

Des Moines Area Community College

Open SPACE @ DMACC

Board of Directors Meeting Minutes

3-19-1991

Board of Directors Meeting Minutes (March 19, 1991)

DMACC

Follow this and additional works at: <https://openspace.dmacc.edu/boardminutes>

Mar..19, 1991
Special Meet.

DES MOINES AREA COMMUNITY COLLEGE

Special Board Meeting
March 19, 1991
Building 1 - Room 30 - Ankeny Campus

A G E N D A

1. Call to order - 3:00 p.m.
2. Roll call.
3. Consideration of tentative agenda.
4. Closed session - litigation.
5. Consideration of litigation.
6. Adjournment.

DES MOINES AREA COMMUNITY COLLEGE
2006 South Ankeny Boulevard
Ankeny, Iowa

SPECIAL MEETING
MARCH 19, 1991

A special meeting of the Des Moines Area Community College Board of Directors was held in Building 1, Room 30, of the Ankeny Campus, on March 19, 1991, for the purpose of discussing litigation with DMACC attorney Peter Pashler of Ahler's Law Firm. This special meeting was held due to the time limit regarding a teacher termination and the opinion of the adjudicator which was received the previous week. Board members Dick Johnson, Gerry Pecinovsky and Doug Shull were in attendance via electronic means (conference call). Mr. Johnson was out of the continental United States, Mr. Pecinovsky was at his office in Newton, and Mr. Shull was on other business in Waterloo. The meeting was called to order at 3:05 p.m. by Board President Sue Clouser.

ROLL CALL

Members Present: *Electronically (Conference Call)
Harold Belken
DeVere Bendixen
Sue Clouser
*Dick Johnson
*Gerry Pecinovsky
*Doug Shull

Members Absent:
Lloyd Courter
Eldon Leonard
Nancy Wolf

Others Present:
Joseph A. Borgen, President
Helen M. Harris, Board Secretary
Don Zuck, College Treasurer
Peter Pashler, Attorney, Ahlers Law Firm
Other interested DMACC staff

APPROVAL OF AGENDA

A motion to approve the tentative agenda as presented was made by D. Bendixen, Seconded by H. Belken.

Motion passed unanimously.

CLOSED SESSION

A motion was made by D. Bendixen, seconded by H. Belken, that the Board of Directors hold a closed session as provided in Section 21.5(1)(c) of the Open Meetings Law to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

Motion passed unanimously on a roll call vote, and at 3:10 p.m., the Board convened in closed session. A tape recording of the closed session for litigation is in the DMACC safety deposit box at Ankeny State Bank, Ankeny.

RETURN TO OPEN SESSION

The Board returned to open session at 3:17 p.m.

APPROVAL OF RESOLUTION/REJECT ADJUDICATOR'S DECISION/SIMONS

It was moved by D. Bendixen that pursuant to Chapter 279.17 of the Code of Iowa, that the Board of Directors of Des Moines Area Community College does hereby reject the decision of Adjudicator Francis Kapsch, Sr. regarding Janet Simons, dated March 12, 1991. The Board directs counsel to file the necessary appeals in District Court and to take all other necessary legal steps to effectuate this decision. Second by D. Shull. A copy of said resolution is Attachment #1 to these minutes.

Motion passed unanimously on a roll call vote.

ADJOURNMENT

A motion for adjournment was made by H. Belken, seconded by D. Bendixen.

Motion passed unanimously, and at 3:20 p.m., Board President Clouser adjourned the meeting.

Susan J. Clouser
SUSAN J. CLOUSER, President

Helen M. Harris
HELEN M. HARRIS, Board Secretary

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN

TO



Print Sender's name, address, and ZIP Code in the space below.

Helen Harris

Des Moines Area Community College

2006 S. Ankeny Blvd.

Ankeny, IA 50021

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

Gerald L. Hammond
Sayre & Gribble, PC
The Plaza, Suite 295
300 Walnut
Des Moines, IA 50309

4. Article Number

P 437-182-537

Type of Service:

- Registered Insured
 Certified COD
 Express Mail Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

3/27/91

8. Addressee's Address (ONLY if
requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

Helen M. Harris

Des Moines Area Comm. College

2006 S. Ankeny Blvd.

Ankeny, IA 50021

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

Janet A. Simons
2020 Avalon Road
Des Moines, IA 50314

4. Article Number

P 437 782 529

Type of Service:

- Registered Insured
 Certified COD
 Express Mail Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

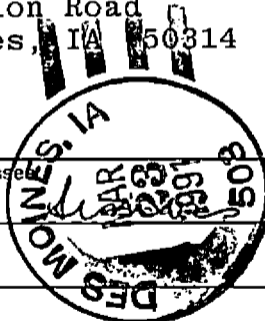
X Janet A. Simons

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if
requested and fee paid)





Des Moines Area Community College

March 20, 1991

Ms. Janet A. Simons
2020 Avalon Road
Des Moines, IA 50314

RE: Termination of Janet Simons

Dear Ms. Simons:

The Board of Directors of the Des Moines Area Community College, by roll-call majority vote in open meeting held on March 19, 1991, voted to reject the decision of the Adjudicator, Francis E. Kapsch, Sr.

I enclose a copy of the notice to the Secretary of the Board that the Adjudicator's decision is rejected by the Board.

DES MOINES AREA COMMUNITY COLLEGE

BY *Steven M. Harris*
Secretary, Board of Directors

enclosure

cc: Gerald L. Hammond, Attorney

NOTICE TO SECRETARY OF THE BOARD
THAT ADJUDICATOR'S DECISION IS REJECTED BY THE BOAR

TO: Helen Harris
Secretary, Board of Directors
Des Moines Area Community College
Ankeny, Iowa

You are notified, pursuant to section 279.17 of the Code of Iowa, that the Board of Directors, by roll-call, majority vote, in an open meeting held on March 19, 1991, (which vote shall be entered into the minutes of the meeting) voted to reject the decision of the Adjudicator, Francis E. Kapsch, Sr., dated March 12, 1991.

The Board has directed legal counsel to proceed to file an appeal of the Adjudicator's decision to the district court of the county in which the administrative office of the school district is located.

The Board has immediately notified the teacher of this decision by certified mail.

DES MOINES AREA COMMUNITY COLLEGE

By *Susan J. Clouser*
President, Board of Directors

Dated: March 19, 1991

Board Resolution

Board of Directors

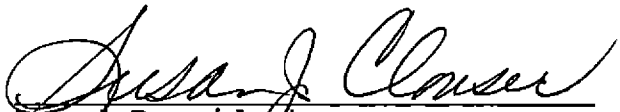
of Des Moines Area Community College

Be it resolved that, pursuant to Iowa Code 279.17 of the Code of Iowa that the Board of Directors of Des Moines Area Community college does hereby reject the decision of Adjudicator Francis Kapsch ^{regarding Janet Simon.} dated March 12, 1991. The Board directs counsel to file the necessary appeals in District Court and to take all other necessary legal steps to effectuate this decision.

AYE six

NAY none

Action taken this 19th day of March , 1991.

By 
Board President

AYE VOTES: Harold Belken
DeVere Bendixen
Sue Clouser
*Dick Johnson
*Gerry Pecinovsky
*Doug Shull

*Electronically