

SPECIAL BOARD MEETING  
 SEPTEMBER 29, 2009  
 DISTRICT ADMINISTRATION OFFICE

TRUSTEES PRESENT: Trustee Alexander, Trustee House, Trustee Rodney, Trustee Reynolds

OTHERS PRESENT: Tim McMurtrey, James Gilbert, Sharon Whitman, Cliff Ogborn, Connie Donahue, Brian Orban – MHNews, Katherine Carrott, Sadu Simpson, William and Darleen Watson, Genara Toy, Mike Crawford, Tom Rist, Judy Gulley, John Walter, J.B. Menal, Mary Toy, Varent Gordon, William Murray, Katherine Hudson, Zach Hudson, Benny Vogl, Barbara and Rick Checketts

A special meeting of the Board of Trustees of Mountain Home School District No. 193, was held solely for the purpose of tossing a coin to determine the outcome of a judicially mandated tied school board trustee zone 4 position was convened at 7:32 p.m., at the Mountain Home Junior High School Commons, 1600 East 6<sup>th</sup> South, Mountain Home, Idaho, in said district, pursuant to authority provided by Title 33-510, and Title 67-2340 through 67-2347, Idaho Code, and Title 33-405, Title 33-408, Title 33-420, Title 33-503, Title 33-510, Title 67 Chapter 23, and Title 67-2343(2), Idaho Code, and pursuant to affirmation by the Clerk that notice of the special meeting had been relayed to each trustee and had been announced by written and posted public notice as required by law. A copy of the Notice of a Special Meeting of School Trustees so posted follows:

**NOTICE OF SPECIAL MEETING OF THE BOARD OF TRUSTEES  
 MOUNTAIN HOME SCHOOL DISTRICT NO. 193  
 Mountain Home, Elmore County, Idaho**

NOTICE IS HEREBY GIVEN, that a special meeting of the Board of Trustees of Mountain Home School District No. 193 will be held on Tuesday, September 29, 2009, at 7:30 p.m., at the **Mountain Home Junior High School Commons, 1600 East 6<sup>th</sup> South**, Mountain Home, Idaho, in said District, solely for the purpose of tossing a coin to determined the outcome of a judicially mandated tied school board trustee zone 4 position;

- I. FINAL DETERMINATION OF ZONE 4 TRUSTEE – COIN TOSS
- II. ADJOURN

This Special Meeting of the Board of Trustees of Mountain Home School District No. 193 is called pursuant to Title 33-405, Title 33-408, Title 33-420, Title 33-503, Title 33-510, Title 67 Chapter 23, and Title 67-2343(2), Idaho Code.

Dated the 23<sup>rd</sup> day of September 2009.

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 Sharon M. Whitman  
 Clerk, School District No. 193  
 Mountain Home, Elmore, Idaho

At 7:32 p.m., Chairman Alexander convened the special meeting of the Board of Trustees to toss a coin to determine the outcome of the May 19, 2009, zone 4 trustee election that was judicially declared a tied election by The Honorable Judge Wetherell.

- I. **FINAL DETERMINATION OF ZONE 4 TRUSTEE** – In accordance with the decision of the Elmore County District Court conclusion of September 18, 2009, and in accordance with the judgment from the Honorable Judge Wetherell, and in accordance with Idaho Code Title 33-405, 33-408, 33-420, 33-503, 33-510, "...should two (2) or more persons have an equal number of votes in any trustee zone and a greater

number than any other nominee in that zone, the board of trustees shall determine the winner by a toss of a coin.” Chairman Alexander explained to the public how the coin toss would be convened. He then asked Clerk Whitman to read the summary of the judgment handed down by The Honorable Judge Wetherell, “The Court rules that, in this election, the result – when the three improperly counted votes are taken into consideration, is that this election was a tie. The Court will direct that the parties flip a coin, to be flipped by the president of the School Board. And that the winner of the coin toss will be the winner of this election as provided by Idaho law.”

Chairman Alexander asked the two school board trustee zone 4 candidates, Mr. William Murray and Mr. C.D. Houston, to come forward. Mr. Houston and Mr. Murray previously agreed between the two of them that Mr. Houston would call the coin toss. Chairman Alexander opened the sealed envelope containing an Idaho coin (quarter) as sealed by Idaho Independent Bank and asked the two candidates to inspect the coin. Both candidates approved the coin. Chairman Alexander asked Mr. Houston to please call heads or tails while the coin was in the air. Chairman Alexander then flipped the coin into the air and Mr. Houston called tails. The coin landed and heads was displayed, therefore Mr. William Murray was the declared winner of the May 19, 2009, school trustee zone 4 position. He will be sworn into office during the October 2009 regular board meeting. Chairman Alexander gave his condolences to Mr. Houston and congratulated Mr. Murray, the rest of the trustees followed.

- II. **ADJOURN – A motion made by Trustee House to adjourn was seconded by Trustee Reynolds. Motion passed.** All business of the Board having been completed the meeting adjourned at 7:37 p.m.

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Chairman Alexander

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Clerk Whitman