Minutes
Board Meeting – October 12, 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
Mrs. Nikki Gardner
Mrs. Jan Hammond
Mr. Ken Loveless
Mr. Ed White
Dr. Christina Melton, District Superintendent

The following staff members attended:

Mrs. Katrina Goggins, Director, Office of Communications
Mr. Michael Guliano, Chief Instructional Officer
Dr. Michael Harris, Chief Planning and Administrative Officer
Dr. Tamara Turner, 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 7:00 p.m. and offered welcoming remarks. Mr. Cates recognized board member Beth Hutchison, who was presented a resolution for her service on the School District Five Board of Trustees by Representative Chip Huggins.

Board member, Mrs. Nikki Gardner, gave the invocation and also led the Pledge of Allegiance.

During the Superintendent's Report, Mr. Len Richardson provided a FY 2020-2021 General Fund Budget Amendment which was adopted and approved by the Board of Trustees. Dr. Christina Melton provided an update entitled: *2020-2021 School Reentry Overview: Part VII*, which highlighted grading, attendance, and the high school Wednesday schedule. A review of the procedures for Instructional Model change requests was provided as well.

The minutes of the September 28, 2020 board meeting were presented and approved.

During public participation, the following people spoke regarding school redistricting: David Brent, Patricia Stegura, Lewis Hardison, Michelle Ziehl, Stephanie Lipford, (both Ms. Ziehl and Ms. Lipford

provided petitions for Rolling Creek subdivision), and Charli Wessinger (Ms. Wessinger also provided a Lexington County IDEA Week flier). Kim Murphy spoke regarding taxes, and Hugh Ryan spoke regarding enrollment numbers and Spring Hill High School.

ACTION AGENDA

Action was taken as necessary or appropriate on matters discussed in Executive Session: Selected employment items shown in Exhibit A, for Action; selected employment items shown in Exhibit B, Information Only; and Request for Instruction at a Place Other Than School, shown in Exhibit C.

DISCUSSION AGENDA

Discussion and First Reading of proposed revisions to board policy IC "School Year" (Exhibit D) was presented by Mrs. Katrina Goggins.

An Update on Progress and Processes of Growth Forecasting and Redistricting was provided by Mr. Mike Zuba and Mr. Patrick Gallagher of Milone and MacBroom, Inc.

The meeting was adjourned at 9:56 p.m.

INFORMATION AGENDA

The next regular scheduled board meeting will be November 16, 2020. Location to be determined.

Record of Voting

School District Five of Lexington and Richland Counties

Meeting of October 12, 2020

	Cates	Gantt	Gardner	Hammond	Hutchison	Loveless	White
1. M. Hutchison S. Gantt Approve the agenda							
M. Hutchison S. Gantt	X	X	X	X	X	X	X
Amend the original motion to change item #14 to continuation of public participation and change item #15 to adjourn.							
Vote on original motion	X	X	X	X	X	X	X

	Cates	Gantt	Gardner	Hammond	Hutchison	Loveless	White
2. M. Hutchison S. Hammond Enter Executive Session to consider selected employment items, Exhibit A, Action; Exhibit B, Information, and Request for Instruction at a Place Other Than School, Exhibit C	X	X	X	X	X	X	X
3. M. Hammond S. Hutchison Approve the FY 2020-2021 General Fund Budget Amendment	X	X	X	X	X	X	X
4. M. Gantt S. Hammond Approve the minutes from the September 28, 2020 board meeting	X	X	X	X	X	X	X
5. M. Hutchison S. Gantt Approve selected employment items as shown in Exhibit A	X	X	X	X	X	X	X
6. M. Hutchison S. Hammond Allow the request for instruction at a place other than school as shown in Exhibit C	X	X	X	X	X	X	X
7. M. Hutchison S. White Adjourn at 9:56 p.m.	X	X	X	X	X	X	X

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

Resubmitted by Beth Hutchison 10/12/20 mtg

see pgs 2+3 for Mr. Loveless's Recusal requirement; regarding Ethics Commission Warning that he must recuse himself in School Board business whenever discussion or vote about contract Construction - he must recuse himself.

State of South Carolina

State Ethics Commission

CHILDS C. THRASHER, CHAIR
DONALD M. HOLLAND, SR., VICE CHAIR
BRIAN M. BARNWELL
AJ HOLLOWAY
DON JACKSON
BRANDOLYN THOMAS PINKSTON

201 EXECUTIVE CENTER DRIVE, SUITE 150
COLUMBIA, S.C. 29210
MEGHAN G. WALKER
EXECUTIVE DIRECTOR

September 25, 2020

Attachment #3, pg 6 is included with the minutes of the 9/25/2020 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.

VIA ELECTRONIC MAIL ONLY
Kenneth B. Loveless
228 Lookout Pointes Drive
Chapin, SC 29036
ken@lovelesscontracting.com

Re: Informal Opinion Request

Dear Mr. Loveless:

Thank you for your request for an informal opinion from the State Ethics Commission (Commission). An informal opinion is the opinion of Commission staff, taking into consideration any applicable formal opinions, law, and/or judicial decisions. Please be advised that an informal opinion is not binding on the Commission. Additionally, the Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act). This opinion is based solely on the facts relayed by you and does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation. A failure to disclose relevant information may void the opinion.

ISSUE

On September 21, 2020, you presented the following in an e-mail:

> I am an elected member of the Lexington-Richland District Five Board of Trustees. The company for whom I am employed as President, Loveless Commercial Contracting, Inc., from time to time subcontracts work from general contractors. I understand that our company can neither bid upon nor construct projects either as subcontractor or a general contractor for District Five. Loveless Commercial Contracting, Inc. has never done so.
>
> If my employer, Loveless Commercial Contracting, Inc. is awarded a project outside of District Five such as an upcoming project at E.L. Wright Middle School in Richland District No. 2 as a subcontractor for a general contractor who does

Attachment #1, pg 1 is included with the minutes of the 10/12/2020 meeting, at the request of Board member Beth Hutchison 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.

See pages 2+3

Attachment #1, pg 2 is included with the minutes of the 10/12/2020 meeting, at the request of Board member Beth Hutchison 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.

business with District Five, what ethics path in reference to voting upon matters that effect the general contractor with whom Loveless contracts should I follow?

LAW

Section 8-13-700 states, in part:

(A) No [public official] may knowingly use his official [office] to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated . . .

(B) No [public official] may make, participate in making, or in any way attempt to use his [office] to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A [public official] who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

. . .

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes.

Attachment #3, pg 7 is included with the minutes of the 9/28/2020 meeting, at the request of Board member 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.

By Beth Hutchison 10/12/2020

Section 8-13-100(4) defines "business with which he is associated" as:

[a] business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth more than one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

DISCUSSION

Based on the facts presented, the general contractor for which Loveless Construction subcontracts is a "business with which [you are] associated" for purposes of the Ethics Act. This means that whenever you are faced with a scenario in which the general contractor has an economic

- General Contractor Contract Construction as of Oct. 2020

* If other conflicts occur, the requirement to recuse stands

Note: Mr. Loveless must recuse himself

interest, you must recuse yourself from that matter following the instructions in Section 8-13-700(B). There is no outright prohibition against Loveless Construction performing subcontracting work for this general contractor; rather, Section 8-13-700(B) must be followed in instances where the general contractor has an economic interest. Thank you for contacting the Commission. If you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

Courtney M. Laster

Courtney M. Laster
General Counsel

Attachment #1, pg 3 is included with the minutes of the 10/2/2020 meeting, at the request of Board member Beth Hutchison 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 #3, pg 8 is included with the minutes of the 9/25/2020 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.