district five
OF LEXINGTON & RICHLAND COUNTIES

Minutes/August 8, 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. Jim Turner
Mr. Ed White (via telephone)
Dr. Stephen Hefner, District Superintendent

The following staff were in attendance:

Ms. Helen Anderson, Chief Instructional Services Officer
Dr. Angela Bain, Chief Human Resource Services Officer
Dr. Karl Fulmer, Chief Financial Services Officer
Mr. Michael Harris, Director, Student Services
Mr. Keith McAlister, Director, New Design and Construction
Mr. Buddy Price, Director, Office of Community Services

Chairman Robert Gantt called the meeting to order and gave welcoming remarks.

The Invocation was given by Buddy Price. The Pledge of Allegiance was led by two students.

During the superintendent's report, Karl Fulmer presented an update on the cost and status of the Chapin High School's wetlands legal appeal (Exhibit B), the July financial reports (Exhibit C), revisions to Administrative Rule KF-R "Use of School Facilities" (Exhibit D), and an interim report on capital projects (Exhibit E).

During the public participation, Michael Bishop spoke regarding the Chapin High School project.

Keith McAlister and Chris Whitley presented a monthly update (Exhibit F).

Helen Anderson presented a proposed administrative rule for board policy IB "Academic Freedom" (Exhibit H).

Michael Harris presented proposed revisions and additions to J policies: a) JLA "Student Insurance Coverage" replaces JGA "Student Insurance Program, b) JLCC "Communicable/Infectious Diseases" replaces JGCC "Communicable Diseases", c.) JLCC-R "Communicable/Infectious Diseases" replaces JGCC "Communicable Diseases - Students", d) JLCDA "Individual Healthcare Plans" replaces JGCDA "Individual Healthcare Plans", e) Add JLCDA-E "Indemnification/Hold Harmless Agreement For Self-Administration of Medication", f)

JLCE "First Aid And Emergency Care" replaces JGFGA "First Aid & Emergency Care", and g) JLCFA "Training Of Unlicensed Personnel For Select Nursing Tasks" replaces JDCDAA "Training Of Unlicensed Personnel For Select Nursing Tasks".

Helen Anderson presented proposed revisions to board policy ADF "School Wellness" (Exhibit J).

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of August 8, 2011

	BAUMGARDNER	GANTT	HAMMOND	MURPHY	TURNER	WATSON	WHITE
1. M. Baumgardner S. Hammond							
Enter executive session in the board conference room to consider the following: a) selected employment items (Exhibit A)							
M. Murphy S. Hammond	No	No	X	X	X	A	A
Amend to add an update on legal matters	X	X	X	X	X	A	A
M. Murphy S. Hammond							
Amend to add a legal briefing regarding a student matter							
Vote on original motion	X	X	X	X	X	A	A
2. M. Baumgardner S. Hammond							
Approve the agenda as amended (added 2b student matter)	No	No	X	X	X	A	A
M. Murphy S. Hammond							
Amend to include discussion of the documents that were enclosed in the Board packets from the Superintendent – organization chart and 2011-2012 major works progress							
Vote on original motion	X	X	X	X	X	A	A
3. M. Baumgardner S. Hammond	X	R	X	X	X	X	X
Approve the selected employment items with the provisions as discussed in executive session (Exhibit A)							
4. M. Baumgardner S. Turner	X	X	A	No	X	X	A
First reading of proposed revisions and additions to I policies: (Exhibit G) Add new board policy IB "Academic Freedom", Add new board policy IHAE "Physical Education", Add new board policy IHAF "Arts Education",							

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

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of August 8, 2011

	BAUMGARDNER	GANTT	HAMMOND	MURPHY	TURNER	WATSON	WHITE
Add new board policy IHAG "Music Education", Add new board policy IHAH "World Language Education", Replace IA "Philosophy", IB "Goals and Objectives" and IKA "Teaching Methods" with IA "Instructional Goals and Learning Objectives", Replace AC "School District Organization Plan" with IE "Organization of Instruction"							
5. M. Baumgardner S. Turner Approve the minutes of the July 11, 2011 board meeting and the July 21, 2011 special-called meeting	X	X	A	No	X	X	A
6. M. Baumgardner S. Turner Adjourn at 9 p.m.	X	X	A	X	X	A	A

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

Before I entertain a motion to go into executive session I would like to make a statement regarding an article that appeared in The State Newspaper last week regarding executive sessions.

This school board is very aware of the provisions in the SC Freedom of Information Act and its requirements...and we adhere to those requirements. We also are aware that, for good reason, this act provides this school board and school boards across the state an ability to meet in executive session, for specific purposes, to protect the very public we serve. In this district those purposes are generally contractual matters, legal briefings, student matters and personnel matters. While in executive session, we limit our discussions to those specific matters, no votes are taken, and when we return to regular session we vote in public to take any action needed.

In the article I just referred to, individual board members were encouraged to challenge the board when a member believes that the topic being discussed is not appropriate for executive session discussion...and I do encourage members to do so. However, the chairman has the responsibility at that time to make a determination regarding the objection and if the chairman determines the board is within the parameters for executive session matters, the ethics of executive session remain in force and board members are obligated not to talk about, record electronically or in handwritten notes, the content of and/or topics discussed.

It is important for our community to know that board members will not be allowed to disrupt an executive session in the manner encouraged by the author of this article. Disagreements on this board over the interpretation of the SC Freedom of Information Act will be decided by our chairman, with input from our attorneys, and not the interpretations of any individual board member.

Thank you and now I will entertain a motion to enter executive session...

Attachment 1 is included with the minutes of the 8-8-17 meeting, at the request of Board member Robert Oatts 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.

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO
ATTENTION OF

Attachment 2 is included with the minutes of the 8-8-11 meeting, at the request of Board member Robert Oertt 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.

November 17, 2010

Regulatory Division

District Five of Lexington and Richland Counties
Mr. Keith McAllister
1020 Dutch Fork Road
Irmo, South Carolina 29063

Dear Mr. McAllister:

This is in response to your application requesting a Department of the Army permit.

Enclosed is your Department of the Army Permit #2008-1471-5JZ. It authorizes you to perform the work specified on the attached drawings. This permit is issued under the provisions of the Federal laws for the protection and preservation of the navigable waters of the United States.

Please notify this office promptly, in writing, when you start and complete the work. The enclosed cards may be used for that purpose. You should also be aware that a special condition has been included in this permit which requires that a copy of the permit and drawings must be available at the work site during the entire time of construction.

Respectfully,

Tina B. Hadden
Chief, Regulatory Division

Enclosures

Attachment 3 is included with the minutes of the 8-8-11 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 4 is included with the minutes of the Ken Murphy 8-8-11 meeting, at the request of Board member Ken 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.

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.

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Attachment 2 is included with the minutes of the 8-8-11 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.

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

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.

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Attachment 6 is included with the minutes of the 8-8-11 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 <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 opportuntiy 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.

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 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 7 is included with the minutes of the 8-8-11 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.

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>

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.

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Attachment 8 is included with the minutes of the 8-8-11 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

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.

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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Attachment 4 is included with the minutes of the kim Murphy 8-8-11 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.

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

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 10 is included with the minutes of the 8-8-11 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.

AGENDA
SPECIAL-CALLED MEETING
BOARD OF TRUSTEES
DISTRICT ADMINISRATION 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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Attachment 11 is included with the minutes of the 8-8-11 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 <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>

Chairman's note:

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Attachment 12 is included with the minutes of the 8-8-11 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.

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.

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On the Record

Attachment 13 is included with the minutes of the 8-8-11 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.

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

REPLY TO
ATTENTION OF

March 22, 2010

Regulatory Division

Tidewater Environmental Services Inc.
Attn.: John Collum
P.O. Box 8902
Columbia, South Carolina 29202

Dear Mr. Collum:

Reference is made to your application for a Department of the Army permit to perform work in waters of the United States (#2008-1471-5IZ).

A review of your project in reference to the 404(b)(1) guidelines and a request for additional information was sent to your office on October 16, 2009. Your response to that request was received on December 4, 2009. Our office met with you, representatives from Chapin High School, and representatives from the SC Department of Health and Environmental Control (DHEC) on January 12, 2010. An additional request for additional information was sent to your office on January 15, 2010. Our office met with you and representatives from Chapin High School on February 24, 2010. Our office received additional information you submitted regarding questions discussed during the February 24 meeting. Our office met with you, representative from Chapin HS, and DHEC on March 4, 2010. Our office met with you, representative from Chapin HS, and DHEC on March 18, 2010.

Please be advised that after extensive review of your responses to our earlier requests for additional information and our meetings, the project as proposed does not appear to comply with the 404(b)(1) guidelines referenced in the letter this office sent to you on October 16, 2009. Therefore before any further processing of your application can be accomplished, you must provide the additional information listed below so that the Corps can make a final decision on compliance with the 404(b)(1) guidelines referenced in the previous request for information and any other issues that are listed:

- To clarify information received in your March 8, 2010 letter to DHEC, please give a complete accounting of all athletic fields that are currently being used by Chapin HS, including maps depicting their locations. Please also indicate which fields will continue to be used if proposed fields come into use.

- You must clearly demonstrate, in writing, that there are no less environmentally damaging "practicable alternatives" which would fulfill the "overall project purpose" of the proposed work. The current descriptions of minimization are not sufficient to demonstrate this. As discussed in the meetings on March 18, 2010, please provide information regarding the potential minimization technique of the spreader and riprap into the existing power line right of way.

In our meeting on November 18, 2009 and January 12, 2010, representatives from Chapin HS indicated that the expansion of the academic buildings and the sewer line were of

over

Attachment 14 is included with the minutes of the 8-8-11 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.

paramount importance so that students could be taken out of portables. At that meeting, this office pointed out that, because the academic buildings and athletic fields have separate utility and separate purposes, they could be considered two separate and complete projects and could therefore be permitted separately. Please note that this is still the case and if you are unable to demonstrate compliance with the 404(b)(1) guidelines for the athletic fields, you may wish to pursue permits for the expansion of the academic buildings separately from the athletic fields. This may be done even if the academic buildings will require an individual permit.

This information should be provided to this office within 30 days of receipt of this letter. If additional time is needed, you should specifically request an extension in writing before the suspense date. This request should be directed to the Ms. Laura Boos at 1835 Assembly Street, Room 865 B-1, Columbia, South Carolina 29201. In addition, if you would like to meet with Ms. Boos so that she can more fully define the information needed, please contact her to set up and date and time.

Should you fail to respond to this letter within the time frame specified above or to keep this office advised of your ongoing efforts to resolve the concerns, I will conclude that you have either elected not to actively pursue this application or have elected to pursue the requisite State authorizations and certifications prior to requesting a sequential final decision by this office. In either event, your application will be placed in an inactive status. However, our Project Manager will retain your application for one (1) year to facilitate reinstatement of processing upon being so requested. If you have any questions concerning this matter, please contact Laura Boos at 803-253-3902.

Respectfully,

Brice McKoy
Chief, Northwest Branch

Copy Furnished:

United States Department of Interior
Fish and Wildlife Service
Mr. Mark Leao
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

S.C. Department of Natural Resources
Wildlife and Freshwater Fisheries Division
Office of Environmental Programs
Ms. Vivianne Vejdani
1000 Assembly Street, Room 202
Columbia, SC 29202

Mr. Keith McAlister
Director of New Design and Construction
District Five of Lexington and Richland Counties
1020 Dutch Fork Road
Irmo, South Carolina 29063

Attachment 15 is included with the minutes of the 8-8-11 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.

On the Record

Attachment 1 is included with the minutes of the July 11, 2011 meeting, at the request of Board member Robert Oatt 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.

Jan. 14, 2011

Significant design issues still unresolved and therefore cannot be advertised for bid

From: Howard Coogler Jr.
To: Luke McCary
CC: kmcalist@lex5.k12.sc.us
Date: 1/14/2011 10:25 AM
Subject: Chapin High School

Thank you for your letter of January 6th, in which you provided us with an update on the status of the Chapin High renovation project. In reviewing the letter, we remain concerned not only about the still unissued permits, but with two design issues as well. I have address each of our concerns below.

First, with regard to the roof deck, you indicate that you are "trying to resolve the issue with minimal impacts to design". However, at this point neither you nor this Office knows what the impacts on design will be. We do not believe it is appropriate for this Office to approve any project to be advertised when there is an unknown and potentially significant design consideration still unresolved. As a result, we wish to see the design solution to this issue before giving permission to advertise.

Second, we were and remain concerned about the condition of the 40 year old duct board in the building. Furthermore, given the extent of the required above ceiling work on this project, there will no doubt be significant disruption of the duct board. In addition, there is the fact that you do not yet know the amount or location of the existing duct board. We believe it is in the district's best interests to replace all of the existing duct board. However, a potential bidder cannot properly respond to that which has not been quantified and is unknown. We would need to see the specifics of your add/alternate prior to giving permission to advertise.

Third, regarding the status of project permits, the process has advanced since December 16th. However, we wish to know the results of the DHEC meeting before proceeding.

In conclusion, once OSF has received, reviewed and approved revised plans addressing the roof deck issue; the specifics for an "add alternate" for duct board; and, a report with a positive outcome from the DHEC meeting of the 13th---we will reconsider granting approval to advertise. However, I would be remiss if I did not point out that any approval to advertise at this time would carry with it the provision that bids could not be opened until all permits are approved and the court case on the stream mitigation/disturbance issue resolved.

Howard D. Coogler, Jr. PE
Office of School Facilities
S. C. Department of Education

Attachment 16 is included with the minutes of the 8-8-11 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.

On the Record

August 8, 2011

Attachment 17 is included with the minutes of the 8-8-11 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.

To: Robert Gantt, Board Chairman
Lexington-Richland School District 5

From: Kim Murphy
154 Old Laurel Lane
Chapin, SC 29036

Subject: SC Freedom of Information Act Request: Construction Budgets – Proposed New High School and CATE Center

Dear Mr. Gantt,

On numerous occasions, I, as a member of the Lexington-Richland District 5 School Board, have requested copies of the construction budgets for the above mentioned projects from you and the administration. My most recent request was on July 19, 2011.

Each time, however, you have refused to provide them to me. Even if these projects had no issues (of which there are many), as an elected official, it is my duty to provide fiscal oversight.

Your inaction, coupled with the fact that you have also failed, upon request, to provide a financial forecast (5-yr) that incorporates the cost of new schools, in light of the economy and decline in enrollment, causes me great concern in the direction you are leading this district. Your failure to be forthright with important financial information should also cause concern from members of the public.

Per the South Carolina Freedom of Information Act, please provide me with copies of the following documents:

- Copies of any and all budgets related to the construction of the proposed new high school and Career and Technology Center. 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, FF&E, technology, impact/capacity fees, special inspections, contingency, escalation and total budget.
- The total budget approved by contract and in the 2008 Bond Referendum for both projects is $79 million. If the budgets requested above exceed that amount, please provide an explanation of the overages. The original budget and Bond Referendum was based on one high school building that included CATE programs in its interior. (There are now two separate buildings.)
- 8-82011In addition, the public was led to believe that the necessary ball fields and athletic support facilities would be included in that budget. If the athletic

facilities are now not included in the original budget, please provide cost estimates/budgets for their construction.

It is my hope that you will provide this in the time frame allowed by SCFOIA and that there will be no charge as this is "primarily benefiting the general public" If you have any questions regarding this request, please call me at 446-6565.

Sincerely,

Kim Murphy
Lexington-Richland District 5 Trustee

Attachment 18 is included with the minutes of the 8-8-17 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.