

MUSCOGEE COUNTY SCHOOL DISTRICT  
COLUMBUS, GEORGIA

REGULAR BOARD OF EDUCATION MEETING  
TUESDAY, JANUARY 18, 2005, 6:30 P.M.  
BRADLEY LIBRARY CONFERENCE ROOM

MINUTES

The regular meeting of the Board of Education of the Muscogee County School District was held on Tuesday, January 18, 2005, 6:30 p.m. in the conference room at the old Bradley Library.

The following Board Members were present: Mary Sue Polleys, James Walker, Philip T. Schley, Pat Hugley Green, Fife M. Whiteside, John Wells, Naomi Buckner and Joseph Roberson.

Others present: John A. Phillips, Jr., Superintendent of Education, James E. Humes, II, Legal Counsel, Del parker, Treasurer, Robin Pennock, Deputy Superintendent of Education, Brenda F. Dozier, Assistant Superintendent for Student Services, Peggy Connell, Chief Academic Officer, Myles Caggins, Assistant Superintendent for Business Affairs, Don Cooper, Chief Human Resources Officer, Billy Kendall, Administrative Assistant to Superintendent of Education, Mark Rice from the Ledger-Enquirer and other media.

Dr. Polleys recognized the two new Board members, Joseph Roberson and Pat Hugley Green.

Dr. Polleys called the meeting to order with an invocation and pledge of allegiance to the flag led by students from Brewer Elementary. The Character Education word – School Pride.

Dr. Polleys recognized visitors in the audience, Mr. & Mrs. Halouska, representing the Friends of the Libraries and the League of Women Voters; former Board Member, Owen Ditchfield representing the Concerned Citizens of South Columbus.

The recognitions were as follows: Cusseta Road Elementary Champion Award presented to the 100 Black Men of Columbus, Georgia; Georgia Middle School Association South Region Team Award for Midland Middle School, ABCD Award presented to Dr. Cheryl Lankenau, School Psychologist. Dr. Polleys recognized Dr. Joe Coley who is chairman of the Citizens Construction Committee.

Dr. Polleys called on Mr. Jim Humes, Legal Counsel who would conduct the election of Board officers for 2005.

Mr. Humes asked for nominations for chairman of the Board and clarified that it would require a separate nomination and vote and a minimum of five affirmative votes to carry a motion for the positions of chairman, vice chairman, secretary, treasurer, parliamentarian and engagement of legal counsel. Dr. Schley nominated Mary Sue Polleys for the position of chairman of the Muscogee County School Board, seconded by Mr. Wells. Mr. Roberson nominated James Walker for the position of chairman of the Muscogee County School Board, seconded by Mrs. Green. Mr. Humes asked for a vote on Mary Sue Polleys as chairman. The vote was 4 affirming. Mr. Humes asked for a vote on James Walker as chairman. The vote was 4 affirming. Mr. Humes asked for a second vote to see if anyone wanted to change their vote. Mr. Humes asked for a vote on Mary Sue Polleys as chairman. The vote was 4 affirming (Mr. Wells, Mr. Whiteside, Dr. Polleys, Dr. Schley). Mr. Humes asked for a vote on James Walker as chairman. The vote was 4 affirming (Mr. Roberson, Ms. Buckner, Mrs. Green, Mr. Walker). Mr. Humes commented that it was the same 4 for each nominee and that it would serve no purpose to continue with these nominations. Mr. Humes said that he would “suggest as parliamentarian and relying on Roberts Rules of Order that, a chairman would be needed to conduct business until the Board could get a majority vote of 5 as to who the chairperson would be for the next calendar year. As parliamentarian, I would recommend that at the next appropriate meeting whether it is a called meeting or a regular board meeting, it would be good to have all board members present. My thought would be in order to conduct business, if it is the Board’s pleasure that Dr. Polleys continue to serve as chairman until we can finally decide who your actual chairperson would be for the 2005 calendar year. I’m only suggesting this as a mechanism that has been recognized in other appropriate rules of order.” Ms. Buckner asked if “all the nominations could be postponed until there is a majority of the Board”? Mr. Humes said, “The charge that the Board has in the policy is that the elections take place in January and since this is a policy, some vote would have to be taken to suspend the policy. If we are going to depart from that then the Board would need to take a vote. It would take a unanimous vote to set aside the policy.” Mr. Roberson made a motion to suspend the rule and that all nominations take place at the next board meeting and that the officers in place would continue serving until then.” Mr. Whiteside asked, “This is not equivalent to a motion to table so it passes by a simple majority? Mr. Humes affirmed. It was the consensus of the Board to add to the motion language, “the officers that are in place now, should the need arise to carry on ordinary business such as the execution of documents that they be permitted to do so.” The motion was seconded by Ms. Buckner. Mr. Humes called for a vote. The vote was unanimous. Mr. Roberson commented, “I want my intent to be understood rather than misunderstood. I’m appreciative for Mary Sue and her leadership. This is not saying that James is better than Mary Sue or vice versa. This is just to me a principal of allowing a person who has served for eleven years to be recognized for their gifts and graces. I don’t present a song but being a first time board member and coming with this kind of recommendation it may be misunderstood. I just want that clarified to understand my intent.”

Dr. Polleys called on Dr. Connell who made a presentation regarding AYP for the School District.

There was no one to speak on the Public Forum.

Upon motion of Mr. Walker, seconded by Ms. Buckner, the Board unanimously approved official actions taken at the regular Board of Education meeting held on Monday, December 13, 2004.

Upon motion of Mr. Wells, seconded by Dr. Schley, the Board approved Library Personnel Policy #15 – Initial Employment Period as presented. The vote was (6) affirming, (1) opposing (Ms. Buckner) and Mrs. Green was out of the room.

Upon motion of Mr. Wells, seconded by Mr. Walker, the Board unanimously approved a request to the Georgia State Board of Education rules, regulations, and standards to waive graduation requirements, scheduling for instruction and school day for student at the Muscogee County Evening High School.

Upon motion of Mr. Wells, seconded by Mr. Walker, the Board unanimously approved the adoption of the new name, “Career and Technical Education” for the Department of Technology/Career Education.

Upon motion of Mr. Wells, seconded by Dr. Schley, the Board unanimously approved Financial Statements for five months ending November 30, 2004.

Upon motion of Mr. Wells, seconded by Mr. Walker, the Board unanimously awarded contracts to Blue Bird Body Company and Atlanta Freightliner for school buses during the 2005-2006 school year. The total cost is \$1,533,958.00.

Upon motion of Mr. Walker, seconded by Dr. Schley, the Board unanimously awarded a contract to NetPlanner, \$250,112.00 for data cabling in portable classrooms at 25 school locations.

Upon motion of Dr. Schley, seconded by Mr. Walker, the Board approved the FY05 Revenue budget for 1997 and 2003 SPLOST. The vote was (7) affirming and (1) opposing, Mr. Wells.

Upon motion of Mr. Wells, seconded by Dr. Schley, the Board unanimously approved an emergency purchase order in the not to exceed amount of \$14,200.00 to CELT Corporation for additional services to the WAN analysis project.

Mr. Wells made a motion, seconded by Mr. Whiteside, to approve a contract with Energy Systems Group. Mr. Walker commented, “I spoke with our attorney today and he feels there are some contractual arrangements that he’s not comfortable with and he has suggested that we approve the idea for the concept but allow him to look at the contract to make sure that the questions in his mind have been satisfied.” Mr. Whiteside commented, “It seems to me that there were two issues that were left unresolved. One of them was the question of how do we insure that the performance guarantee that the proponent will satisfy us. They have a good financial statement and that’s important but, Delta Airlines had a good financial statement ten years ago. I spoke with Mr. Parker and he told me that it would be possible for the proponent to add a performance bond to the deal for \$30,000 which would create a third party indemnity on the guarantee and that seems to me not to be a bad investment. The other thing I’m concerned about is the 2% penalty that has to be paid if we terminate the lease option early.

I've talked with Jim Humes about that and how that relates to the Georgia Law that prohibits leases to go out more than a year. The big picture issue is that, I want to make sure that a vote on this leaves unresolved the issue of how we go about paying for this because, that makes a huge difference here. The part of the proposal that has been made was the lease option through Citi Bank at a pretty competitive rate of interest 4.2% time price deferential, same as interest and I want to make sure that if we vote on this tonight that we at least leave open that question because, how that question is answered determines whether the cost of the goods comes out of the sales tax which gives us no capital savings or whether the cost can be paid through the lease option in which gives us a huge capital savings in the sales tax. I don't want to inadvertently vote for the approval of this contract and then have that vote be construed in some way as closing the finance package. I think we can amend the motion to allow the Superintendent, the Board Chair and Lawyer the power to work the contract out but, I do want to understand the finance piece before I vote on it." Mr. Parker commented, "Mr. Whiteside that's why we worded the agenda item such as we did to authorize the Superintendent and Board Chair to negotiate a contract with Energy Systems Groups. We would come back at next months Finance Committee meeting with some different scenarios that we could propose for the committee to elect to do in order to finance this thing." Mr. Humes commented, "We have been guaranteed in the contract that there is a certain level of savings if we install these pieces of equipment and other ideas that Energy Systems suggests. Mr. Ledford has told me that he will assist us in understanding exactly how Energy Systems which really would give you your energy savings each month and how they came up with it. There are some non-legal issues that I have spotted and had brief conversations with Dr. Phillips and it does need a little further attention." Mr. Whiteside commented, "I'd like to offer an amendment to the motion. We authorize the Superintendent, Board Chairman and Lawyer to negotiate the contract with the proponent and specifically to address the issue of third party indemnities on performance but to preserve the question of the financing on it." Dr. Polleys asked for a second on the amended motion. Mr. Walker seconded the amended motion. Ms. Buckner commented, "my issues concern health benefits for children and while we're doing this energy contracting we should simultaneously be considering the health benefits we can get from our kids and we should be thinking about are we providing the best air quality for our children. I have some notes written down. Many of our children are experiencing respiration problems and a lot of them have asthma which our indoor quality of air affects these respiration problems. Today's standard for outdoor air for children is 15 cubic feet per minute. New schools must meet this standard. If this is the standard for new schools then children at old schools should also receive this benefit. We are making improvements, I think we are receiving 2.5 to 7.5 but, 7.5 is a long way from 15. I think the right thing to do is revisit this plan and try to bring our cubic feet per minute up to 15. In the prison facilities today the outdoor air cubic feet per minute is 20. Now if this 20 is the standard for incarcerated people then I believe school age children should have the minimum standard of 15." Mrs. Green commented, "I also was going to bring up the concerns that we addressed in the work session regarding the air quality. Ms. Buckner has said everything that I was going to say but, I would like to add since we're going to re-visit have the consultants to bring back the cost savings with the appropriate and that's the federal regulations of 15 cfm's minimum and let us compare that cost savings with that because, in talking with our local health department to help me understand the difference in 7.5 cfm's and 15 cfm's. I was able to come to the conclusion that this system is going to re-use the air that it's putting out."

Mr. Roberson commented, “Based on the work session, the question that arose in my mind was whether or not the 7.5 was meeting regulations and requirements that would be improved by not only an environmental protection agency but even our city. I appreciate the financial aspects of it and I concur with that but, I am very concerned that we must address this issue of quality air in the proposal from this Energy Systems group otherwise there are not only liability issues but goodwill.” Mr. Roberson made a motion to the amendment to ask the administration to go back and bring a proposal that would allow 15 cfm’s. The motion was seconded by Mrs. Green. Mr. Whiteside asked, “If we pass this further amendment, does this mean that if we ask that the proponents be changed, this would change the economics of the project? If we don’t do this or something like this, we’re going to lose some capital opportunities.” Mr. Parker stated, “Energy Systems tells me that they can come back with a quote at 15 cfm but it will decrease your savings and possibly the number of schools that you can do.” Upon motion of Mr. Whiteside, seconded by Mr. Wells, the Board unanimously voted to table this item until a further date.

Upon motion of Mr. Wells, seconded by Mr. Walker, the Board unanimously approved a tentative budget preparation calendar for FY06 as presented.

Upon motion of Mr. Wells, seconded by Mr. Walker, the Board unanimously approved a change to the regular meeting date of the April Board meeting due to the NSBA Conference. The date was changed to Monday, April 25, 2005, 6:30 p.m.

Upon motion of Mr. Wells, seconded by Mr. Walker, the Board unanimously approved the following consent agenda items and delete Item G; Financial Assistance grant:

- Human Resources Report (Appendix A)
- Donations to Very Special Arts from Lumpkin Foundation (\$500) and Flournoy Development (\$100).
- TANF grant, \$98,134.00 for Adult Education Program.
- New budget FY05 GLRS additional SIG VI-B, \$11,764.00.
- New budget FY05 GLRS Capacity building, \$45,000.00.
- TANF Funds for Even Start, \$7,925.00.
- Title V Part A Improving Teacher Quality carry-over, \$305,921.00.
- Title II, Part A Improving Teacher Quality carry-over. \$2,780,666.00.
- Budget adjustment, FY05 Title VI-B IDEA Flow Through.
- GLRS FY05 VI-B Federal Discretionary Funds, \$6,669.00.
- Program Improvement, Technology Lab at Richards \$54,205.00.

- Audit of Financial Statement of 1997 SPLOST Capital Projects Fund.
- Sales Tax Construction Program Report.
- Report on Transfer from FY03 SPLOST Critical Needs.
- FY97 Sales Tax Construction Program Report.
- Report on Transfers from Capital Projects and Debt to SPLOST Fund to cover scope changes.
- Report of change orders/changes in project contingencies.
- Status Report for Projects under construction.
- Report on system-wide technology plan.
- Report on forecasted revenue collections.

Upon motion of Mr. Whiteside, seconded by Mr. Walker, the Board unanimously voted to excuse Mrs. Storey for personal reasons, the birth of her grandson.

Upon motion of Mr. Wells, seconded by Mrs. Buckner, the Board unanimously voted to adjourn the regular January meeting of the Board.

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James E. Humes, II  
Legal Counsel