retain special counsel or the District may obtain counsel pursuant to an insurance contract.

4. Yorgason is not required to provide the following legal services:

- a) Private legal advice not pertaining to District business to any District official or employee; or
- b) Legal advice pertaining to District business to individual citizens, except where such advice is requested by the District Board.

5. The term of this Agreement shall commence shall continue until the annual meeting in January 2024. This Agreement may be renewed for additional one-year periods, until the following annual meeting.

6. This Agreement may be modified only by written agreement signed by both parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

WEST BONNER COUNTY SCHOOL  
DISTRICT No. 83, Priest River, Idaho

By: \_\_\_\_\_  
\_\_\_\_\_, Board President

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, District Clerk

YORGASON LAW OFFICES, PLLC

By: \_\_\_\_\_  
Christopher E. Yorgason,  
Attorney at Law