



Minutes/February 13, 2023

The Board of Trustees of School District Five of Lexington and Richland Counties met at the Center for Advanced Technical Studies with the following members present:

Mrs. Elizabeth Barnhardt  
Mrs. Rebecca Blackburn Hines, Chair  
Mr. Matt Hogan, Vice Chair  
Mrs. Catherine Huddle  
Mike Satterfield  
Kevin Scully  
Kimberly Snipes, Secretary  
Dr. Akil Ross, Superintendent

The following staff were in attendance:

Dr. Michael Harris, Chief Student Services and Planning Officer  
Mrs. Anna Miller, Chief of Academics and Administration Officer (Absent)  
Mrs. Tina McCaskill, Director of Elementary Education  
Ms. Maddison Paul, Chief Financial Officer  
Mrs. Amanda Taylor, Director of Communications  
Dr. Tamara Turner, Chief Human Resources Officer (Absent)  
Mr. Dave Weissman, Executive Director of Operations  
Dr. Reggie Wicker, Director of Personnel

A livestream video link was provided to the public as a viewing option for the Board Five-Year Master Facilities Planning Workshop and the January 23, 2023, board meeting.

The Board conducted a Five-Year Master Facilities Planning Workshop

Chair Blackburn Hines called the regular meeting to order and gave welcoming remarks.

Elizabeth Barnhardt, Board of Trustees, gave the Invocation and Pledge of Allegiance.

The Board conducted the School Board Spotlight.

During the Superintendent's Report, Dr. Ross presented and update on District FOCUS: Strategic Plan update for 2022-2023 to 2026-2027. Mrs. Tina McCaskill, Director of Elementary Education, presented and academic report, and Dr. Vann Holden, Director of Planning and Accountability, presented an Accountability update.

During the public participation, Eric Betts spoke about bond referendum concerns and DFHS football stadium needs, Kim Werts spoke about Dutch Fork High athletics, Autumnne Smith spoke about Dutch Fork High athletics, Jeff Rivers and Sarah Ostergaard spoke about district athletic facilities, and Tim Graham spoke about video screen at board meetings.

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*"We Love and Grow Our Students!"*

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

The Board presented for discussion:

- Discussion of Website and Parent App Solicitation (Exhibit F)
- Update on Chapin High School Stadium Renovation Project
- Update on Irmo High School East Wing Addition
- Discussion of Board Five-Year Master Facilities Planning Workshop

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**Record of Voting**

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

Meeting of February 13, 2023

		B A R N H A R D T	B L A C K B U R N  H I N E S	H O G A N	H U D D L E	S A T T E R F I E L D	S C U L L Y	S N I P E S
1.	M. Hogan                      S. Huddle  Approve the agenda.	X	X	X	X	X	X	A
2.	M. Hogan                      S. Huddle  I make the motion to enter executive session to consider the following: a.) Selected employment items (Exhibit A) (Action); b.) Selected employment items (Exhibit B) (Information Only); c.) Legal advice regarding procurement audit (Exhibit C).	X	X	X	X	X	X	A
3.	M. Hogan                      S. Satterfield  I move that we approve the minutes of the January 23, 2023, board meeting.	X	X	X	X	X	X	X
4.	M. Hogan                      S. Barnhardt  I move that we approve the selected employment items as shown in Exhibit A for action.	X	X	X	X	X	X	X
5.	M. Huddle                      S. Barnhardt  I move that Chair Hines provide all board members with copies of all letters and emails she has written on behalf of the Board and actions she or any board member have directed our attorney to take that were not voted on by the Board and that she immediately and permanently ceases directing our attorney without the Board's approval as required by Board Policy BDG.							

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**SCHOOL DISTRICT FIVE  
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Meeting of February 13, 2023

		B A R N H A R D T	B L A C K B U R N  H I N E S	H O G A N	H U D D L E	S A T T E R F I E L D	S C U L L Y	S N I P E S
M.	Huddle	S. Barnhardt						
	I move to amend my motion to say "actions she or any board member is aware that our attorney has been directed to make."			X	N	X	X	N
	<b>Vote on original motion.</b>			X	N	X	X	N
6.	M. Hogan	S. Snipes						
	I moved that we approve the Fourth and Final Reading on proposed revisions to Board Policy DI/DIE "Fiscal Accounting/Audits as shown in Exhibit D.							
	M. Scully	S. Satterfield						
	I move to amend Mr. Hogan's motion to defer the motion after the annual convention.			N	N	N	N	X
	<b>Vote on original motion.</b>			X	X	X	X	N
7.	M. Barnhardt	S. Huddle						
	I moved that we approve the Second and Final Reading on proposed revision to Board Policy IHAC "Social Studies Education" shown in Exhibit E.			X	X	X	X	X
8.	M. Hogan	S. Scully						
	Adjourn at 9:45 p.m.			X	X	X	X	X

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## Attachment to the Minutes of the 2/13/2023 Board Meeting Requested by Board Member Catherine Huddle per SC Code 30-4-90(4) and Board Policy BEDG

During discussion of item 14, Actions as Necessary or Appropriate on Matters Discussed in Executive Session, I raised concerns with actions taken by board members with the board's attorney without a vote of the full board (and without the board's knowledge).

### Background Prior to 2/13/23 Meeting:

The week before the 2/13/23 board meeting it came to my attention that our board chair had been involved in directing the board's attorney to send a request letter to our auditor and this was done without the approval, let alone the knowledge of the full board.

Prior to the 2/13/23 meeting I sent the board chair an email about my concerns and asked her to send a copy of that letter to the full board. I did not receive a reply.

### 2/13/23 Meeting Motion:

After bringing this matter to the attention of the board chair via email and in executive session - and receiving no indication that she believed her actions were incongruent with policy BDG (see below), I made a motion in regular session to stop further such actions and to receive copies of any letters, emails or other actions that she had made or that she or any board member were aware of where our attorney has been directed to take action without the vote of the full board. The motion passed 4-3.

### Applicable Board Policies:

Applicable Board policy BDG and the process policy BDG-R read:

- "The district will only pay for legal services that are provided in accordance with the **board**-approved scope of representation".
- "The attorney will be the chief legal adviser and representative of **the board** and will serve at the will of **the board**, reporting directly **to the board**".
- "**The board** and administration will make all requests for legal services..."

In addition, Board Policy BCA Board Member Code of Ethics reads "authority rests only with the board in official meetings and that the individual member has no legal status to bind the board outside of such meetings". The SC School Board Association further states "Understand that, under law, the school board acts as a board and that individual board members have no authority except when acting as a board."

Attachment <sup>#1</sup> is included with  
the minutes of the 2-13-23  
meeting, at the request of Board member  
Catherine Huddle  
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 is included with  
the minutes of the 2-13-23  
meeting, at the request of Board member  
Cary Huddle  
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.

Accusation by Mr. Scully:

During discussion Mr. Scully stated (regarding me): "on January 13<sup>th</sup> you sent an email to Audrey, the JAG Auditor, asking her to weigh in on a district matter".

Attached is the 1/13/23 email. The email was not directed to the auditor and did not direct the auditor or anyone to take action. My email was addressed to Dr. Ross and consisted solely of questions for the administration. I mentioned that the auditor might want to comment on the questions but I did not direct her to do so or to do anything else. Also, I copied the full board on the email.

Mr. Scully never responded to my 1/13/23 email or contacted me about it prior to his false allegations made during the 2/13/23 meeting.

Accusations by Ms. Hines:

During the discussion Ms. Hines stated: "There have been several times Ms. Huddle where you have acted on your own behalf on behalf of this entire board. You signed an initial letter of engagement with our auditor as the chair of our procurement committee. That is nowhere in policy. You have provided edits and feedbacks to draft reports of the auditor which calls into question the independence of any types of audits with that particular firm. You have provided recommendations for JAG without notifying the board or before her engagement is even complete where we found out by FOIA requests online".

Auditor Engagement Letter: In February 2022 the auditor sent the engagement letter to Chair Hammond, Marty Rawls (then CFO) and me (then chair of the procurement committee) for all three of us to sign after the board had approved the engagement. I did not sign on behalf of the board (Ms. Hammond did) and I discussed whether or not I should be included in the signatures as chair of the procurement committee with Ms. Hammond and Dr. Ross before signing.

Feedback on Draft Reports: As chair of the procurement committee, the auditor sent me some reports in draft form to review for any typos or questions. This occurred immediately preceding board meetings where the draft results were presented by the auditor to the full board.

Recommendations to JAG: On 5/14/22 the auditor sent an email to all board members asking specific questions regarding our knowledge of district procurement and including the statement "It is very important we are made aware of risks, non-compliance, or concerns, which is standard practice and required by Agencies to be transparent and forthcoming with information." I responded to that email as requested and, as required by my fiduciary responsibility as a trustee, I continued to be forthcoming with any concerns with possible non-compliance with procurement regulations.

The FOIA responses Ms. Hines were referring to were posted on the district's website in December 2022. Any board member, including Ms. Hines, had ample time to contact me prior to the 2/13/23 meeting if they had any concerns with any information contained in that FOIA response.

During her comments in discussion Ms. Hines also violated board policy BCA by discussing conversations that took place during executive session with the board's attorney.

### Requested Emails and Letters:

In response to my motion, the chair stated “Ms. Huddle’s allegations are categorically false”, “there are no emails so it doesn’t really matter” and “there are no emails that I am aware of that you will receive”.

After the board meeting, I requested the administration to provide all emails between any board members with the board’s attorney (where the full board was not copied) and the dates and times of any meetings between any board members and the board’s attorney that were held without the full board. The administration sent the information I requested to all board members. We received many emails, including:

- Invitations for 3 meetings with the board’s attorney and board members Rebecca Hines and Matt Hogan and the superintendent and CFO – meetings that were held on 2/2/23, 2/7/23 and 2/9/23 per the emails.
- An email from the board’s attorney to board members Rebecca Hines and Matt Hogan and the superintendent and CFO on 2/3 with a draft letter attached and the words “I am ready to send it out with your approval or make any changes you would like.”
- An email reply from Rebecca Hines on 2/3 with the words “If Dr. Ross agrees, I also approve” and a reply from Matt Hogan on 2/5 with the words “Looks good to me”.
- An email and letter sent by the board’s attorney to the auditor on 2/6 with copies to board members Rebecca Hines and Matt Hogan and the superintendent and CFO. The letter made a request of the auditor and included the words “Thank you for your immediate attention to this situation”.
- Upon receipt of a reply email from the auditor, Ms. Hines sent an email to the board’s attorney, Dr. Ross and the CFO with blind copies to Mr. Hogan and Ms. Snipes stating “I believe we need to discuss how to proceed”.
- Following the 2/7 meeting, Ms. Hines sent an email to the board’s attorney and Dr. Ross with the words “Ward – I believe Dr. Ross may ask you to draft a response” and “I would like you to know the following” .

These emails clearly show detailed participation by two board officers in meetings and emails that resulted in the board’s attorney being directed to send a request letter and a subsequent email without a vote of the full board – without even the knowledge of the full board.

Attachment #3 is included with  
the minutes of the Candy Huddle  
meeting, at the request of Board member  
2-13-23  
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.

**In Summary:**

During discussions the chair and vice chair asserted that it was the administration that directed the board's attorney. However, emails sent by the chair and vice chair approving the letter written by the board's attorney show they were both active participants in directing the board's attorney.

Furthermore, the attorney, Mr. Bradley, was selected through RFP as **the board's attorney**. As members of the board and officers, they have a duty to ensure that the full board, per policy, is participating in directing any actions by **the board's attorney**.

I tried to bring this situation to the attention of the chair via email (with no response ever received) and raise it in executive session without resolution. Unfortunately, this left me no other choice than to raise the issue in the full board meeting where my concerns were met with a fractious board chair and unfounded accusations by her and Mr. Scully – accusations that were not applicable to the situation at hand and which they could have brought to me before the meeting if they were truly interested in resolving their concerns.

Attachment #4 is included with  
the minutes of the 2-13-23  
meeting, at the request of Board member  
Cathy Hubble  
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: **Cathy Huddle** <[chuddle@lexrich5.org](mailto:chuddle@lexrich5.org)>

Date: Fri, Jan 13, 2023 at 3:44 PM

Subject: Fwd: For Your Information -

To: Akil Ross <[aross@lexrich5.org](mailto:aross@lexrich5.org)>

Cc: Audrey J. Jaramillo, CPA, CFE, J.M. <[audrey@jag.cpa](mailto:audrey@jag.cpa)>

Attachment #5 is included with the minutes of the 2-13-23 meeting, at the request of Board member Cathy Huddle

pursuant to South Carolina Code

Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Dr. Ross, Thank you for the memo. Please note that I have blind copied the board on this email so they will know I have asked these questions when they receive your response. I have also copied the auditor in the event she may have some input to share.

I have some follow-up questions: The RFP for this contract stated that the vendor would not provide anything of any value to anyone in a position to make a decision on the contract during the RFP period. [REDACTED] vendor made campaign contributions to members of the board (which voted on the contract) during the RFP period. I would like to know if the administration considers those contributions to be a violation of that portion of the RFP and why or why not. If it is a violation of the RFP are there no repercussions, especially considering the other respondents did not make any such donations?

I would also like to know if that RFP language is standard to all of our RFPs and if so, why do we have the language? Is it required by state procurement or any other regulation or policy.

Thank-you,  
Cathy