



Minutes
Board Meeting – February 8, 2021

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:

Mrs. Rebecca Blackburn Hines
Mrs. Nikki Gardner, Secretary
Mrs. Jan Hammond, Chair
Mr. Matt Hogan
Mrs. Catherine Huddle
Mr. Ken Loveless, Vice Chair
Mr. Ed White
Dr. Christina Melton, District Superintendent

The following staff members attended:

Mr. Todd Bedenbaugh, Executive Director of Operations
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

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

Mrs. Hammond called the meeting to order at 7:09 p.m. and offered welcoming remarks. Board member, Mr. Ken Loveless, gave the invocation and also led the Pledge of Allegiance.

During the Superintendent's Report, Dr. Melton acknowledged the first virtual Teacher Recruitment Event that took place on Saturday, February 6, 2021. Following, was the 2020-2021 School Reentry Overview, Part XI presentation, with no new recommendations. The second presentation, Flexible Innovative Virtual Education (FIVE) was a proposal for the 2021-2022 school year. The administration recommended approval of Tier I: Kindergarten through 12th grade.

During public participation, the following people spoke regarding school safety and COVID protocols: Gordon Johnstone and Peter Lauzon. Hugh Ryan spoke regarding the quarantine policy for sports. Renee Cabaup spoke regarding school safety, five day face-to-face and the need for a third instructional model. Kim Murphy spoke regarding rezoning issues.

Action Agenda

Action as necessary or appropriate on matters discussed in Executive Session.
Approval of proposed 2021-2022 school year calendar.
Second reading approval of revisions to Policy BDE "Board Committees".

Discussion Agenda

Financial relationship of board member with a vendor and recusal requirements.

The following board members submitted items for the record (attached): Ed White, Rebecca Blackburn Hines, Jan Hammond, Ken Loveless and Nikki Gardner.

Record of Voting



School District Five of Lexington and Richland Counties

Meeting of February 8, 2021

	Blackburn Hines	Gardner	Hammond	Hogan	Huddle	Loveless	White
1. M. Loveless S. Huddle Approve the agenda	X	X	X	X	X	X	X
2. M. Loveless S. Huddle Enter Executive Session to discuss: a. Selected employment items (Exhibit A) (Action) b. Selected employment items (Exhibit B) (Information Only) c. Discussion and review of the Superintendent's Goals/Expectations and the Board/Superintendent Relationship d. Legal advice regarding one construction contract e. Legal advice related to Amicks Ferry Elementary School sewer line	X	X	X	X	X	X	X
3. M. Blackburn Hines S. White I move that we approve proposed revisions to policy IE "Organization of Instruction" and policy IJNDAA "Distance, Online and Virtual Education" presented at the last meeting (Motion withdrawn) M. Blackburn Hines S. Hogan I move that the board approve the Tier I recommendation for the Flexible Innovative Virtual Education program (FIVE)	X	X	X	X	X	X	X
4. M. Gardner S. Loveless Approve the minutes of the January 25, 2021 board meeting. M. Huddle S. Gardner I move to amend the minutes of the January 25, 2021 Board Meeting to add the following after the sentence regarding Burkett, Burkett and Burkett: During the presentation, Mr. Hodges indicated they were unable to provide the review requested at the prior meeting and that doing so would require additional audit services at an estimated cost of \$20,000. The board did not request this additional work at the time. Vote on original motion	X	X	X	X	X	X	X

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

	Blackburn Hines	Gardner	Hammond	Hogan	Huddle	Loveless	White
5. M. Loveless S. Gardner I move that we approve the selected employment items as discussed in Executive Session under Exhibit A	X	X	X	X	X	X	X
6. M. Loveless S. Blackburn Hines I make the motion that we authorize the district administration to send a letter to the Town of Chapin concerning the Amicks Ferry Rd. (Piney Woods Elementary School) sewer line matter	X	X	X	X	X	X	X
7. M. Blackburn Hines S. Hogan I move that the board approve the proposed 2021-2022 school year calendar in Exhibit C	X	X	X	X	X	X	X
8. M. Huddle S. Gardner I move that we approve the second reading of revisions to board policy BDE "Board Committees"							
M. White S. Blackburn Hines I move to amend the motion to insert a sentence in the third paragraph that says "The Board shall define the objectives of any such committee and tenure of such committee"	X	N	N	X	N	N	X
Vote on original motion	N	X	X	X	X	X	N
9. M. Huddle S. Loveless I move that we ask the SC Ethics Commission to rule on three (3) items: 1. What is the definition of recuse in the 9/25/20 letter to Mr. Loveless? 2. Given Mr. White's contributions from Contract Construction and two offices of Contract Construction should he recuse himself from matters involving Contract Construction? 3. If Mr. White is an equity partner in Nelson Mullins must he recuse himself from all matters involving customers of Nelson Mullins who also are vendors of District Five?							
M. Blackburn Hines S. Hogan Amend the motion to include a question of whether or not the SC Ethics opinion provided by Mr. Loveless precludes him from inspection of the Piney Woods Elementary School site	X	N	X	X	X	N	AB

Vote on original motion		X	X	X	X	X	X	AB
10. M. Blackburn Hines	S. Hogan	X	X	X	X	X	X	X
Adjourn at 9:20 p.m.								
		Blackburn Hines	Gardner	Hammond	Hogan	Huddle	Loveless	White

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February 8, 2021

Submitted by Rebecca Blackburn Hines

The agenda item, 'Discussion and review of the Superintendent's Goals/Expectations and the Board/Superintendent Relationship,' was originally on the executive session agenda for the Jan. 25 meeting. However, with a 7-0 vote, the board moved that agenda item to the Discussion Agenda. Since the board adjourned before that agenda item was handled, it carries over to the next meeting and is considered "unfinished business" under Robert's Rule of Order. Therefore, it must remain in the Discussion Agenda of tonight's meeting since it was in that section of the meeting per the vote and when the meeting adjourned.

Attachment #2, pg.1 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Rebecca Blackburn Hines
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
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the order of business. If a special order is on the table, it is in order to move to take it from the table under this heading when no question is pending (17:34).

41:21 **5. Unfinished Business and General Orders.** The term *unfinished business*,⁵ in cases where the regular business meetings of an organization are not separated by more than a quarterly time interval (9:7), refers to questions that have come over from the previous meeting (other than special orders) as a result of that meeting's having adjourned without completing its order of business (21:7(b)) and without scheduling an adjourned meeting (9:22) to complete it.

41:22 A *general order* (as explained under *Orders of the Day*, below) is any question which, usually by postponement, has been made an order of the day without being made a special order.

41:23 The heading of *Unfinished Business and General Orders* includes items of business in the four categories that are listed below in the order in which they are taken up. Of these, the first three constitute "Unfinished Business," while the fourth consists of "General Orders":

- a) The question that was pending when the previous meeting adjourned, if that meeting adjourned while a question other than a special order was pending.
- b) Any questions that were unfinished business at the previous meeting but were not reached before it adjourned—taken in the order in which they were due to come up at that meeting as indicated under (a) and (c).
- c) Any questions which, by postponement or otherwise, were set as

general orders for the previous meeting, or for a particular hour during that meeting, but were not reached before it adjourned—taken in the order in which the general orders were made.

- d) Matters that were postponed to, or otherwise made general orders for, the present meeting—taken in the order in which they were made.

Regarding the relationship between this heading in the order of business and general orders for particular hours, see 41:49–52.

41:24 The chair should not announce the heading of *Unfinished Business and General Orders* unless the minutes show that there is some business to come up under it. In the latter case, he should have all such subjects listed in correct sequence in a memorandum prepared in advance of the meeting. He should *not* ask, "Is there any unfinished business?" but should state the question on the first item of business that is due to come up under this heading; and when it has been disposed of, he should proceed through the remaining subjects in their proper order. If a question was pending when the previous meeting adjourned, for example, the chair might begin this heading by saying, "Under Unfinished Business and General Orders, the first item of business is the motion relating to use of the parking facilities, which was pending when the last meeting adjourned. The question is on the adoption of the motion 'That... [stating the motion].'" Later under the same heading, in announcing a general order that was made by postponing a question, the chair might say, "The next item of business is the resolution relating to proposed improvement of our newly purchased picnic grounds, which was postponed to this meeting. The resolution is as follows: 'Resolved, That... [reading the

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resolution].’ The question is on the adoption of the resolution.”

41:25 Any item of business (in whatever class) that is on the table can be taken from the table under this heading at any time when no question is pending (17.34). To obtain the floor for the purpose of moving to take a question from the table at such a time, a member can rise and address the chair, interrupting him as he starts to announce the next item of business after the previous one is disposed of.

41:26 It should be noted that, with the exception indicated in the preceding paragraph, a subject may not be taken up under Unfinished Business and General Orders unless it has acquired such status by one of the formal processes (a), (c), or (d) listed in 41:23. If brief consultation during a meeting leads to an informal understanding that a certain subject should be “brought up at the next meeting,” that does not make it unfinished business. Instead, the matter would have to be introduced at the next meeting as new business, as explained below.

41:27 **6. New Business.** After unfinished business and general orders have been disposed of, the chair asks, “Is there any new business?” Members can then introduce new items of business, or can move to take from the table any matter that is on the table (17.34), in the order in which they are able to obtain the floor when no question is pending, as explained in 3 and 4. So long as members are reasonably prompt in claiming the floor, the chair cannot prevent the making of legitimate motions or deprive members of the right to introduce legitimate business, by hurrying through the

proceedings.

41:28 **Optional Headings.** In addition to the standard order of business as just described, regular meetings of organizations sometimes include proceedings in the categories listed below, which may be regarded as optional in the order of business prescribed by this book.

41:29 After the call to order and *before the reading of the minutes*, the next two headings may be included:

41:30 **Opening Ceremonies or Exercises.** Opening ceremonies immediately after the meeting is called to order may include the invocation (which, if offered, should always be placed first), the singing of the national anthem, the reciting of the Pledge of Allegiance to the flag, a ritual briefly recalling the objects or ideals of the organization, or the like.

41:31 **Roll Call.** In some organizations it is customary at meetings to call the roll of officers in order to verify their attendance—or, sometimes in very small societies, even to call the roll of members. If there is a roll call of this nature, it should take place at the end of the opening ceremonies unless a special rule of the organization assigns it a different position in the order of business. The chair announces it by saying, “The Secretary will call the roll of officers [or “will call the roll”].”

41:32 **Consent Calendar.** Legislatures, city, town, or county councils, or other assemblies which have a heavy work load including a large number of routine or noncontroversial matters may find a *consent calendar* a useful tool for disposing of such items of business. Commonly, when such a

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simply announcing, "If there is no objection, we will hear our speaker's address at this time."

Taking Up Business out of Its Proper Order

- 41:37 Any particular item of business can be taken up out of its proper order by adopting a motion to *Suspend the Rules* (25) by a two-thirds vote, although this is usually arranged by unanimous consent (4:58–63). Hence, an important committee report or an urgent item of new business can be advanced in order to assure its full and unhurried consideration. If desired, before the completion of the advanced question the regular order of business can be returned to by a majority vote—by adopting a motion to lay the pending question on the table (17).
- 41:38 To take up a motion out of its proper order—for example, to introduce an item of new business before that heading is reached—a member who has obtained the floor can say, "I ask unanimous consent to introduce at this time a resolution on financing better schools." If there is any objection, or the member anticipates that there may be, he can say, "I move to suspend the rules that interfere with the introduction at this time of..." If unanimous consent is given or if this motion is adopted by a two-thirds vote, the member is immediately recognized to introduce the resolution. If only one or two items stand ahead of the item it is desired to reach, it may be just as simple to lay the intervening items on the table individually (17), or to postpone them as they arise (14). It is

not in order to lay on the table or postpone a *class* of questions, like committee reports, or anything but the question that is actually before the assembly. (See 14:10–11, 17:3(2), 17:14.)

- 41:39 The chair himself cannot depart from the prescribed order of business, which only the assembly can do by at least a two-thirds vote. This is an important protection in cases where some of the members principally involved in a particular question may be unable to be present through an entire meeting. When such a departure from the order of business is justified, however, it is usually easy for the chair to obtain the necessary authorization from the assembly. He can say, for example, "The chair will entertain a motion to suspend the rules, and take up..." or (for obtaining unanimous consent), "If there is no objection, the chair proposes at this time to proceed to take up..." (see also illustration under the heading *Program* above).

Orders of the Day

- 41:40 An *order of the day*, as stated above, is a particular subject, question, or item of business that is set in advance to be taken up during a given session, day, or meeting, or at a given hour, provided that no business having precedence over it interferes. In cases where more than a quarterly time interval (9:7) will elapse before the next regular business session of the organization, an order of the day cannot be made for a time beyond the end of the present session. If the next regular business session will be held within a quarterly time interval, an order of the day cannot be made beyond the

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end of that next session. An order of the day cannot be taken up before the time for which it is set, except by reconsidering (37) the vote that established the order (so long as a reconsideration is possible), or by suspending the rules (25) by a two-thirds vote.

41:41 Orders of the day are divided into the classes of *general orders* and *special orders*. A special order is an order of the day that is made with the stipulation that any rules interfering with its consideration at the specified time shall be suspended except those relating: (a) to adjournment or recess (8, 20, 21); (b) to questions of privilege (19); (c) to special orders that were made before this special order was made; or (d) to a question that has been assigned priority over all other business at a meeting by being made *the* special order for the meeting as described in 41:57. An important consequence of this suspending effect is that, with the four exceptions just mentioned, a special order for a particular hour interrupts any business that is pending when that hour arrives. Since the making of a special order has the effect of suspending any interfering rules, it requires a two-thirds vote (except where such action is included in the adoption of an agenda or program for a session having no prescribed order of business). Any matter that is made an order of the day without being made a special order is a general order for the time named.

41:42 An item of business can be made an order of the day in the following ways:

- 1) While the question is pending, it can be postponed (14) to the specified time by a majority vote (in which case it is a general order);

or, by a two-thirds vote, it can be postponed to that time and made a special order.

- 2) A question that has not yet been brought before the assembly can be made a special order for a future time by means of a main motion adopted by a two-thirds vote. Similarly, it is possible, although less common, to make a question that is not pending a general order for a future time by a majority vote.
- 3) An agenda or program assigning a specific position or hour to the item of business can be adopted. The subject is then a general order or a special order, depending on the form of the agenda or program (see 41:58). For the vote required to adopt an agenda, see *Procedure for Adoption*, 41:61.

41:43 Forms for Motions to Make General or Special

Orders. The forms in proposing to make a *pending* question an order of the day for a future time by means of the motion to *Postpone* are given in 14:20.

- 41:44 When a question that is *not pending* is made an order of the day, it is usually made a special order. A main motion to make a particular subject a special order can be introduced whenever business of its class or new business is in order and nothing is pending. It can be offered in this form: "I move that the following resolution be made a special order for the next meeting: '*Resolved*, That...';" or, "I offer the following resolution and move that it be made a special order for 3 P.M.: '...'" In the case of a committee report, a resolution such as this may be adopted: "*Resolved*, That the report of the committee on the revision of the bylaws be made the special order for Wednesday morning and thereafter until it has been disposed of."

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41:45 Motions in similar forms can also be used to make a question that is not pending a general order. In this connection, however, it should be noted that a majority can thus prevent a matter from coming before the assembly until a future time, but after a majority has taken such action, nothing less than a two-thirds vote can change it unless it is reconsidered (37). If a main motion to make a question that is not pending an order of the day for a future time is introduced, any member who would prefer to consider the matter immediately should speak in debate against the motion that would make it an order of the day. If that motion is voted down, he can then introduce the subject of the proposed order as a main question.

41:46 **Relation of Orders of the Day to the Established Order of Business.** In assemblies that follow the "standard" order of business explained above, orders of the day for a given session, day, or meeting that are not set for particular hours are taken up under the headings of *Special Orders* and *Unfinished Business and General Orders* (see 41:18-26). In cases where an ordinary society has adopted its own order of business for regular meetings, it usually includes similar headings covering such orders of the day. Where an organization's order of business does not provide such headings, special orders not set for particular hours are taken up before unfinished business and general orders, or (if there are neither of these), at all events before new business. Under the same conditions, general orders are taken up after any unfinished business (that is, business pending at the adjournment of the previous meeting, if any,

and orders of the day not disposed of at the time of its adjournment), and before new business unless a later hour is specified (see below).

41:47 The most common instances of orders of the day set for particular hours occur in conventions.

41:48 In any type of assembly, in cases where orders of the day have been set for particular hours, their consideration at the proper time may cause interruption or modification of the order of business as it exists apart from these orders of the day; and different orders of the day may come into conflict. Rules governing such cases are as follows:

41:49 **Rules of precedence affecting general orders for particular hours.** As stated above, a general order that has been set for a particular hour cannot be considered before that hour unless the rules are suspended by a two-thirds vote, or unless the vote that made the general order can still be reconsidered. This is the principal effect of making a subject a general order for a particular hour. Since the making of a general order does not suspend any rules, even if it is designated for a particular hour, delay in its consideration when that hour arrives may arise from a number of causes. Even though the hour fixed for a general order has arrived, the order can be taken up only when all of the following additional conditions are fulfilled:

- a) no other business is pending;
- b) no special order interferes;
- c) no motion to *Reconsider* (37) that may then be moved or called up interferes;
- d) the category of General Orders in the prescribed order of business

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- has been reached or passed; and
- e) all general orders that were made before this order was made, except any that were set for a time that has not yet arrived, have been disposed of.

As soon after the designated hour as conditions (a), (b), (d), and (e) are met, the chair announces the general order as the pending business; but as he starts to do so, any member can rise and address the chair for the purpose of moving or calling up a reconsideration.

41:50 The rule that a general order for a particular hour does not interrupt a pending question when that hour arrives holds even when the pending question is a general order that was made later.⁶ But if a general order for an earlier time is not reached by the time set for another general order that was made before it was, the general order that was made first is taken up in preference to the one for the earlier time.

41:51 Example. A motion is postponed to 4:30 P.M. Later, another motion is postponed to 4:15 P.M. If the 4:15 motion is taken up at that time (or at least before 4:30) and is not disposed of by 4:30, it continues under consideration and is not interrupted. But if the 4:15 motion is not reached by 4:30, the 4:30 motion, having been postponed first, has preference and will be taken up first. Unless something else affects the situation, the 4:15 motion in such a case will be considered after the disposal of the 4:30 motion.

41:52 If several general orders were made for the same time, they are taken up in the order in which they were made. If several general orders were made for the same time in the same motion, they are taken up in the order in which they are listed in the motion. If all of this business is not disposed

of before adjournment, it is treated as described in **21:7** and **41:23**.

41:53 Rules of precedence affecting special orders for particular hours. A special order for a particular hour cannot be considered before that hour except by a two-thirds vote. But when the designated hour arrives, the special order automatically interrupts any business that may be pending except: (a) a motion relating to adjournment or recess; (b) a question of privilege; (c) a special order that was made before the special order set for the present hour was made; or (d) the special order for a meeting, as described below. The chair simply announces the special order at the proper time, as shown in **14:22**.

41:54 With the exception of the special order for a meeting, when special orders that have been made at different times come into conflict, the one that was made first takes precedence over all special orders made afterward, which rank in the order in which they were made. This rule holds even when special orders made later have been set for consideration at earlier hours. No special order can interfere with one that was made earlier than itself. If several special orders have been made at the same time for the same hour, they rank in the order in which they are listed in the motion by which they were made. If they were made at the same time for different hours, it is implied that the vote on each one will be taken when the hour for the next one arrives, and the same rules apply as those for taking up topics in an agenda (see **41:65**).

41:55 Example. Assume that a special order has been made for 3

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assembly, by a two-thirds vote or by unanimous consent (4:58-63), can adopt a motion to "suspend the rules and take up" the desired question or, equivalently, "to pass" one or more items or classes of subjects in the order of business. After a question taken up out of its proper order by such a suspension of the rules has been disposed of, the regular order of business is resumed at the point where it was left off (see 25).

- 14:12 Postponement of a Subject That the Bylaws Set for a Particular Session.** A matter that the bylaws require to be attended to at a specified session, such as the election of officers, cannot, in advance and through a main motion, be postponed to another session. It can be taken up at any time when it is in order during the specified session (that is, either as originally convened or at any adjournment of it); and it can be postponed to an adjourned meeting in the manner explained above, after first adopting, if necessary, a motion to *Fix the Time to Which to Adjourn*. The adjourned meeting, as already stated, is a continuation of the same session. The procedure of postponing such a matter to an adjourned meeting is sometimes advisable, as in an annual meeting for the election of officers on a stormy night when, although a quorum is present, the attendance is abnormally small. If the matter has actually been taken up during the specified session as required, it also may be postponed beyond that session in accordance with the regular rules for the motion to *Postpone*. It is usually unwise to do so, however, unless completing it during the session proves impossible or impractical.

- 14:13 Time at Which a Postponed Question Is Taken Up Again.** A postponed question becomes an *order of the day* for the session, day, meeting, or hour to which it is postponed. It cannot be taken up *before* the time for which it is set, except by reconsidering (37) the vote on the motion to *Postpone*, or by suspending the rules by a two-thirds vote. The postponed question is taken up either at the specified time or later, as follows:

- 14:14** Orders of the day consist of *general orders* and *special orders*. If the motion to *Postpone* does not make the postponed question a special order, it becomes a general order, which cannot interrupt pending business even if the time for which it is set has arrived or passed. By a two-thirds vote, however, a question can be postponed and made a special order, giving it priority over general orders as well as the ability to interrupt pending business. If it is desired to reserve an entire meeting—or as much of it as necessary—for the consideration of a single subject, a matter can be made the special order for a meeting (see 41:57).
- 14:15** When set for a session, day, or meeting but not for a particular hour, special orders and general orders usually have their established places in the order of business (see 41:18-26 and 41:46).
- 14:16** The full rules regarding the priority of orders of the day, and their relation to each other and to the order of business, are given in 41.
- 14:17** When the appointed time has been reached for a postponed question to be taken up, and as soon as no other business of a higher priority interferes, the chair states the question as pending. (For examples, see 14:22, 41:19, and

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41:24.) Therefore, no further motion is normally needed to bring the question before the assembly; however, if the chair fails to state the question at the correct time, any member may then demand that the postponed question be taken up as ordered, by making a *Call for the Orders of the Day* (18).

14:18 Effect on Motions Adhering to a Postponed Question.

When a main motion is postponed, one or more of the subsidiary motions to *Postpone Indefinitely*, *Amend*, and *Commit* or incidental motions for *Division of a Question* and *Consideration by Paragraph or Seriatim* may be pending. All such adhering motions are postponed with the main question, and when consideration of that question is resumed at the specified time, the business is in the same condition, so far as possible, as it was immediately before the postponement, with the exceptions noted in the next paragraph. Similarly, when a main motion is postponed, it also carries with it any adhering debatable appeals (24) or adhering points of order (23) that the chair has submitted to the judgment of the assembly and that are then debatable. (No question can be postponed while an *undebatable* appeal or point of order is pending.)

14:19 Effect on Subsequent Debate and Methods of Voting.

When consideration of a postponed question is resumed at a later session, any orders limiting or extending the limits of debate or for the *Previous Question* that were adopted at the original session are exhausted (see 15:18, 16:11–12), and debate takes place according to the regular rules. But when consideration is resumed at the *same* session—even on another day, as may happen in a convention—all such

applicable orders remain in effect. Except for the effect of an unexhausted order limiting or closing debate as just stated, when a question is taken up *on a different day* from the one on which it was postponed, the right of members to debate it begins over again, as if the question had not previously been debated; that is, each member can again speak twice to each debatable question, regardless of whether the member had already done so before the postponement (see 43). For the rules relating to the exhaustion of an order prescribing the method of voting on a question, see 30:7.

Form and Example

14:20 The form used in making this motion depends on the desired object:

- a) Simply to postpone the question to the next meeting, when it will have priority over new business: "I move to postpone the motion [or "that the question be postponed"] to the next meeting."
- b) To specify an hour before which the question will not be taken up (unless by a two-thirds vote or through reconsideration), and when it will come up automatically as soon as no business is pending and any remaining matters that have priority over it have been disposed of: "I move that the resolution be postponed until 3 P.M." [or "... until 9 P.M. at the meeting scheduled for February 15"].
- c) To postpone consideration of a motion until after a certain event in a meeting, when it will immediately be taken up (unless a special order intervenes): "I move to postpone the question until after the address by our guest speaker."
- d) To ensure that the question will come up at the next meeting and will

Page 235

Attachment #2, pg. 9 is included with the minutes of the 2-8-2021 meeting, at the request of Board member Rebecca Blackburn Hines 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.

not be crowded out by other matters: "I move that the question be postponed to the next meeting and be made a special order." (Two-thirds vote required for adoption.)

- e) To ensure that the matter will come up at precisely a certain hour, even if it interrupts pending business: "I move that the resolution be postponed and be made a special order for 3 P.M. tomorrow." (Two-thirds vote required for adoption.)
- f) To postpone a subject—such as a revision of the bylaws—to an adjourned meeting at which the entire time can be devoted to it if necessary, a motion to *Fix the Time to Which to Adjourn* must first be made and adopted, and then the motion to *Postpone* may be made in this form: "I move that the question be postponed and made *the* special order for the adjourned meeting set for next Tuesday evening." (Two-thirds vote required for adoption.)

14:21 Assume that a controversial resolution is pending at a convention and that many of the delegates who are most interested and best informed on the subject will not be able to be present until tomorrow.

MEMBER A (obtaining the floor): I move to postpone the resolution until eleven o'clock tomorrow morning. (Second.)

CHAIR: It is moved and seconded to postpone the resolution until eleven o'clock tomorrow morning. [Pause.]

MEMBER B (after obtaining the floor and stating that in his opinion further consideration of the resolution should under no circumstances be delayed beyond 11 A.M. the next day): I move to amend the motion to postpone, by adding "and make it a special order." (Second.)

CHAIR: It is moved and seconded to amend the motion to postpone the resolution until eleven o'clock tomorrow morning by adding "and make it a special order." [Debate, if any.] The question is on amending the motion to postpone by adding "and make it a special order." Those in favor of the amendment, say *aye*.... Those opposed, say *no*.... The ayes have it and the amendment is adopted. The question now is on the motion, as amended, to postpone the resolution until eleven o'clock tomorrow morning and make it a special order. This motion now requires a two-thirds vote. [Pause.] Are you ready for the question? [Pause. No further debate.] Those in favor of the motion to postpone the resolution until eleven o'clock tomorrow morning and make it a special order will rise.... Be seated. Those opposed, rise.... Be seated. There are two thirds in the affirmative and the motion is adopted. The resolution is a special order for 11 A.M. tomorrow. The next item of business is...

14:22 If the amendment to make a special order is rejected, the chair proceeds in the usual manner to take a voice vote on the *unamended* motion to postpone. If the motion to postpone is not adopted, he again states the question on the resolution. But if the resolution has been made a special order for the following day at 11 A.M., as in the above example, then at the appointed time the chair says:

CHAIR: It is now eleven o'clock. The following resolution was made a special order for this time: "*Resolved*, That..." The question is on the adoption of the resolution....

Attachment #2, pg. 10 is included with the minutes of the 2-8-2021 meeting, at the request of Board member Rebecca Blackburn Hines 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

Mrs. Janis Hammond
Chairperson of the Board of Trustees
School District Five of Lexington-Richland Counties
1020 Dutch Fork Road
Irmo, SC 29063

Re: Recusal of Kenneth B. Loveless on certain matters

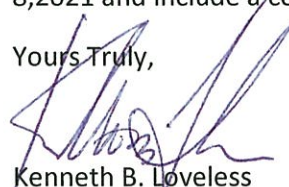
Dear Mrs. Hammond:

In accordance with the requirements of SC Code Section 8-13-700(B)(1), I am advising you, as Chairperson of the Board of Trustees for School District Five of Lexington and Richland Counties, of my affiliation with Contract Construction, Inc. My affiliation with Contract Construction, Inc. is that the company which I am employed and a stockholder, Loveless Commercial Contracting, Inc. operates as a subcontractor on the S.C. Law Enforcement Division Forensics Lab project, Columbia, SC. The association began on March 12, 2020 and will end at the completion of the construction project.

Please be advised that effective immediately, I will recuse myself from any and all votes, deliberations, and other actions on any matter that comes before the Board of Trustees relating to Contract Construction, Inc.

Please publish my statement to the Board and the public at the Board's next meeting on February 8, 2021 and include a copy of this statement with the minutes of that meeting.

Yours Truly,



Kenneth B. Loveless

Vice Chairman of the Board of Trustees

School District Five of Lexington-Richland Counties

Attachment #3, pg. 1 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Jan Hammond
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.

February 8, 2021

To everyone listening, please accept my sincerest apologies. As evidenced by the amount of time wasted at the previous board meeting, the ambush style attacks of the September 14, 2020 board meeting and the promise of future attacks, the record must be set straight. This situation is about a group of past and present board members trying to keep another board member from doing his duty: reviewing a school under construction. I asked to be able to review the Piney Woods Elementary School project accompanied by the District Project Representative and fellow board member Nikki Gardner. I also had questions which I posed to Dr. Melton during March, 2020.

I have always been told that "You don't retire FROM something; you retire TO something". At present, I am spending 60% of my time with efforts toward serving the public as trustee on the school board.

My wife Jondy and I are giving back to the community. We take immense pride in our ability to donate time and treasure. In short, we enjoy seeing the positive effects wrought from our efforts.

I neither take a salary from the district nor have I received reimbursement for hotel, mileage or per diem charges related to travel required by the position. Neither Jondy nor I receive social security because here-to-fore, we have not needed it.

Our goal is to die penniless. We are busy donating to reach our goal. We are neither motivated by money nor influence as opponents on this board prefer to paint us.

Having heard our goals, do the claims that Mr. Ed White levelled at me: "Mr. Loveless put the business of the district on the street!" make any sense? He accused me of that during the board meeting September 14, 2020.

The small business corporation with whom I am employed and stockholder, Loveless Commercial Contracting, Inc. has about 50 employees all from the Midlands. We have three profit centers. One acts as general contractor, two are subcontractors to general contractors in the capacity of industrial scale concrete subcontractors. Since I am near retirement, we moved a few years back to the profit center style business plan. Each profit center is headed by an independent manager who develops, bids and builds his own projects.

I researched company records to find the following information:

The S.C. Law Enforcement Division Forensic Lab Project was bid by one of our profit center managers, Trey McDaniel. It was bid in the normal course of business without direct input or participation from me. It was bid on October 23, 2019 to 14 general contractors: M.B. Kahn, J.M. Cope, Gleeson Constructors, EE Reed, Contract Construction, Hogan Construction Group, Poettker Construction, Edcon, Inc., Mashburn Construction, Leitner Construction, IAP-GSP, Thomas Construction, M. Dillon Construction and Cleveland Construction. There were other subcontract bidders in our trade, Concrete Construction. Loveless earned the right to do the work on this project through competitive bidding.

Cleveland Construction protested the general contract bid over an alleged licensing irregularity connected with Contract Construction and its electrical contractor listed bidder.

Contract Construction issued a Letter of Intent to contract in an email to Trey McDaniel during November, 2019. I was unaware of the email. Contract Construction issued the Letter of Intent without

legal authority to do so because it had not been awarded the contract at that point in time. In fact, it was almost three months later that Contract Construction stated in another email dated January 24, 2020 that it expected to be awarded a contract pending the expiration of Cleveland's appeal rights. Contract Construction stated that it expected to receive its Notice to Proceed effective February 3, 2020.

Had Cleveland Construction been successful with its protest and therefore, the award, Loveless might have been working with Cleveland, not Contract Construction.

Loveless received a subcontract agreement for review from Contract Construction dated February 11, 2020. Loveless received an executed subcontract on March 12, 2020.

In relationship to Elementary School # 13 (Piney Woods Elementary School), I have researched district records and found the following:

- A) Contract Construction was selected as Construction Manager-at-Risk by the Selection Review Committee chaired by Robert Gantt on September 18, 2018 prior to my election to the board.
- B) At the December 10, 2018 board meeting, Jan Hammond introduced a motion to delay construction at the Amick's Ferry site until an alternate site already purchased by the board could be explored. I vote "YES" to that motion. At the same meeting, I voted "NO" to the motion to approve the Contract for Construction to Contract Construction, Inc. I also voted "NO" to approve \$30 million in 8% bonds to build Amick's Ferry.
- C) At the September 9, 2019 board meeting I introduced and voted "YES" to a motion to have discussions about the Early Site Work Guaranteed Maximum Price moved from executive session to open session. Further, I voted "NO" to the motion that Contract Construction's Early Site Work Guaranteed Maximum Price be approved.
- D) At the December 9, 2019 board meeting, I introduced and voted "YES" to restrict the total outlay on the project to the lesser of \$30 million in 8% bonds approved at the December 10, 2018 meeting or the architect's stated and required budget of total construction cost at \$24 million plus soft costs. Finally, I voted "NO" to the motion to approve Contract Construction's Guaranteed Maximum Price for the Building which put the total construction costs at more than \$26.6 million, greater than the budget of \$24 million.

In summary, I voted against the wishes of Contract Construction, Inc. a total of seven times. All the motions were voted before the S.C. Law Enforcement Division Forensic Lab Project was awarded. The last vote occurred December 9, 2019. Loveless Commercial Contracting, Inc. had no contractual relationship until March 12, 2020 which is over three months after the last vote. I was not aware of the status of any of the above until after the contract for review dated February 11, 2020 had been received.

The same the board member who has now made me the target of his accusations, made accusations in public at the September 14, 2020 board meeting. It is obvious that he was working in consort with Contract Construction, Inc. against me for political gain. Once the accusations were made, I then in September, 2020 contacted Courtney Laster, General Counsel of the S.C. State Ethics Commission. As advised, I have since recused myself from any board actions to be taken on matters affecting Contract Construction, Inc.

I would like to say that I now realize that I should have recused myself earlier in time but I was not aware of the facts until after the September 14, 2020 board meeting. Second, I was a board member

with about one year's experience. Board members who were and are on the board for multiple terms including Mr. White's 17 years did nothing to discuss with me any perceived ethics liability before the September 14, 2020 meeting. For the discussion in the September 14, 2020 board meeting other board members were obviously made aware of the situation by Contract Construction. Instead of speaking with me they chose to attack me in public. At least one former board member and others made potentially slanderous attacks against Loveless Commercial Contracting, Inc. by expressing untrue and misleading statements about confidential company information.

Why are board members doing this? As Ed White wrote Dr. Melton on February 5, 2021: "This is a part of a larger conversation about individual board members trying to assume responsibility for inspecting construction projects as opposed to third-party independent experts who have a legal responsibility directly to the district."

This accusation is also way off target. No one has attempted to do as Mr. White has alleged.

Quite the contrary: the public expects its trustees to review a project in which it has invested more than \$32 million in tax dollars.

The larger questions I believe is: "What relationships are past and present trustees attempting to hide? What is it they don't want us to see?"

To those on this board trying to escribe false motives while wasting valuable time holding Perry Mason style mock prosecutions, you should remember: represent the people, not your own ambitions. In a fiduciary sense, we make certain that the community's needs are met, not our own. I am on this board to represent and advocate for those who have no voice, the students. That said, I do not understand how reckless spending and cozy relationships with vendors helps educate students.



Attachment #4, pg. 3 is included with
the minutes of the 2-8-2021
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 #5, pg 1 is included with the minutes of the 2-8-2021 meeting, at the request of Board member Ed White

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.

Edward White <ewhite@lexrich5.org>

Requirement that Ken Loveless Recuse Himself from any Discussions about Contract Construction

1 message

Edward White <ewhite@lexrich5.org>

Mon, Jan 25, 2021 at 9:13 AM

To: Janis Hammond <jhammond@lexrich5.org>, Nikki Gardner <ngardner@lexrich5.org>, Cathy Huddle <chuddle@lexrich5.org>, Matt Hogan <mhogan@lexrich5.org>, Rebecca Hines <rhines@lexrich5.org>, Kenneth Loveless <kloveless@lexrich5.org>, Christina Melton <csmelton@lexrich5.org>
Bcc: ed.white@nelsonmullins.com

Mrs. Hammond,

I am writing in reference to Mr. Loveless' request that he assume the role of inspecting and critiquing Piney Woods Elementary School with Nicki Gardner on behalf of the District.

If you recall, Mr. Loveless obtained a contract through his personal company to do work with Contract Construction sometime in the early part of 2020. Mr. Loveless never disclosed this financial relationship to the Board but was questioned about it in the **Board's September 14, 2020 meeting** at which time Mrs. Hutchinson raised the question of whether that financial relationship created an ethical problem. On September 25, 2020 Mr. Loveless obtained an Ethics Opinion (the "Opinion") from the South Carolina Ethics Commission based on Mr. Loveless bidding on second project with Contract Construction. The Opinion is addressed directly to Mr. Loveless and he put a copy of the letter on the minutes of our September 25, 2020 Board meeting..

While the Opinion concludes there is no outright prohibition for Mr. Loveless' company to enter into a contract with Contract Construction (while it is a vendor to the District), the Opinion is also very clear that Mr. Loveless, as a Board member, is required to recuse himself pursuant to Section 8-13-700(B) of the SC Code of Laws (the "Code") from any matters the District has with Contract Construction.

As cited in the Opinion, Section 8-13-700(B) of the Code clearly states that no public official may make, participate in making, **"or in any way attempt to use his office to influence a governmental decision"** involving the matter with which he has a financial relationship. Simply stated, Section 8-13-700(B) requires that Mr. Loveless recuse himself from any conversations or communication with the Board or the District involving Contract Construction and the Piney Woods School.

Section 8-13-700(B) of the Code also provides that (i) Mr. Loveless is required to prepare a written statement of his financial relationship with Contract Construction and deliver it to you (as the Board Chair) to put into the minutes of the Board, and (ii) that you, as the Board Chair are required to make sure that Mr. Loveless recuses himself from any discussions or votes pertaining to Contract Construction. I am not aware of any written statement Mr. Loveless submitted to put on the minutes of our Board meeting.

Technically, for Mr. Loveless to have properly complied with his recusal obligation he should have disclosed his financial relationship to the Board at the time his company first entered into the financial relationship with Contract Construction by submitting his written statement to the Board Chair and then he should have recused himself from all discussions or votes concerning the Piney Woods School. This means that if Mr. Loveless' company entered into its contract with Contract Construction prior to March 24, 2020 that Mr. Loveless should have never submitted his letter of March 24, 2020 to the Superintendent making allegations about the quality of the work of Contract Construction at the Piney Woods School site (which is a public document included on the minutes of the June 15, 2020 Board meeting) and he should have never participated in the discussions of the Piney Woods project in our September 14, 2020 Board meeting.

Even if Mr. Loveless was unaware of his ethical obligations at the time his company entered into its financial relationship with Contract Construction, he clearly should have known of his obligations after his receipt of the Opinion on September 25, 2020. This means that after September 25, 2020 Mr. Loveless should have immediately submitted his written statement of his company's financial relationship with Contract Construction to you as the Board Chair to put be into the minutes for public disclosure and he should have ceased any further efforts for him to personally be allowed to inspect and approve the construction of Piney Woods School. In other words, if Mr. Loveless company still has a financial relationship with Contract Construction then he is not in compliance with the Opinion (i) if he failed to submit his written disclosure to you to put into the Board minutes and (ii) because of his recent email requests to Dr. Melton and the Board

that he and Nicki Gardner be given the actual plans to the Piney Woods school and the two of them be allowed to make trips to the school to inspect the construction.

I also shared the Opinion with my law partner, James Burns, who is an expert in the South Carolina Ethics laws and is a former past Chairman of the South Carolina Ethics Commission. After reviewing the Opinion, Mr. Burns' opinion is that Mr. Loveless is required to recuse himself from any discussions with the Board or District about the Piney Woods construction project and, you as the Board Chair, have an affirmative obligation to make sure he recuses himself.

I have attached a copy of the Opinion below.

My request is that you confirm whether Mr. Loveless has submitted his written disclosure about his company's financial relationship with Contract Construction. As Board members we are all entitled to know the start date and ending date of all contracts that Mr. Loveless' company has with Contract Construction. If Mr. Loveless has not prepared the written statement, then I would request you require him to do so prior to arriving at our meeting tonight and you publicly announce to the Board and the public (i) the starting and end dates of all financial relationships Mr. Loveless' company has with Contract Construction, (ii) that Mr. Loveless has to recuse himself from all communications or discussions the Piney Woods school, and (iii) you publicly notify him that he cannot supervise or inspect the construction. I am asking that you make these statements to in the public meeting to ensure transparency for the public, including the South Carolina Ethics Commission if it ever has to investigate whether Mr. Loveless is in compliance with his obligations in the Opinion.

I have other broader concerns about Mr. Loveless, or any Board member, attempting to personally supervise our construction projects based on the actual precedents established by Mr. Loveless with the Piney Woods School which I will detail in a separate email prior to our next meeting and to request we specifically evaluate the role of board members in construction review projects based on the actual experiences with the Piney Woods School.

As a reminder, please do not respond to this email. Our conversations on this topic need to be in our public meeting tonight.

Thank you,

Ed



Ken Loveless Ethics Opinion dated September 25, 2020[477].pdf
1489K

Attachment #5, pg. 2 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Ed White

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.

Ed White

Attachment ^{#5, pg. 3} is included with the minutes of the 2-8-2021 meeting, at the request of Board member Ed White

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.

----- Forwarded message -----

From: **Kenneth Loveless** <kloveless@lexrich5.org>

Date: Fri, Feb 5, 2021 at 10:52 AM

Subject: Re: Ken Loveless Letter dated May 24 , 2020 Alleging Problems PWES

To: Christina Melton <csmelton@lexrich5.org>

Cc: Edward White <EWhite@lexrich5.org>, Janis Hammond <jhammond@lexrich5.org>, Cathy Huddle <chuddle@lexrich5.org>

Dr. Melton, As a part of the requested report of the accumulation of costs that you may attribute to my requests, please note that under board policy BEDGA you had (have since I have never have received a formal reply) the duty to respond in terms of the following passage: " If, on the other hand, the requests are determined by the superintendent to be unusual in nature, by reason of their content, subject matter, or volume/size, then they should be rendered by the superintendent to the fully seated board. The superintendent will require that such requests be made in writing. Upon affirmative action by the board, all requested information and available written documents once again will be provided as expeditiously as possible and at no cost to the individuals involved. "

Please note that I was and am in no way responsible for any accumulated costs because I was not informed that there were or are potential costs and because the above policy was not followed in that the matter was not brought to the fully seated board for a vote before any alleged expenditures were made. Respectfully submitted. Ken Loveless

On Fri, Feb 5, 2021, 10:26 AM Christina Melton <csmelton@lexrich5.org> wrote:

Mr. White,

This is to confirm receipt of your email and request. I'll forward this to staff ; however, I cannot offer assurance that we will have this information in time for Monday's meeting if that is your expectation. We will do our best but I do not know how readily available this information may be due to staffing changes.



Christina S. Melton, Ed.D.

Superintendent

School District Five of Lexington & Richland Counties

office: 803.476.8169 or 803.476-8116

www.lexrich5.org



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On Fri, Feb 5, 2021 at 8:14 AM Edward White <ewhite@lexrich5.org> wrote:

Dr. Melton,

Can you compile a summary of the additional costs the District incurred to address the allegations that Mr. Loveless made about PWES in the attached letter and the accusations he made about the concrete slips for the project. I would like to see a summary of actual expenditures for consultants and other advisors to review and respond to these allegations and attend the September 14, 2020 meeting to address these allegations.

I would also like to see a estimate of time the District personnel had to respond to these allegations as well.

Thank you,

Ed

Ed White

----- Forwarded message -----

From: **Kenneth Loveless** <kloveless@lexrich5.org>

Date: Wed, Jan 20, 2021 at 7:06 PM

Subject: Re: Requesting answers

To: Christina Melton <csmelton@lexrich5.org>, Janis Hammond <jhammond@lexrich5.org>, Nikki Gardner <ngardner@lexrich5.org>, Rebecca Hines <rhines@lexrich5.org>, Cathy Huddle <chuddle@lexrich5.org>, Edward White <EWhite@lexrich5.org>, Matt Hogan <mhogan@lexrich5.org>

Dr. Melton, are you going to answer me? I have requested access which would involve much more than the facile group visit shown as scheduled for 1/28/21. I certainly plan to attend. However, I have on numerous occasions requested a deeper dive into the subject. Are you going to answer me? Respectfully submitted, Ken Loveless

On Wed, Jan 6, 2021, 2:21 PM Kenneth Loveless <kloveless@lexrich5.org> wrote:

Dr. Melton,

I have asked several times that a meeting between Director of Facilities, Clay Cannon Nikki Gardner and I at PWES be arranged. The purpose is that we be allowed to see and study contract documents with an eye toward compliance. Once a protocol has been established we would like to be able to meet Mr. Cannon as many times as it takes to complete our review. We will need access to all documents indicated in the Contract for Construction.

I once again ask for this to be arranged.

Please let us know as soon as possible when this can be arranged.

Thank you in advance,

Kenneth B. Loveless, Vice Chair

Attachment #5, pg. 4 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Ed White
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.

Ed White

From: Edward White <ewhite@lexrich5.org>
Sent: Monday, February 8, 2021 2:24 PM
To: Ed White
Subject: Fwd: Ken Loveless Letter dated May 24 , 2020 Alleging Problems PWES

Follow Up Flag: Follow up
Flag Status: Flagged

◀External Email▶ - From: ewhite@lexrich5.org

Attachment #5, pg. 5 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Ed White
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.

----- Forwarded message -----

From: **Kenneth Loveless** <kloveless@lexrich5.org>

Date: Fri, Feb 5, 2021 at 12:36 PM

Subject: Re: Ken Loveless Letter dated May 24 , 2020 Alleging Problems PWES

To: Edward White <EWhite@lexrich5.org>

Cc: Christina Melton <csmelton@lexrich5.org>, Janis Hammond <jhammond@lexrich5.org>, Nikki Gardner <ngardner@lexrich5.org>, Rebecca Hines <rhines@lexrich5.org>, Matt Hogan <mhogan@lexrich5.org>, Cathy Huddle <chuddle@lexrich5.org>

Dr. Melton, I agree that Mr. White that thus should put this off until another day. I disagree with his premise: is about one board member who is attempting abridge another board member's rights and duties under the law. That is the conversation. He is a tax attorney trying who in the past has acted as the board's legal authority. He does not like it that a new board majority has deposed him.

On Fri, Feb 5, 2021, 11:35 AM Edward White <ewhite@lexrich5.org> wrote:
Dr. Melton,

No need to try to have this for Monday. Sometime in the near future will be fine.

This is part of a larger conversation about individual board members trying to assume responsibility for inspecting construction projects as opposed to third-party independent experts who have a legal responsibility directly to the District.

One aspect of that analysis is to understand the economic and non-economic cost and to the District to assess detailed assessments by individual board members.

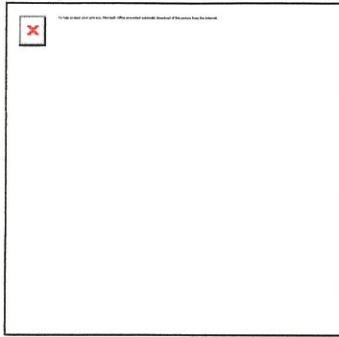
Thank you,

Ed

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Mr. White,

This is to confirm receipt of your email and request. I'll forward this to staff ; however, I cannot offer assurance that we will have this information in time for Monday's meeting if that is your expectation. We will do our best but I do not know how readily available this information may be due to staffing changes.



Christina S. Melton, Ed.D.

Superintendent

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office: 803.476.8169 or 803.476-8116

www.lexrich5.org



Pursuing Excellence for Tomorrow's Challenges

On Fri, Feb 5, 2021 at 8:14 AM Edward White <ewhite@lexrich5.org> wrote:

Dr. Melton,

Can you compile a summary of the additional costs the District incurred to address the allegations that Mr. Loveless made about PWES in the attached letter and the accusations he made about the concrete slips for the project. I would like to see a summary of actual expenditures for consultants and other advisors to review and respond to these allegations and attend the September 14, 2020 meeting to address these allegations.

I would also like to see a estimate of time the District personnel had to respond to these allegations as well.

Thank you,

Ed

Attachment #5, pg. 6 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Ed White
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.

Ed White

From: Edward White <ewhite@lexrich5.org>
Sent: Monday, February 8, 2021 2:24 PM
To: Ed White
Subject: Fwd: Ken Loveless Letter dated May 24 , 2020 Alleging Problems PWES

Follow Up Flag: Follow up
Flag Status: Flagged

◀External Email▶ - From: ewhite@lexrich5.org

Attachment #5, pg. 7 is included with the minutes of the 2-8-2021 meeting, at the request of Board member Ed White

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.

----- Forwarded message -----

From: Kenneth Loveless <kloveless@lexrich5.org>
Date: Fri, Feb 5, 2021 at 12:36 PM
Subject: Re: Ken Loveless Letter dated May 24 , 2020 Alleging Problems PWES
To: Edward White <EWhite@lexrich5.org>
Cc: Christina Melton <csmelton@lexrich5.org>, Janis Hammond <jhammond@lexrich5.org>, Nikki Gardner <ngardner@lexrich5.org>, Rebecca Hines <rhines@lexrich5.org>, Matt Hogan <mhogan@lexrich5.org>, Cathy Huddle <chuddle@lexrich5.org>

Dr. Melton, I agree that Mr. White that thus should put this off until another day. I disagree with his premise: is about one board member who is attempting abridge another board member's rights and duties under the law. That is the conversation. He is a tax attorney trying who in the past has acted as the board's legal authority. He does not like it that a new board majority has deposed him.

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No need to try to have this for Monday. Sometime in the near future will be fine.

This is part of a larger conversation about individual board members trying to assume responsibility for inspecting construction projects as opposed to third-party independent experts who have a legal responsibility directly to the District.

One aspect of that analysis is to understand the economic and non-economic cost and to the District to assess detailed assessments by individual board members.

Thank you,

Ed

On Fri, Feb 5, 2021 at 10:26 AM Christina Melton <csmelton@lexrich5.org> wrote:
Mr. White,

This is to confirm receipt of your email and request. I'll forward this to staff ; however, I cannot offer assurance that we will have this information in time for Monday's meeting if that is your expectation. We will do our best but I do not know how readily available this information may be due to staffing changes.



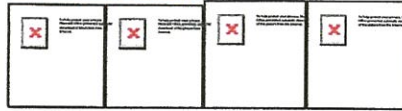
Christina S. Melton, Ed.D.

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

On Fri, Feb 5, 2021 at 8:14 AM Edward White <ewhite@lexrich5.org> wrote:

Dr. Melton,

Can you compile a summary of the additional costs the District incurred to address the allegations that Mr. Loveless made about PWES in the attached letter and the accusations he made about the concrete slips for the project. I would like to see a summary of actual expenditures for consultants and other advisors to review and respond to these allegations and attend the September 14, 2020 meeting to address these allegations.

I would also like to see a estimate of time the District personnel had to respond to these allegations as well.

Thank you,

Ed

Attachment #5, pg 8 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Ed White
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.

Ed White

From: Edward White <ewhite@lexrich5.org>
Sent: Sunday, February 7, 2021 3:43 PM
To: Ed White
Subject: Fwd: Visit PWES

Attachment #5, pg. 9 is included with the minutes of the 2-8-2021 meeting, at the request of Board member Ed White
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.

◀External Email▶ - From: ewhite@lexrich5.org

----- Forwarded message -----

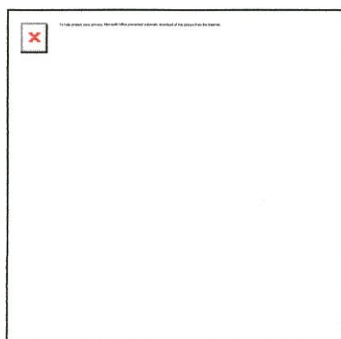
From: **Christina Melton** <csmelton@lexrich5.org>
Date: Mon, Nov 23, 2020 at 8:39 PM
Subject: Fwd: Visit PWES
To: Erin Strange <estrangle@lexrich5.org>
Cc: Clayton Cannon <cwcannon@lexrich5.org>, Len Richardson <lrichard@lexrich5.org>

Board Members:

In accordance with Board Policy BEDGA, "all board members will be appropriately advised of all requests (by board members) as well as the responses." Therefore, the email response below is being blind copied and shared with all members of the Board of Trustees.

During my visit to Piney Woods Elementary last Friday, I spoke with Ryan and Mrs. Paschal about an upcoming site visit. Mrs. Strange has this item for me to discuss with Board Officers when we meet. We are coordinating the available personnel needed on site for this to be a successful visit while weighing other upcoming events for the Board.

Mr. Richardson and Mr. Cannon, this information is FYI since you were not in attendance for my last site visit.



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: **Clayton Cannon** <cwcannon@lexrich5.org>
Date: Mon, Nov 23, 2020 at 1:05 PM
Subject: Fwd: Visit PWES
To: Christina Melton <csmelton@lexrich5.org>
Cc: Len Richardson <lrichard@lexrich5.org>

----- Forwarded message -----

From: **Kenneth Loveless** <kloveless@lexrich5.org>

Date: Mon, Nov 23, 2020 at 12:35 PM

Subject: Visit PWES

To: Clayton Cannon <cwcannon@lexrich5.org>, Nikki Gardner <ngardner@lexrich5.org>

Clay, We would like to schedule a visit with you to the site.

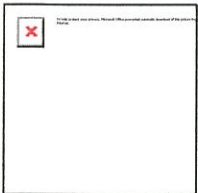
Please give us a few dates when that might be arranged.

Thanks

Ken

Attachment #5, pg. 10 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Ed White

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.



Clay Cannon, PE, LEED AP

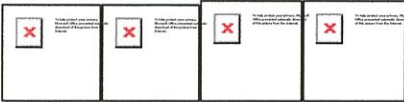
Director of Facilities Operations

School District Five of Lexington & Richland Counties

1020 Dutch Fork Road, Irmo, SC 29063

office: 803.476.8123

www.lexrich5.org



Pursuing Excellence for Tomorrow's Challenges

Michael Montgomery, Attorney

On 06/17/2013 Board Member White voted to approve a no-bid vendor award for legal services to Michael Montgomery specifically (not the firm) as detailed on Exhibit 1.

From 2016 to 2018, Board member White received free legal services* from attorney Montgomery for his personal lawsuit against a former school board member as detailed on Exhibit 2.

On 8/24/2020 Board member White voted to approve a no-bid vendor award for legal services to Montgomery Willard LLC over objections from fellow board member that he should recuse himself due to his personal relationship with Montgomery as detailed on Exhibit 3.

Per the district's published disbursement registers the district paid Attorney Montgomery \$484,618 up until he resigned in late 2020.

Board Member White voted to 2 times to approve a no-bid contract for an attorney from whom he received a gift of free legal services no doubt worth thousands of dollars. Also SC Ethics filings for 2016, 2017 and 2018 do not include any gifts reported from Montgomery.

* During the 9/28/2020 board meeting (https://www.youtube.com/watch?v=9jlq-lmaCsc&list=PLI9eR_8HyUjDcA-8QP92TUwEoj-eDUk_J&index=6 - the 17:50 mark) Montgomery states that he personally represented two members of the school board pro bono (without charge) in their litigation with a former board member. He was referring to Board Member White and former Board Chair Gantt's personal lawsuit against former Board Member Kim Murphy (case 2016CP4005431 in the Richland County Court of Common Pleas).

Attachment #6, pg. 1 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Nikki Gardner
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 #6, pg 2 is included with the minutes of the 2-8-2021 meeting, at the request of Board member Nikki Gardner

Exhibit 1

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.

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of June 17, 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		T U R N E R	W A T S O N	W H I T E
new policy IKD "Honor Rolls"; replace current policies IHE "Promotion and Retention" and IDDB "Academic Assistance Programs" with new policy IKE "Promotion and Retention of Students"; replace current policy IKB "Contemporary Issues" with new policy IMB "Teaching About Controversial/Sensitive Issues"; add new policy IMDB "Flag Displays"; and add new policy IMDC "Religious Observances and Displays" (Exhibit F)							
7. M. Watson S. Loveless Give second and final reading of the FY 2013-2014 general fund budget in the amount of \$158,457,021 and that the general fund operating millage be set at 229.27 mills for FY 2013-2014 (Exhibit G) M. Turner S. Baumgardner I move to amend the current motion to read as follows: that we approve the proposed budget that includes the addition of SROs, as well as an expanded 4K program, and that we exclude from the proposed budget any money that was included to increase board members' pay and that we pass this budget without a tax increase M. White S. Watson Amend that we set the annual board stipend at \$9,600 with an automatic CPI adjustment each year Vote on original motion	X	No	No		X	No	No
	No	X	X		No	X	X
	X	X	X		No	X	X
8. M. Watson S. Loveless <u>Approve adding attorneys to the approved attorney list (Exhibit H)</u> M. Baumgardner S. Watson Amend Exhibit H as follows: The Liberty Institute, Legal Counsel be added to the Board approved attorneys list	X	X	X		X	X	<u>X</u>

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

**SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES
APPROVED ATTORNEYS' LIST**

Approved August 17, 2006

- Nicholson, Davis, Frawley, Anderson, Ayers, LLC
- Duff, White & Turner, LLC
- Richardson, Plowden, Carpenter, and Robinson
- Moore, Taylor & Thomas, P.A.
- Childs & Hallagan, P.A.
- Haynsworth, Sinkler, Boyd, P.A.
- McNair Law Firm, P.A.

Proposed May 20, 2013

- Michael H. Montgomery, Montgomery Willard, LLC
- Rosen, Rosen & Hagood, LLC
- Orr, Elmore & Ervin, LLC

Attachment #6, pg. 3 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Nikki Gardner
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.

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Robert Gantt and Edward K. White, Respondents,

v.

Samuel J. Selph as Director, and Marjorie Johnson, Adell
Adams, E. Peter Kennedy, Sylvia Holley and Jane
Emerson as the Members of the Board of Voter
Registration and Elections of Richland County, The
Board of Voter Registration and Elections of Richland
County, and Kim Murphy, Defendants,

Of whom Kim Murphy is the Appellant.

Appellate Case No. 2016-002134

Appeal from Richland County
Jean Hoefer Toal, Circuit Court Judge

Opinion No. 27807
Submitted January 16, 2018 – Filed May 30, 2018

AFFIRMED

Brian C. Gambrell, of The Law Offices of Jason E.
Taylor, P.C., of Columbia, for Appellant.

Michael H. Montgomery, of Montgomery Willard, LLC,
of Columbia, for Respondents.

Attachment #6, pg. 4 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Nicki Gardner
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.

Exhibit 3

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

Attachment #61pg5 is included with the minutes of the 2-8-2021 meeting, at the request of Board member Nikki Gardner

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".

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;

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

Attachment #6, pg. 6 is included with the minutes of the 2-8-2021 meeting, at the request of Board member Nikki Gardner

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.

Exhibit 3 cont

	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

Business/Corporate

- Halligan, Mahoney, Williams, Smith, Fawley & Reagle, PA
- Haynesworth, Sinkler, Boyd
- Montgomery Willard, LLC
- Richardson Plowden, Attorneys at Law
- White & Story, LLC

Student Affairs

- Duff, Freeman, Lyon Attorneys and Counselors at Law
- Halligan, Mahoney, Williams, Smith, Fawley & Reagle, PA
- White & Story, LLC

Personnel/Employment

- Halligan, Mahoney, Williams, Smith, Fawley & Reagle, PA
- Haynesworth, Sinkler, Boyd
- Montgomery Willard, LLC
- Richardson Plowden, Attorneys at Law
- White & Story, LLC

Property/Real Estate

- Haynesworth, Sinkler, Boyd
- Montgomery Willard, LLC
- Richardson Plowden, Attorneys at Law

Bond

- Burr Forman McNair

Attachment #6, pg.7 is included with
the minutes of the 2-8-2021
meeting, at the request of Board member
Nikki Gardner
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.