



Minutes/March 19, 2013

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 Burn Watson, Vice Chairman
Mrs. Ellen Baumgardner, Secretary
Mrs. Jondy Loveless
Mrs. Kim Murphy
Mr. Jim Turner
Mr. Ed White

The following staff were in attendance:

Dr. Stephen Hefner, Superintendent
Ms. Helen Anderson, Chief Instructional Services Officer
Dr. Angela Bain, Chief Human Resource Services Officer
Mr. Michael Harris, Director of Student Services
Mr. Keith McAlister, Director of New Design and Construction
Mr. Mark Bounds, Public Information Officer

Chairman Gantt called the meeting to order.

The Board conducted a hearing regarding board member's residency which included receipt of Judge Cooper's Report, Exhibits, Transcript from the February 15, 2013 Evidentiary Hearing, and statements of legal counsel.

**SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES**

Meeting of March 19, 2013

		B A U M G A R D N E R	G A N T T	L O V E L E S S	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. Baumgardner S. Loveless Approve the agenda	X	X	X	No	X	X	X
2.	M. White S. Loveless Adopt the Resolution (Order of Removal Pursuant to S.C. Code 59-19-60 of Mrs. Kim Murphy) as attached	X	X	X	No	X	X	X
3.	M. Watson S. Baumgardner Adjourn at 8:45 p.m.	X	X	X	No	X	X	X

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

 Mr. Chairman, I move that the board adopt the following Resolution:

STATE OF SOUTH CAROLINA	)	BEFORE THE BOARD OF TRUSTEES
	)	OF LEXINGTON-RICHLAND
COUNTY OF RICHLAND	)	SCHOOL DISTRICT FIVE

ORDER OF REMOVAL PURSUANT TO S.C. CODE § 59-19-60

1. On March 19, 2013, the Board of Trustees ("Board") of Lexington-Richland School District Five ("District") held a special meeting concerning the matter of the residency of trustee Kim Murphy. The Board has considered the record of proceedings and evidence of the hearing conducted by Judge Cooper on February 15, 2013. Mrs. Murphy (and/or her counsel) and the Board's legal counsel were given the opportunity to present arguments upon the question of her residency and the existence of cause for removal pursuant to S.C. Code Ann. § 59-19-60, at the March 19, 2013, special meeting.

2. The Board finds that the procedural requirements of "notice and ... an opportunity to be heard" of S.C. Code Ann. § 59-19-60 were complied with. At its meeting on January 14, 2013, and stated upon the minutes thereof, the Board approved an inquiry into the residency of Kim Murphy with reference to Act No. 326 of 2002. The Chairman of the Board issued a letter to Mrs. Murphy concerning the question of her residency dated January 15, 2013, requesting a response by January 21, 2013. Mrs. Murphy replied via legal counsel by letter dated January 18, 2013. Mrs. Murphy circulated an e-mail dated February 28, 2013, concerning the Board's inquiry, and Mrs. Murphy placed an "on the record statement" concerning this matter into the minutes of the Board's January 28, 2013, meeting. By letter of January 29, 2013, Board counsel advised Mrs. Murphy that Judge Cooper had scheduled a conference to prepare for a hearing on the matter on Friday, February 1, 2013, at 10:00 a.m., in the conference rooms of the South Carolina Bar offices, and to request that Mrs. Murphy and/or her counsel be present for the meeting. Judge Cooper issued a Pre-Hearing Order dated February 1, 2013. The Pre-Hearing order was e-mailed to KWMurphy@lexrich5.org on the same day. On February 4, 2013, a copy of the Pre-Hearing Order was hand-delivered to Mrs. Murphy's residence. Judge Cooper's order provided that the parties should submit to him any pre-hearing briefs and documents no later than February 13, 2013, and that he would conduct the evidentiary hearing on February 15, 2013, at 10:00 a.m. at the District Five board room at 1020 Dutch Fork Road, Irmo, SC. Reports of the Board's inquiry and Judge Cooper's plan for the hearing were widely circulated in the local press.

3. Judge Cooper convened the hearing on February 15, 2013, and took evidence as reflected in the transcript and exhibits supplied to the Board for its consideration prior to the March 19, 2013, Board meeting. The hearing before Judge Cooper is recorded in the transcript and exhibits received by the Board. Although Mrs. Murphy and her counsel were present at the Board office prior to the hearing, neither appeared at the hearing.

4. Judge Cooper sent a Report and Recommendation to the Chairman, which was received at the District Office on Friday, February 15, 2013. The Chairman scheduled the special meeting of March 19, 2013, and arranged the complete transcript and exhibits, along with Judge Cooper's Report and Recommendation, to be published to the Board and the public on Monday, March 18,

Attachment 1 is included with
the minutes of the 3-19-13
meeting, at the request of Board member
Ed White

2013. These materials were also hand-delivered to the Board and to Mrs. Murphy's counsel on March 18, 2013.

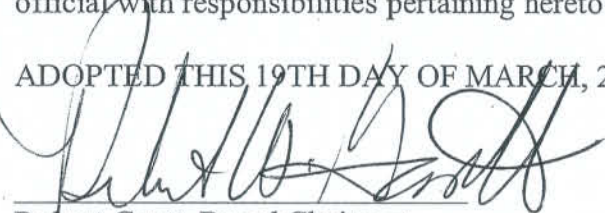
5. Upon due consideration and deliberations upon the complete record, the supplementary arguments before the Board of Trustees at its March 19, 2013, and the Report and Recommendation prepared by Judge Cooper, *see, Young v. Charleston County Sch. Dist.*, 397 S.C. 303, 725 S.E.2d 107 (2012), the Board of Trustees hereby concurs in, and adopts as its own, Judge Cooper's Report and Recommendations as the Board's own findings of fact and conclusions of law in this matter, incorporating the same into this Order.

6. Accordingly, the Board finds legal cause exists for the removal of Mrs. Murphy from the office of trustee pursuant to S.C. Code Ann. § 59-19-60.

7. Therefore, pursuant to S.C. Code Ann. § 59-19-60, the Board hereby REMOVES Mrs. Murphy from the office of school trustee of School District Five of Richland and Lexington Counties, effectively immediately.

8. The Chairman shall provide copies of this Resolution to Mrs. Murphy and to any public official with responsibilities pertaining hereto.

ADOPTED THIS 19TH DAY OF MARCH, 2013.


Robert Gantt, Board Chairman


Attest: Board Secretary

Attachment 2 is included with
the minutes of the 3-19-13
meeting, at the request of Board member
Ed White

OPENING STATEMENT OF CHAIR

Thank you for attending this Special-Called Meeting of the School District Five of Lexington and Richland County, School Board of Trustees.

The purpose of our meeting this evening is to conduct a hearing to consider the residency of Mrs. Kim Murphy and her continued service as a member of the Board of Trustees. All parties in this matter have had more than two months to gather information in preparation for this hearing. In addition, all parties have been given the opportunity to participate in meetings and the evidentiary hearing conducted by Judge G. Thomas Cooper on February 15, 2013.

This Hearing is held pursuant to the Board's authority under South Carolina Code of Laws § 59-19-60 to remove a Board member for cause. The South Carolina Budget and Control Board's Division of Research and Statistics has opined that Mrs. Kim Murphy does not reside in Richland County as required under Act No. 326 of 2002. Retired Circuit Court Judge G. Thomas Cooper, Jr., conducted an evidentiary hearing on February 15, 2013 to take evidence regarding this matter and thereafter on March 14, 2013 issued his "Findings and Recommendations" for the Board on the questions of Mrs. Murphy's residency and the Board's authority to remove her from the Board should the Board find she does not reside in Richland county. The transcript and exhibits from the evidentiary hearing have been provided to the Board along with Judge Cooper's "Findings and Recommendations". The Board is not bound by Judge Cooper's findings and recommendations but will review the record from the hearing on February 15, 2013 as evidence at this hearing, in addition to any remarks Mrs. Murphy and her counsel wish to make. I have asked Mrs. Murphy's legal counsel to limit his remarks, if any, to

Attachment 3 is included with
the minutes of the 2-19-13
meeting, at the request of Board member
Robert Carth
pursuant to S.C. Code Ann. §30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise

30 minutes.

Additionally, Mr. John Reagle with Childs & Halligan will have 30 minutes to present the evidence and findings of Judge Cooper. Mr. Reagle has asked to reserve five minutes of his 30 minutes for concluding or rebuttal remarks following Mrs. Murphy's attorney's comments.

As this is a hearing, public comment is not appropriate as it may bias the Board. The Board must only consider factual and legal information in this matter.

After hearing from legal counsel, the Board will deliberate and entertain any motions on whether or not to remove Mrs. Murphy from the Board. We appreciate the cooperation of counsel in bringing this matter in an orderly fashion before the Board and the public's interests in this hearing. This proceeding is being transcribed by a court reporter.

Attachment 4 is included with
the minutes of the 3-19-12
meeting, at the request of Board member
Robert Cant
pursuant to S.C. Code Ann. § 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise

Public Statement

this
This evening at a Special-Called Board Meeting of the Lexington - Richland Five Board of Trustees, the Board considered the recommendation of the Honorable Judge Thomas Cooper and other legal and factual information concerning the residency of Board of Trustee member, Kim Murphy.

After careful consideration and deliberation the Board sustained (agreed) with the opinion of Judge Cooper which states there is clear and convincing evidence that Ms. Murphy's residence is in Lexington County. Therefore, her residence in Lexington County deprives her of the qualifications for office as a representative of Richland County on the Lexington - Richland Five School Board of Trustees. Based on these facts, the Board voted to remove Ms. Murphy from the Board of Trustees.

We thank Ms. Murphy for her service on the Board and wish her well in the future.

In previous communication, Ms. Murphy and others have attempted to shape this issue as a personal action toward Ms. Murphy. Nothing could be further from the truth. Our actions this evening center on the simple truth that she does not live in the county which she was elected to represent, a simple but essential requirement of the law. To allow Ms. Murphy to remain on the Board would violate state law and potentially invalidate future decisions made by the Board.

We sincerely hope that Ms. Murphy will honor this decision and "do the right thing" as she has stated previously in public meetings, regarding the law and residency requirements. We also hope there will be no further disruption or distraction for the Board, the school district or the taxpayers in School District 5 regarding this matter.

Over the next few days we will consult with legal counsel on the next steps for filling the now vacant Richland County seat on the Board of Trustees. In the meantime, our Board will continue to focus our efforts on providing the very best educational experience possible for all students in School District 5.

Thank You
[Signature]

Attachment 5 is included with
the minutes of the 3-19-13
meeting, at the request of Board member
Robert Gault
pursuant to S.C. Code Ann. §30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise

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CSD1/CSD2 board changes

ARTICLE | JUNE 2, 2012 | BY SHARRON HALEY



Sean Briley

Clarendon School District 1 had one board member removed from office while Clarendon School District 2 had a new board member appointed.

On May 30, the Clarendon County Board of Education voted unanimously to remove Ricky Johnson from the CSD1 Board of Trustees.

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"Mr. Johnson does not live in District 1," CCBE Chairman George Wilson announced at the meeting. "We have been unable to reach Mr. Johnson. We have left messages on his phone and we've sent him a letter and he has not responded to either."

The CCBE handed out information at the meeting that listed Johnson's address as Lake Arbu Drive in Manning.

Wilson said Johnson left the CCBE no option other than to remove him from the CSD1 board effective immediately.

Anyone interested in being considered for the empty seat on the CSD1 board can file an application with the Clarendon County Clerk of Court's Office beginning June 6 and ending at noon on June 19.

Lt. Sean Briley with the Clarendon County Sheriff's Office will be filling the seat vacated when David Epperson resigned from the board in April to assume his duties of Clarendon County Administrator/Attorney.

The CCBE interviewed Briley along with six other candidates on May 30 before electing Briley for the position.

"I feel that we have made a good choice," Wilson said after the votes were tallied. "Mr. Briley will make an excellent board member."

"I'm extremely excited about being chosen to serve on the Clarendon 2 board," Briley said Friday. "I'm ready to get my feet wet. I'm ready to go to work to ensure that all of our children get the best education that we can provide."

Attachment 6 is included with the minutes of the 3-19-13 meeting, at the request of Board member Beth Watson 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.

Ridgeland, SC Weather


68° | BROOKLYN CLOUDS
5 DAY FORECAST

Williams has 'unfinished business'

By Anthony Gerzili

Published on Wednesday, November 21, 2012 - 10:41am |

Saying she has "unfinished business" to accomplish, Pamela Williams plans to run for the vacant District 9 Jasper County school board seat.

Williams said she spoke to board members Randy Horton and Barbara Clark, who recently was elected to County Council, and decided she wants to continue to work to improve the county's schools.

"I think anyone who knows me, knows the job I try to do," Williams said.

Williams planned to run for another school board term this fall, but a county Election Commission correction before the elections moved her from District 8 to District 9.

The commission said it corrected a mistake, that Williams, who lives on Jenkins Avenue just outside Hartsville, should have been registered in District 9.

Tedd Moyd won the District 8 seat as a write-in candidate.

He'll be joined by Bennie Hazel (District 2) and Debora Butler (District 6), who won election as write-in candidates.

Clark held the District 9 seat, but her election to County Council gives Williams a chance to run for the open seat. A special election will be held on the 13th Tuesday after Clark's vacancy is official, according to the county Election Commission.

Randy Horton was re-elected to the District 4 seat and Williams said she'd like to support him.

"Randy has worked quite hard," she said.

Horton thinks Williams looks out for the children.

"She does an excellent job on the school board," Horton said. "We need people like her on the school board. The children of Jasper County need her on there."

Horton said he and Williams have a like-minded approach.

"Me and Ms. Williams look at it in the same way," he said. "When you got policies and policies are being broken ... we just look at things that there's a right way and a wrong way."

Williams, who began in education in 1989, said the board's responsibilities include not only ensuring students receive a good education, but that money is spent wisely.

She thinks in the past the board has not had time to review proposed budgets.

"That's always my concern, the budget is put on the table and we're not given adequate time to go over the budget," Williams said. "I have to read the information, do a little research on my own, then make an informed decision."

Horton wants to see a unified board, one that includes Williams.

"I want the new board to be more united for the children," Horton said. "Hopefully we can be better for the children of Jasper County."

Williams said she's still passionate about being a board member and welcomes the commitment the position demands.

"It's part of what we promise to do," Williams said. "I wouldn't do it if I didn't feel I can adequately represent the people."

CONTACT US

Have questions? Contact us
(843) 726-6161 or email at
news@jaspercountysun.com

Attachment 7 is included with
the minutes of the 3-19-13
meeting, at the request of Board member
Beth Watson
pursuant to S.C. Code Ann. § 90-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

S.C. POLITICS

DOT elects new chairman

John P. Edwards has been elected chairman of the S.C. Department of Transportation.

Edwards represents the 4th Congressional District on the commission. He succeeds **R. Eddie Adams**, who remains a commissioner representing the 3rd Congressional District.

Edwards, of Greenville, is owner and president of Edwards Piping & Machinery.

Also, **Harrison Rearden**, representing the 6th Congressional District, was elected vice chairman. Rearden is retired from the S.C. Department of Social Services.

New commissioners are **Chad Ingram** and **Mike Wooten**.

*
*
■ Ingram represents the 2nd Congressional District, a position formerly held by **Craig Forrest**. Because of reapportionment, Forrest no longer lives in the 2nd District. Forrest will serve as an at-large member of the commission for the remainder of his term. Ingram, of Aiken, is chief executive of Garvin Oil Co.

■ Wooten is the first commissioner to represent the newly formed 7th Congressional District. Wooten, of Murrells Inlet, is president and founder of DDC Engineers in Myrtle Beach.

TX
TX
TX

Attachment 8 is included with the minutes of the 3-19-13 meeting, at the request of Board member Beth Watson pursuant to S.C. Code Ann. § 90-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.