



Minutes/July 21, 2011

The Board of Trustees of School District Five of Lexington and Richland Counties met at the District Administration Building with the following members present:

Mr. Robert Gantt, Chairman
Mrs. Beth Hutchison-Watson, Vice Chairman (via telephone)
Mrs. Ellen Baumgardner, Secretary
Mrs. Jan Hammond
Mrs. Kim Murphy
Mr. Ed White (via telephone)
Dr. Stephen Hefner, District Superintendent

The following staff were in attendance:

Dr. Karl Fulmer, Chief Financial Services Officer
Mr. Keith McAlister, Director, New Design and Construction
Mr. Buddy Price, Director, Office of Community Services

A = Absent
AB = Abstain
N = No
X = Yes
R = Recuse

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of July 21, 2011

		B A U M G A R D N E R	G A N T T	H A M M O N D	M U R P H Y	T U R N E R	W A T S O N	W H I T E
1.	M. Hammond S. Baumgardner Approve the agenda	X	X	X	X	A	X	X
2.	M. Hammond S. Baumgardner Enter executive session to consider the following: a) contractual matter: site work at Career and Technology Education Center/New High School	X	X	X	X	A	X	X
3.	M. Hammond S. Baumgardner Adjourn	X	X	X	No	A	A	A

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N = No
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Attachment 1 is included with the minutes of the 7-21-11 meeting, at the request of Board member Kim Murphy pursuant to S.C. Code Ann. § 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Kim Murphy
Special Called Meeting
Thursday, July 21, 2011

"I just want to go the record that I've requested the budgets for both projects, the constructions budgets, and the chairman has refused to provide them for me."

It is my position that documents should not be placed "on the record" of a meeting unless the board member specifically requests, at that specific meeting, that action to occur. I am opposed to the recent policy change that allows for documents to be placed on the record *after the fact* and will continue to appeal to my fellow board members to only allow actions that occur at the board meeting to be reflected in the minutes. Though I have unsuccessfully motioned to disallow the action, I am requesting that the following communication be recorded on the record:

Special Called Meeting Thursady 5PM July 21st

ROBERT W GANTT <ganttrw@bellsouth.net>

Tue, Jul 19, 2011 at 7:18 PM

To: Ellen Baumgardner <ebaumgardner@sc.rr.com>, Ellen Baumgardner <Ebaumgar@lex5.k12.sc.us>, beth.h@sc.edu, Beth Hutchison <BHWatson@lex5.k12.sc.us>, Ed White <EWhite@lex5.k12.sc.us>, ed <ed.white@nelsonmullins.com>, kmurphy@lex5.k12.sc.us, Kim Murphy <movingmountainskwm@gmail.com>, Jan Hammond <Janh08@aol.com>, Jan Hammond <JHammond@lex5.k12.sc.us>, Jim Turner <jimturnjr@gmail.com>, Jim Turner <jturner@lex5.k12.sc.us>
Cc: shefner@lex5.k12.sc.us, Superintendent Steve Hefner <swhefner@gmail.com>, Buddy Price <Bprice@lex5.k12.sc.us>, Sybil Stowers <Sstowers@lex5.k12.sc.us>, Karl Fulmer <kefulmer@lex5.k12.sc.us>

Chairman's note:

With regard to the "On the Record" statement by Mrs Murphy, I offer that it refers to items that were **not** discussed at the Special called meeting of July 22, 2011. The minutes and recording of the meeting have no discussion or request from Mrs. Murphy, verbal or written. The meeting had one item and one purpose as stated in the Agenda "**Contractual matter: site work at Career and Technology Education Center/New High School.**" It is further noted that I have not as Chairman refused to supply Budget Information for both projects as alleged in the statement from Mrs. Murphy. It is my understanding that there is one budget for the project that includes both the CATE and New High School.

The second statement by Mrs. Murphy, "It is my position that documents should not be placed "on the record" of a meeting unless the board member specifically requests, at that specific meeting, that action to occur. I am opposed to the recent policy change that allows for documents to be placed on the record *after the fact* and will continue to appeal to my fellow board members to only allow actions that occur at the board meeting Though I have unsuccessfully motioned to disallow the action, I am requesting that the following communication be recorded on the record: " is in **direct conflict with her own statement** in that her request was submitted after the Board Meeting of July 21, 2011 by e-mail on Saturday July 23, 2011. She also refers to items that were **not** discussed at the Special called meeting. Furthermore there have been no recent Policy changes since Rules and Board Policy were adopted on 2/28/2011 & 3/28/2011 by the majority of the Board.

As **Chairman**, I also believe the "On the Record " comments Mrs. Murphy made are not relevant to the **one item of business** that was stipulated in the advertised Agenda and reflected in the Recorded Minutes. Additionally, adding the e-mail string serves no apparent purpose and is not Relevant but does reflect an effort to keep the entire **Board informed of a "Contractual" matter** of importance to the entire community of School District 5. All 5 questions were answered through the process of notification and attendance at the meeting July 21, 2011.

Attachment 2 is included with
the minutes of the 7-21-11
meeting, at the request of Board member
Kim Murphy
pursuant to S.C. Code Ann. §30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

Fellow Board Members:

After discussing a contractual matter related to the CATE and New High School Site with Dr. Hefner earlier today, I would like to call a Special Meeting of the Board for this Thursday at 5PM. The purpose will be to hear from Cummings Southern Management representatives regarding issues with a current contract. That discussion will be the sole purpose of the meeting. There are no planned or required motions or votes. The meeting will last approximately 1 hour or less.

There are approved procedures in place to handle the situation but Dr. Hefner and I agreed that the whole Board needed to be made aware of the current situation.

I know some of you are on vacation. Please don't change your plans. We will need a **quorum** but everyone does not need to attend. Those who are unable to attend will be briefed at our next Board meeting.

Please let me know if you will be attending as soon as possible. Hopefully by early AM Wednesday. We will need to Notice the meeting.

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Speaking of the next Board meeting, it will be **August 8th**. There is only one meeting in August as planned and approved last year. Sorry about the confusion on my part at the last meeting. As you know from past experience and with this e-mail there will occasionally be Special Called Meetings that will also require your time. Enjoy the August break and hopefully we won't need any more extra meetings in the near term. In fact consider it a **reward** for this Board being efficient with the key elements of their Board Responsibilities completed so far this year.

1. Hired Dr.Hefner to lead SD5.
2. Passed the 2011-2012 Budget
3. Set and continue to set Policies for SD5.

Great job on all three major items. Enjoy the break with your families and friends.

Thanks
Robert

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and Board Policy BEDG. The Board majority
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act upon the contents of this attachment.

Kim Murphy <movingmountainskwm@gmail.com>

Tue, Jul 19, 2011 at 9:48 PM

To: ROBERT W GANTT <ganttrw@bellsouth.net>

Cc: Ellen Baumgardner <ebaumgardner@sc.rr.com>, Ellen Baumgardner <EBaumgar@lex5.k12.sc.us>, beth.h@sc.edu, Beth Hutchison <BHWatson@lex5.k12.sc.us>, Ed White <EWhite@lex5.k12.sc.us>, ed <ed.white@nelsonmullins.com>, kmurphy@lex5.k12.sc.us, Jan Hammond <Janh08@aol.com>, Jan Hammond <JHammond@lex5.k12.sc.us>, Jim Turner <jimturnjr@gmail.com>, Jim Turner <jturner@lex5.k12.sc.us>, shefner@lex5.k12.sc.us, Superintendent Steve Hefner <swhefner@gmail.com>, Buddy Price <Bprice@lex5.k12.sc.us>, Sybil Stowers <Sstowers@lex5.k12.sc.us>, Karl Fulmer <kefulmer@lex5.k12.sc.us>

Dear Robert,

Your email is somewhat vague! So I want to take this opportunity to ask some important questions and request some important information.

First, since there are now two buildings instead of one, please provide me with a copy of the budgets for each -- the CATE center and the proposed high school.

The budgets should itemize the standard items listed in the architect's contract - building cost to 5' line, site development cost, utilities, offsite road improvements, A/E, CM, legal, geotech, and etc, FF&E, technology, impact/capacity fees, special inspections, contingency, escalation and total budget.

Robert, we have asked for this information on several occasions prior to the board awarding bids on the Cate center and site package, but still have not received it.

Chairman's note: With regard to the "On the Record" statement by Mrs Murphy, I offer that it refers to items that were **not** discussed at the Special called meeting of July 22, 2011. The minutes and recording of the meeting have no discussion or request from Mrs. Murphy, verbal or written. The meeting had one item and one purpose as stated in the Agenda "**Contractual matter: site work at Career and Technology Education Center/New High School.**" It is further noted that I have not as Chairman refused to supply Budget Information for both projects as alleged in the statement from Mrs. Murphy. It is my understanding that there is one budget for the project that includes both the CATE and New High School.

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the minutes of the 7-21-11
meeting, at the request of Board member
Kim Murphy
pursuant to S.C. Code Ann. § 30-4-90(a)(4)
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act upon the contents of this attachment.

Please answer the following questions related to your email:

1. Why do we have to have a quorum if there will be no votes taken?
2. You say there are "approved procedures in place to handle the situation." What are those procedures?
3. Is the meeting to be held in Executive Session or in the open?
4. If the meeting is being held in Executive Session, what is the "specific purpose" and is there a legal issue?
(For Jim - Since the contract with the GC has already been executed any modifications should be considered "Change Orders" and are to be discussed in public.)
5. When will the meeting be noticed?

Thanks! I will try to arrange my schedule to attend the meeting.

Kim

ROBERT W GANTT <ganttrw@bellsouth.net>

Wed, Jul 20, 2011 at 3:48 PM

To: Kim Murphy <movingmountainskwm@gmail.com>

Cc: Ellen Baumgardner <ebaumgardner@sc.rr.com>, Ellen Baumgardner <Ebaumgar@lex5.k12.sc.us>, beth.h@sc.edu, Beth Hutchison <BHWatson@lex5.k12.sc.us>, Ed White <EWhite@lex5.k12.sc.us>, ed <ed.white@nelsonmullins.com>, kmurphy@lex5.k12.sc.us, Jan Hammond <Janh08@aol.com>, Jan Hammond <JHammond@lex5.k12.sc.us>, Jim Turner <jimturnjr@gmail.com>, Jim Turner <jturner@lex5.k12.sc.us>, shefner@lex5.k12.sc.us, Superintendent Steve Hefner <swhefner@gmail.com>, Buddy Price <Bprice@lex5.k12.sc.us>, Sybil Stowers <Sstowers@lex5.k12.sc.us>, Karl Fulmer <kefulmer@lex5.k12.sc.us>

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Attachment 6 is included with
the minutes of the 7-21-11
meeting, at the request of Board member
Kim Murphy
pursuant to S.C. Code Ann. § 80-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
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Kim

We have a quorum planning to attend so please don't worry about rearranging your schedule to attend. As for my "vague" e-mail I thought it was pretty clear. If I spelled out the concern in detail we probably wouldn't need the meeting. It is a legal contractual matter that the Superintendent and I agreed would be a good idea for the Board to hear collectively. Consider it in the spirit of transparency and open communications. The Board Officers would have been privy to the information prior to our next Board meeting and I wanted the entire Board to have access to the information if able to attend.

The quorum is only necessary to enter executive session where the information will be given. Note again that no motions or votes will be taken or required. Everyone has the Agenda by now.

Most of your questions regarding my e-mail either have or will be answered. As far as your question #3 for Jim Turner, it will be answered also. The staff has handled all the particulars and requirements for meeting.

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Kim Murphy
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I am somewhat confused by your statement that "we have asked for this information" regarding the New High School and CATE Center. Who is "we" in your statement ? Much of what you list can and will be reported as necessary in the normal course of construction reports and audits. You will need or other Board members will need to make a motion for such items if they are desired in such detail beyond the normal scope and reports the Board receives.

Again, tomorrow is not the day for such a motion. Our sole purpose is stated in the Agenda below. My hope is that we will have a short informational meeting and those able to attend will leave with a clear understanding of the concern. Several people attending have other obligations that they are planning to get to on time.

I know I haven't answered all your questions. Hope this helps and again, don't change your plans to attend.

Thanks
Robert

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AGENDA
SPECIAL-CALLED MEETING
BOARD OF TRUSTEES
DISTRICT ADMINISTRATION BUILDING'S BOARD ROOM
JULY 21, 2011

1. Call to order at 5:00 p.m.
2. Approve the agenda
3. Enter executive session to consider the following:
 - a. Contractual matter: site work at Career and Technology Education Center/New High School

4. Adjourn
Chairman's note:

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Kim Murphy <movingmountainskwm@gmail.com>

Wed, Jul 20, 2011 at 4:29 PM

To: ROBERT W GANTT <ganttrw@bellsouth.net> **

Cc: Ellen Baumgardner <ebaumgardner@sc.rr.com>, Ellen Baumgardner <EBaumgar@lex5.k12.sc.us>, beth.h@sc.edu, Beth Hutchison <BHWatson@lex5.k12.sc.us>, Ed White <EWhite@lex5.k12.sc.us>, ed <ed.white@nelsonmullins.com>, kmurphy@lex5.k12.sc.us, Jan Hammond <Janh08@aol.com>, Jan Hammond <JHammond@lex5.k12.sc.us>, Jim Turner <jimturnjr@gmail.com>, Jim Turner <jturner@lex5.k12.sc.us>, shefner@lex5.k12.sc.us, Superintendent Steve Hefner <swhefner@gmail.com>, Buddy Price <Bprice@lex5.k12.sc.us>, Sybil Stowers <Sstowers@lex5.k12.sc.us>, Karl Fulmer <kefulmer@lex5.k12.sc.us>

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meeting, at the request of Board member
Kim Murphy
pursuant to S.C. Code Ann. §30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

Dear Robert,

I certainly appreciate any effort towards "transparency" and have highlighted the questions below that have not yet been answered. I would appreciate a response prior to the meeting tomorrow. I am unclear after your response today, if this is a "Change Order." Obviously, if it is a Change Order it is not to be discussed in Executive Session.

In regards to the projects' budgets: several of us have asked for them... not only for the construction of the projects but for operations (incorporated with a district-wide 5-year financial forecast). It appears at this point that you do not want your fellow board members to have this very important information and, by keeping it from us, one might think you have something to hide. I am again you for the specific information bolded in my letter to you below. Wouldn't it be ridiculous, that the board chair and or majority would prevent fellow board members from receiving this information?

Thank you in advance.

Kim

1. Why do we have to have a quorum if there will be no votes taken?
2. You say there are "approved procedures in place to handle the situation." What are those procedures?
3. Is the meeting to be held in Executive Session or in the open?
4. If the meeting is being held in Executive Session, what is the "specific purpose" and is there a legal issue? (For Jim - Since the contract with the GC has already been executed any modifications should be considered "Change Orders" and are to be discussed in public.)
5. When will the meeting be noticed?

****AS OF JULY 23, NO RESPONSE TO THIS REQUEST HAS BEEN RECEIVED.**

Chairman's note: With regard to the "On the Record" statement by Mrs Murphy, I offer that it refers to items that were **not** discussed at the Special called meeting of July 22, 2011. The minutes and recording of the meeting have no discussion or request from Mrs. Murphy, verbal or written. The meeting had one item and one purpose as stated in the Agenda "**Contractual matter: site work at Career and Technology Education Center/New High School.**" It is further noted that I have not as Chairman refused to supply Budget Information for both projects as alleged in the statement from Mrs. Murphy. It is my understanding that there is one budget for the project that includes both the CATE and New High School.

The second statement by Mrs. Murphy, "It is my position that documents should not be placed "on the record" of a meeting unless the board member specifically requests, at that specific meeting, that action to occur. I am opposed to the recent policy change that allows for documents to be placed on the record *after the fact* and will continue to appeal to my fellow board members to only allow actions that occur at the board meeting Though I have unsuccessfully motioned to disallow the action, I am requesting that the following communication be recorded on the record: " is in **direct conflict with her own statement** in that her request was submitted after the Board Meeting of July 21, 2011 by e-mail on Saturday July 23, 2011. She also refers to items that were **not** discussed at the Special called meeting. Furthermore there have been no recent Policy changes since Rules and Board Policy were adopted on 2/28/2011 & 3/28/2011 by the majority of the Board.

As **Chairman**, I also believe the "On the Record " comments Mrs. Murphy made are not relevant to the **one item of business** that was stipulated in the advertised Agenda and reflected in the Recorded Minutes. Additionally, adding the e-mail string serves no apparent purpose and is not Relevant but does reflect an effort to keep the entire **Board informed of a "Contractual" matter** of importance to the entire community of School District 5. All 5 questions were answered through the process of notification and attendance at the meeting July 21, 2011.