Agenda

Board of Trustees
Regular Meeting
Location: Irmo High School / Cafeteria
Video Livestream: https://lexrich5.rev.vbrick.com/#/webcasts/boardmeeting

September 14, 2020

1. Call to order at 6:00 p.m.

2. Approval of the agenda

3. Enter Executive Session to consider the following:
    a. Selected employment items (*Exhibit A*) (Action)
    b. Selected employment items (*Exhibit B*) (Information Only)

4. Call to order at 7:00 p.m.

5. Welcoming remarks – Michael Cates, Chairman, Board of Trustees

6. Invocation – Michael Cates, Chairman, Board of Trustees

7. Pledge of Allegiance – Michael Cates, Chairman, Board of Trustees

8. Superintendent's Report (Action as necessary)
    - 2020-2021 School Reentry Overview: Part V

9. Approval of the minutes of the August 24, 2020 board meeting

10. Public Participation*

ACTION AGENDA

11. Action as Necessary or Appropriate on Matters Discussed in Executive Session

12. Certification of Delegates for the 2020 SCSBA Delegate Assembly *(Exhibit C)*

DISCUSSION AGENDA

13. Piney Woods Elementary School Update

14. District Construction

15. Legal Services

16. Adjourn

INFORMATION AGENDA

17. The next regular scheduled board meeting will be September 28, 2020. Location to be determined.

**The Board welcomes and encourages public participation. We respectfully ask that you adhere to the procedures and the decorum provided in board policy BEDH "Public Participation at Meetings". Your comments should be limited to three minutes. Questions asked during public participation will be handled in accordance with board policy BEDH.*

COVID-19 NOTICE: Due to federal and state social distancing guidelines, seating capacity at our school board meeting will be limited. A limited number of overflow seating will be provided outside the room where our Board meeting will be held, and the district will live stream board meetings to provide virtual viewing options. Masks will be required in accordance with a Richland County ordinance.

Minutes
Board Meeting – August 24, 2020

The Board of Trustees of School District Five of Lexington and Richland Counties conducted an in-person meeting at Spring Hill High School with the following members present:

Mr. Michael Cates, Chairman
Ms. Beth Hutchison, Vice Chairman
Mr. Robert Gantt, Secretary (via video/phone conference call)
Mrs. Nikki Gardner
Mrs. Jan Hammond
Mr. Ken Loveless
Mr. Ed White
Dr. Christina Melton, District Superintendent

The following staff members attended in person or virtually via video/phone conference call:

Mrs. Katrina Goggins, Director, Office of Communications
Mr. Michael Guliano, Chief Instructional Officer
Dr. Michael Harris, Chief Planning and Administrative Officer
Dr. Allison Jacques, Chief Human Resources Officer
Mr. Len Richardson, Chief Finance Officer

A livestream video link was provided to the public for the meeting.

Chairman Cates called the meeting to order at 7:06 p.m. and offered welcoming remarks.

Board member, Ed White, gave the Invocation and led the Pledge of Allegiance.

During the Superintendent's Report, Dr. Christina Melton provided an update entitled: "Reentry Plan Overview: Part IV", which highlighted reentry for the 2020-2021 school year. Mr. Mike Zuba and Mr. Patrick Gallagher of Milone and MacBroom, Inc., presented an "Update on Progress and Processes of Growth Forecasting and Redistricting Services."

During public participation, Rebecca Blackburn Hines spoke regarding community concerns.

ACTION AGENDA

Mrs. Cassy Paschal led the presentation for the naming of Elementary School #13 as shown in Exhibit C of the board packet. Naming committee members were present in the audience and introduced by Mrs. Paschal. The committee's recommendation to name the new elementary school, Piney Woods Elementary School, was approved unanimously by the Board of Trustees.

Mr. Len Richardson presented the list of attorneys (Exhibit D) who answered the Request for Qualifications (RFQ 2020-016) and met all qualifications.

DISCUSSION AGENDA

The meeting was adjourned at 9:25 p.m.

INFORMATION AGENDA

The following were included in the board packet as "Information Only": Board Policy EF "Food Services"; Temporary Administrative Rule EB-R "Maintaining Healthy Environments"; and, Temporary Administrative Rule EEA-R "Student Transportation".

The next regular scheduled board meeting will be September 14, 2020. Location to be determined.

Record of Voting

School District Five of Lexington and Richland Counties

Meeting of August 24, 2020

	Cates	Gantt	Gardner	Hammond	Hutchison	Loveless	White
1. M. Hutchison S. Gardner Approve the agenda	X	X	X	X	X	X	X
2. M. Hutchison S. Hammond Enter Executive Session to consider selected employment items, Exhibit A, Action, and Exhibit B, Information	X	X	X	X	X	X	X
3. M. Hutchison S. Gardner Approval of the minutes from the August 10, 2020 board meeting	X	X	X	X	X	X	X
4. M. Hutchison S. Hammond Action as necessary on appropriate matters discussed in Executive Session to approve selected employment items as shown in Exhibit A	X	X	X	X	X	X	X
5. M. Loveless S. White Approve item number 12 the naming of Elementary School #13 as shown in Exhibit C	X	X	X	X	X	X	X

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

	Cates	Gantt	Gardner	Hammond	Hutchison	Loveless	White
6. M. Hutchison S. Gardner Approve the administration's recommendation to approve the attorney firms listed in our packet shown on Exhibit D							
M. Loveless S. Hammond Copies of South Carolina Code of Laws 8-13-1342 (2018) as attached, is now being handed to fellow board members. SC Ethics Commission filings indicate that the board members have taken contributions from law firms on the district provided proposed list of attorneys prior to participation tonight. I therefore make the motion to table any action on this agenda item until the SC Ethics Commission and the state attorney general rule after submission by request of attorneys other than on list, upon the lawfulness of any proposed action.	N	N	X	X	N	X	N
M. Gardner S. Hammond Amend motion to strike Montgomery Willard, LLC from Property/Real Estate	-	-	-	-	-	-	-
M. Gardner S. Hammond Revise amended motion to strike Montgomery Willard, LLC from Business/Corporate instead of Property/Real Estate	N	N	X	X	N	X	N
Vote on original motion	X	X	N	N	X	N	X
7. M. Hutchison S. Gardner Adjourn at 9:25 p.m.	X	X	X	X	X	X	X

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

Amended Motion to agenda item # 13 of the 8/24/20 board meeting

Mr. Chairman,

Copies of South Carolina Code of laws 8-13-1342 (2018) as attached, is now being handed to fellow board members. SC Ethics Commission filings indicate that board members have taken contributions from law firms on the district provided proposed list of attorneys prior to participation tonight. I therefore make the motion to table any action on this agenda item until the SC Ethics Commission and the state attorney general rule after submission by request of attorneys other than on list, upon the lawfulness of any proposed action.

Respectfully submitted,

Kenneth B. Loveless, Trustee

Attachment #1, pg 1 is included with the minutes of the 8/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

ATTACHMENT TO AMENDED MOTION 8/24/20 BOARD MEETING AGENDA ITEM #13.

JUSTIA

Attachment #1, pg 2. is included with the minutes of the 8/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

2018 South Carolina Code of Laws Title 8 - Public Officers and Employees CHAPTER 13 - ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM Section 8-13-1342. Restrictions on contributions by contractor to candidate who participated in awarding of contract.

Universal Citation: SC Code § 8-13-1342 (2018)

No person who has been awarded a contract with the State, a county, a municipality, or a political subdivision thereof, other than contracts awarded through competitive bidding practices, may make a contribution after the awarding of the contract or invest in a financial venture in which a public official has an interest if that official was in a position to act on the contract's award. No public official or public employee may solicit campaign contributions or investments in exchange for the prior award of a contract or the promise of a contract with the State, a county, a municipality, or a political subdivision thereof.

ATTACHMENT TO AMENDED MOTION 8/24/20 BOARD MEETING
AGENDA ITEM #13

	Total FY 2020	Percent	Cates	Gardner	Gantt	Hammond	Hutchison	Loveless	White
Halligan, Mahoney, et al	$189,152	64.3%			10/14/16		10/22/16		
Haynesworth, Sinkler, Boyd	$10,155								
Montgomery, Willard	$42,217								
Richardson Plowden	$0								
White & Story	$38,576	13.1%			10/29/16*	10/30/2018	10/22/16		11/1/2018
Duff, Freeman, Lyon	$13,907								
Burr, Forman McNair	$0				10/15/16		9/19/16, 9/23/16		10/23/2018
Total	$294,007	77.5%							
Halligan and White/Story	$227,728								

* At the time the firm was named Duff, White and Turner

Attachment #1 pg 3 is included with the minutes of the 8/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

Attachment to the minutes of the August 24, 2020 board meeting.

August 24, 2020

Attached please find a letter from Dr. Christina Melton to me dated April 20,220. It was in response to a letter that I wrote to her on March 25, 2020. Also attached are the first and last pages of my letter which Dr. Melton forwarded to fellow board members. Because of a rule about the length of attachments, I am unable to include all herewith. The 32 attachments which were contained as part and parcel to my letter were not forwarded by Dr. Melton in reply to me. I confirmed that no attachments were sent to fellow board members Jan Hammond and Nikki Gardner.

Censorship by omission can be defined as "the suppression or prohibition of any parts of books, films, news, etc. that are considered obscene, politically unacceptable or a threat to security". The exclusion of my research on the matters at hand are suspect and opinions made in writing without the examination of the content of the attachments are without merit. My work and the meaning of it were altered without my consent.

The omissions included the facts that name calling by my accuser, Mr. Ed White which was in the 32 attachments was excluded. Also excluded was the name calling by fellow board member Beth Hutchison.

I made a serious attempt to do my job to provide oversight to the construction of Elementary School # 13. In spite of my best efforts I was forbidden to go onsite lest Mr. White, a citizen of another county, would attempt to have me removed from my elected position. (He has done so successfully before.) The exclusion of my research work, the lack of responsiveness to requests for production of documents from the district and the vehemence that I have encountered leads me to conclude that things are amiss.

Respectfully submitted,

Kenneth B. Loveless

Attachment #2, pg 1 is included with the minutes of the 8/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

Kenneth B. Loveless

228 Lookout Pointes Drive

Chapin, SC 29036

March 24, 2020

Attachment #2, pg 2 is included with the minutes of the 8/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

Dr. Christina Melton

Superintendent Lexington-Richland School District 5

1020 Dutch Fork Road

Irmo, SC 29063

Re: Elementary School # 13 Amicks Ferry Road

Dear Dr. Melton:

First, I am aware that district administration has had its hands full with the COVID-19 Pandemic. Yet, construction at the site continues and items within the body of this report have bearing upon contractor safety and quality of construction. As such, each should have relative equal gravity as compared to the present geopolitical occurrences. I believe that I had no choice but to report the situation.

As general notes, any item marked as CONFIDENTIAL is no longer so (and should never have been because this is public project) because the construction documents after approval of the GMP are for public knowledge. Likewise, passages to which I refer marked DRAFT were unchanged during contract negotiations and are also in the public domain.

All correspondence via district email concerning this matter is included. (See attachment #1) I initially requested that the Project Representative Dan Neal investigate by providing Daily Progress reports, photos, concrete delivery tickets for each batch (truckload), Field Density test reports, cut sheets and submittals for select fill and by class of concrete used on site. We also need to review all dates of mobilizations of each contractor or subcontractor, concrete tests reports, soils test reports and electrical conduit submittals from the period interval from the inception of the project until and including progress on December 9, 2019. The initial soils information given indicated an Erosion and Sedimentation Observation Report from Terracon dated 9/25/2019. So, the inception of the project had to have occurred before that date.

At the December 9, 2019 school board meeting, Mrs. Susan Baker made know her observations (see attachment # 2) and requested explanations for actions taken by the Contractor on the night of December 6, 2019. Mrs. Baker has never received an answer to her inquiry. Under school board policy BEDH (see attachment #3) a school board trustee may request an official oral answer to the information

Please act accordingly.

Respectfully submitted,

Kenneth B. Loveless, Trustee

Attachment #2 pg 3 is included with the minutes of the 8/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

Ken Loveless

From: Kenneth Loveless <kloveless@lexrich5.org>
Sent: Monday, April 20, 2020 2:30 PM
To: Ken Loveless
Subject: Fwd: CCI Response to Ken Loveless Letter
Attachments: Response to 3.24 Loveless Letter.pdf; Endorsement to GH Ltr.pdf; Loveless Letter.pdf

---------- Forwarded message ---------
From: **Christina Melton** <csmelton@lexrich5.org>
Date: Mon, Apr 20, 2020, 1:45 PM
Subject: Fwd: CCI Response to Ken Loveless Letter
To: Christina Melton <csmelton@lexrich5.org>

Attachment #2, pg 4 is included with the minutes of the 5/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

Board Members,

Please be advised that this email is being blind copied to all members of the Board of Trustees.

Attached is communication I received from Mr. Loveless on March 25, 2020. Mr. Loveless raised serious questions that caused me great concern regarding construction at the new elementary school. As the chief executive officer of the District, I felt responsible to engage the appropriate parties to review and report findings. You will also find two additional attachments with information for your review sent to me from our consultant, Mr. Neal.

Christina S. Melton, Ed.D.
Superintendent
School District Five of Lexington & Richland Counties
office: 803.476.8169 or 803.476-8116
www.lexrich5.org

Pursuing Excellence for Tomorrow's Challenges

---------- Forwarded message ---------
From: **Dan Neal** <familyneals@aol.com>
Date: Mon, Apr 20, 2020 at 11:06 AM
Subject: Fwd: CCI Response to Ken Loveless Letter
To: <csmelton@lexrich5.org>

Dr. Melton, please find attached, Greg Hughes' (President CCI) response to the letter from Mr. Loveless dated March 24, 2020. As I say in my endorsement, also attached, I agree with Mr. Hughes' response to the issues raised. As a personal note, I would say that I have worked with dozens of K-12 prime and sub contractors since my retirement from the Navy in 1998 and CCI is the best of the best. Please let me know if you have any questions or would like to discuss further. Thanks,

Gmail prick

Main menu

Compose

Drafts 22

Less

Important

Chats

Scheduled

All Mail

Spam 5

Kenneth +

Kenneth Loveless

Mr.Gantt, Proposed amendment 2 to the GMP is on the website now. It was not on the same at the time the ac

Edward White <ewhite@lexrich5.org>

to me

Ignore him. He is being a prick.

Kenneth Loveless <kloveless@lexrich5.org>

to Edward

Coming from the guy who knows!

Kenneth Loveless <kloveless@lexrich5.org>

to Edward

Mr. Gantt, Btw, there is a million dollar typo in proposed amendment#2. The one in the body in script says $22 mill the$23 million plus is the correct figure????Thanks Ken Loveless

No recent chats

Start a new one

Reply Forward

Attachment #2 1835 is included with the minutes of the 8/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

Gmail RGantt@lexrich5.org

Compose

Drafts 22
Less
Important
Chats
Scheduled
All Mail
Spam 5
Trash

Kenneth +

No recent chats
Start a new one

Kenneth Loveless

---------- Forwarded message --------- From: Kenneth Loveless <kloveless@lexrich5.org> Date: Thu, Feb 13, 2(

Beth Hutchison

to me

Not only are you cheap, you are a jackass.

--
Beth Hutchison
Board of Trustees
School District Five of Lexington and Richland Counties
BHutchison@lexrich5.org

Attachment #2 pg 6 is included with the minutes of the 4/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

Beth Hutchison

to Board, Christina, Jan, Michael, Nikki, Robert, me

I forgot to respond to the whole board when I just replied to Ken on his email. Here is what I told him:

"Not only are you cheap, you are a dumb ass."

Quote me on that.

Beth

Beth Hutchison

to me, Board, Christina, Jan, Michael, Nikki, Robert

12/6/19 6:29 PM

Ken, hate to bother you, but Driving by new elementary school Amicks Ferry Rd. and was dismayed to see workers with cement mixer pouring cement with truck lights here at 6:15 pm tonight12/6/2019; . Ugh! Concerned over quality and property cement and supervision etc.

Attachment #2, pg 7 is included with the minutes of the 8/24/2020 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 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.

12/6/19 6:34 PM

Type a message...

GIF

1 2 3 4 5 6 7 8 9 0

Q W E R T Y U I O P

A S D F G H J K L

EXHIBIT C

RECEIVED
AUG 24 2020
BY: EKS

SCSBA
The South Carolina School Boards Association

TO: Board Chairs and District Superintendents

FROM: Scott T. Price, Executive Director

RE: **Certification of Delegates for the 2020 Delegate Assembly**

DATE: August 17, 2020

SCSBA's annual business meeting will take place on **Friday, December 4, 2020**, at 11:30 a.m., at the Convention Center in Columbia, South Carolina. This meeting is being held in conjunction with the Legislative and Advocacy Conference. The Legislative and Advocacy Conference will be a ½-day event presented virtually on Thursday, December 3, 2020. We plan to make every effort to host the Delegate Assembly as an in-person meeting. If health concerns warrant a virtual meeting for safety reasons, we will have a plan in place for a virtual meeting on December 4.

According to the SCSBA Constitution, *Article V*, the Delegate Assembly is the policy-making body of the association and is composed of certified voting delegates from active member boards. The number of votes allocated to each board is based on pupils enrolled in public elementary and secondary schools as per the ADM from the State Department of Education.

In order to make an in-person Delegate Assembly as safe as possible, SCSBA is asking local boards to limit the number of delegates to one per district. Since we are developing two plans – in person and virtual, we are moving the deadline for certifying delegates to September 25.

I am enclosing the official voting delegate certification form. On the form, you will find how many votes your district is allowed and the rules of the Delegate Assembly from SCSBA's Constitution.

Please take a moment to list the name of your delegate. Again, during this pandemic, we are asking each board to name one delegate only. **Please remember, the delegate your district sends to delegate assembly should represent and vote on behalf of your board.** When the delegate assembly book is posted to the website and the link is emailed to all board members in mid-September or early October, I encourage you to take time at a board meeting to review the items that will be voted on at the meeting on December 4.

Please choose an alternate delegate as well. Anyone who is not a certified voting delegate, or a certified alternate delegate will **not** be allowed to vote during the Delegate Assembly. In an attempt to keep the number of participants as low as possible, please do not send your alternate to the meeting on December 4 unless the delegate will not be attending. **There will be strict adherence to this rule.**

Please discuss this information at your next board meeting. All certification forms must be received in the SCSBA office by **Friday, September 25, 2020.** You may email your signed form to Judy LeGrand at jlegrand@scsba.org, mail a hard copy, or fax to 1.877.859.6439.

Thank you for your attention to this important matter. I look forward to hearing from you soon. If you have any questions, please contact me at sprice@scsba.org, 803-988-0259, or 803-240-7658.

2020 SCSBA Delegate Assembly

Official Voting Delegate Certification Form

Lexington 05
Your district is allowed **6 Votes**

Certification deadline: Friday, September 25, 2020

Certification of Delegates from SCSBA's Constitution:

Article V, Section 4. Each active member board will certify its voting delegate to SCSBA before the deadline date for such certification. An alternate delegate for each voting delegate will also be named and certified. **In no case will a member of a member board be allowed to serve as an official delegate unless certified by the member board as a delegate or alternate prior to the designated deadline for certification.**

Official Voting Delegate

Because of safety and social distancing precautions and the possibility of the Delegate Assembly being held virtually, SCSBA is asking that each district board name only one delegate and one alternate. The following board member has been designated as an official voting delegate at the annual business meeting on **Friday, December 4, 2020**. Please list your delegate attending along with an alternate. Include name and number of votes assigned to the delegate.

Check one

	Name	Number of votes
☐ delegate ☐ alternate		
☐ delegate ☐ alternate		

This form is not official until we have the appropriate signatures listed below.

_____ Superintendent

_____ Board Chairman

For delegates to be certified, this form must be returned by September 25, 2020 to:
Judy LeGrand, SCSBA, 111 Research Drive, Columbia, SC 29203; email: jlegrand@scsba.org
Or fax: 1-877-859-6439. Thank you.