

Regular School Board Meeting
Thursday, December 13, 2012 – 7:00 P.M.
Fayette-Ware High School – Library

Minutes

1. Call meeting to order.

Ronnie McCarty, Chairman of the Board, called the meeting to order at 7:03 P.M.

2. Establishment of a quorum.

A quorum was established with the following members present: Robert Redditt, Evangeline Shaw, Wendell Wainwright, Ronnie McCarty, David Barnes, Sally Spencer, Marandy Wilkerson, Dana Pittman and James Teague, Superintendent. James Garrett came in late.

Executive Session

The Board Members, Mr. Teague and Mr. Minor went into Executive Session at 7:04 P.M. and returned back into their meeting at 7:25 P.M.

3. Consider adoption of agenda.

Mr. Barnes motions to adopt the agenda.

Mr. Wainwright seconds.

Discussion

Mr. Barnes wants to add an agenda item for a "Board Liaison to work with the Attorneys on the Alternative Plan".

Mr. McCarty stated that this would become Item #10.

Mrs. Wilkerson wants to add an agenda item for "Discussion for a request for an estimated budget for additional Counsel".

Mr. McCarty stated that this would become Item #11. Everything else is shifted down two numbers.

Ms. Pittman stated that two items for the Budget Committee Meeting got left off the Agenda. She stated that the items that needed to be added are as follows: Item C - 2 Determination of an Adequate Fund Balance and C - 3 - Direct Deposits for all Payrolls. She stated that she wanted to add an item at the end of the Agenda and it is the cancellation of all December Standing Committee meetings.

Mr. McCarty stated that this will be Item #24.

8 - Yes 0 - No Mr. Garrett was absent for this vote.

Motion carries.

4. Pledge of Allegiance.

Led by Mr. Barnes.

5. Consider approval of minutes.

Mr. Barnes motions to approve.

Mr. Wainwright seconds.

Discussion

Ms. Pittman stated that she had a correction to the Called Meeting from December 5th. She stated that on page 3, the top paragraph, a sentence got left out of her comment. She stated that it should read "Ms. Pittman stated that she was confused because the plan for Northwest is exactly what my colleague proposed at the July 23rd meeting when the Consent Order was voted on".

The minutes were approved with the corrections.

8 - Yes 0 - No - Mr. Garrett was absent for this vote.

Motion carries.

6. Speaking to agenda and non-agenda items.

(Time limit total - 15 minutes)

Tim Sweeney - was not present.

Hattie Williams – spoke on Items #11, #16 and #20. She wanted to know when the construction for the new school will begin and if there were any alternative plans for the site. She stated that when changing the School Board Policies that they are consistent with the Tennessee Code Annotated. She stated there are still some concerns with the payroll.

7. **Director of Schools' Report.**

Mr. Teague stated that he has a copy of the inspection and duplication request that he has in his office. He stated that this is for the public and anyone else that would like to fill one out for information that is needed. He stated that the Fayette-Ware Chorus will be performing on December 18th at the 1st Methodist Church in Somerville at 6:00 P.M. Mr. Teague stated that he received an invitation from TSBA asking Fayette County Schools to host the 2013 Fall District Meeting in September on the 16th. He stated that unless he hears different, he is going to call TSBA to let them know we are interested. After struggling for several months, insurance payments are balanced. Tax money is coming in from the county. He stated that we are up-to-date on paying our bills, vendors and no one has missed a paycheck, yet. Mr. Teague stated that he wanted to clarify one thing that he has said and that is no one will lose their job, he meant no one would be fired from Fayette County Schools because of a lack of a job. He stated that he did not mean that everyone who is a principal may still be a principal when the new school is built. He stated that they will have a job, might not be the same position, but they will be employed.

8. **Board Members' Report.**

Mr. Redditt thanked Mr. Teague and Dr. Harris for the goody bags that were given to the Board Members. He also thanked the audience for coming out to the Board Meeting tonight.

Ms. Pittman gave a brief report on she, Mr. Wainwright and Mr. Garrett's attendance at the New Board Member Orientation. She stated that it was very informative, enjoyable and productive.

9. **CONSENT AGENDA.**

Mr. Redditt motions to approve.

Mr. Barnes seconds.

8 - Yes 0 - No - Mr. Garrett was absent for this vote.

Motion carries.

10. **Board Liaison to work with Attorneys on the Alternative Plan.**

Mrs. Spencer moved to approve the position to have a Board Liaison to work with the Attorney on the Alternative Plan and nominate a member.

Mr. Barnes seconds.

Mrs. Wilkerson wanted to know why the attorney cannot work with the entire Board since the Desegregation Order involves the whole Board. She wanted to know what information will be shared with the entire Board from the liaison. She stated that the schools that are involved in this Alternative Plan are in her district and she wants to know everything that is going on with those schools. She stated that she thinks it is unfair when an attorney request a liaison when it involves the whole Board.

Mr. McCarty asked Mr. Minor to explain what the liaison would be doing with the attorney.

Mr. Minor stated that it has always been his practice that when there are any steps to be taken on behalf of the Board that he reports to the Board Members by email which is he as the lawyer discussing with the Board Members as his client. There is privilege information that cannot be shared with anyone other than the Board. There will be a lot of meetings that are going to take place between himself, the Special Counsel and Mr. Teague. Mr. Minor stated that he thought it would be a good idea to have a Board Representative who is there who can hear what is going on and have input and who will be a voice back to the Board. He stated that he thought this would give the Board more real time information.

Mr. Redditt stated that in the past it usually has been the chair or the pro tem to do this.

Mr. McCarty stated that when it was stated that there could possibly be lots of visits during the day, he could not get off from work. This is why we are open for nominations.

Mr. Redditt asked if this had been discussed with the Pro Tem.

Mr. McCarty stated that he had not discussed this with the Pro Tem because this would be a Sunshine Law violation. He stated that when it was brought to him, he discussed it possibly be brought to the Pro Tem.

Mr. Wainwright, Pro Tem stated that he would rather not.

Mr. Redditt stated that this is part of the responsibility of the two seats.

Mr. McCarty stated that if this was in the evening he would be happy to be there, but it is not and he can't take off of his job anytime he wants to.

Ms. Pittman stated it is her understanding that part of this is going to require a lot of drafting of paperwork on details of this plan to get it going. She stated that this has some bearing on this issue.

Mr. McCarty stated that since the Board Chairman has declined and the Pro Tem can't be on it, he asked if there were any nominations.

Mrs. Wilkerson stated that according to the attorney this is optional and that Board Members could sit in on it. She stated that if this is optional, she believes that it should be open to if a Board Member wants to attend they can and if they don't want to attend, they don't have to.

Mr. McCarty stated that you can only have one Board Member attend because other than that it is a Sunshine Law violation. He stated that when we did the mediation, you only had one Board Member there. If you are in with the attorneys making decisions as Board Members you can have only one Board Member there making decisions that would be bringing it back. You can ask questions but you cannot not come up and do statements, otherwise it is a Sunshine Law violation.

Mr. Minor stated that the meetings that go on with the Lawyers are not public meetings; they are private meetings behind closed doors coming up with a strategy to present this plan. You cannot have but one Board Member present in those meetings. If you have more than one Board Member that is a clear violation of the Sunshine Law. Mr. Minor stated that this is the law. The Tennessee Open Meetings Act states that only one Board Member can be present at private meetings. If you have more than one Board Member there then there is a possibility that those candidates will be deliberating and discussing issues involving the Board and that is a clear violation of the Open Meetings Act. Mr. Minor stated that there will be a requirement that a lot of data be processed and analyzed to draft a petition to file in the District Court requesting an amendment to the Consent Order.

Mrs. Spencer nominates Ms. Pittman.

Mr. Wainwright nominates Mrs. Shaw. Mrs. Shaw declines.

Mr. McCarty asked if there were any other nominations. There were none.

The Board Members then took a vote.

8 - Yes 1 - No - Mrs. Wilkerson voted No.

Motion carries.

Ms. Pittman was elected as their liaison to the Attorney on the Alternative Plan.

Mrs. Wilkerson wanted in writing showing her it is a violation of the Sunshine Law to have more than one Board Member present at these meetings.

11. **Budget request for additional Counsel.**

Mrs. Wilkerson stated that this is the third time that she makes this request from Mr. Minor in writing.

Mr. Minor apologized to Mrs. Wilkerson. He stated that he thought the information he provided last week of \$25,000 was what she was wanting. He stated that he would recommend hiring Trey Jordan out of Memphis. Mr. Minor stated that Mr. Jordan confirmed to him in writing that the \$25,000 is an appropriate budget short of going into litigation. These are non-litigation fees.

12. **Financial Update**

Ms. Parks asked if there were any questions on the November update. She stated that she had told the Board Members last month that November was going to be a rough month. She stated that we had to use the last of the Tax Anticipation Loan. She stated that we started receiving some property tax money. We are caught up on our bills and have paid everyone. She stated that we had a little money left over in November. She stated right now we have the insurance balanced and up-to-date.

Mr. McCarty had a question on 142 under the Vocational Educational Program; he wanted to know if we were going to have enough money to run this program for the rest of the year.

Ms. Parks stated that we have had this corrected and there is enough money to run it the remainder of the year.

Ms. Pittman wanted to know if there was a mandatory time that the Tax Anticipation Loan had to be paid back.

Ms. Parks stated that the faster that we can pay it back, the less interest we will have to pay back. She stated that it has to be paid back by June 30th. She stated that it would be to our advantage to get it paid back as soon as we can.

Ms. Pittman asked if we could partially pay it back.

Mayor Taylor stated that the timeframe to pay it back is March 15th; all property taxes should be in.

Ms. Parks stated that we received \$225,000 for our Capital Projects Fund today. This is money that the Board Members had requested from the County Commission to be transferred to us to get started with the architect.

Mr. Redditt wanted to know where we are on Federal Funds.

Ms. Parks stated the last time that she has heard anything about it the audit was not going to be released until the end of January.

13. Construction Update.

Steve Landwehr and Ellen Wadley gave a presentation on the building of the new school. Ellen Wadley gave an overview of the floor plans. The plan is for a Hub & Spoke School. She went over each wing and stated what grades would be in each wing. She then pointed out the cafeteria and gymnasium. She stated there is a Learning Lab, Science Lab, Music Room, and CDC Rooms in addition.

Discussion was held on the floor between Mr. Landwehr and Mrs. Wadley of Fleming Associates and the Board Members on the design of the new school.

Mrs. Wadley went over the traffic flow. She stated that they did a traffic study and that she had five scenarios that she wanted to show the Board Members tonight. She wanted to get their approval on one of the scenarios. Mrs. Wadley went over each scenario and explained each one to the members.

Discussion was held on the floor between Mrs. Wadley, Mr. Landwehr and the Board Members on the traffic flow of the new school.

Mr. Redditt motioned to accept the Hub & Spoke Design with auditorium flipped with the gym on the footprint and the queue coming in on Church Hill Street and coming behind Somerville Elementary as long as we own the property and then exiting on Hwy 76 in the 3A scenario of the plan.

Ms. Pittman seconds.

7 - Yes 1 - No - Mr. Garrett voted No. 1 - Pass - Mrs. Wilkerson passed.

Motion carries.

Ms. Pittman wanted stated in the minutes that Board Committee Meetings will not be before 6:30 P.M. and a 3-day notice will be given.

14. Discuss and approve delegation of routine building decisions by Building Committee. (Mr. Barnes)

Mr. Barnes stated that in their meeting with Fleming the Building Committee discussed the appropriateness of having the Building Committee making certain minor changes as highlighted in the document handout.

Mr. Landwehr stated that we need a resolution to be passed that allows the Building Committee to make the basic day-to-day decisions. Large ticket items, final look at the school, the number of rooms, what the final school will look like, budgetary items and things like that, obviously the whole Board needs to look at. We would like to have a resolution to work on a day-to-day basis with the Building Committee so that we may stay on schedule instead of waiting for a School Board Meeting.

Mr. Barnes motions to approve delegating routine building decisions by Building Committee.

Mr. Wainwright seconds.

Mr. Landwehr stated that if this does not pass, we will need to have weekly Called Board Meetings to have this finished on time. We need to have decisions made.

Mr. Minor stated that Robert's Rules of Order addresses the fact that the Board does have the authority to delegate if it wants, decision making authority to a committee. He stated that it is a situation where the Board spells out what it is that the Board wants the committee to have. He stated that Robert Rules of Order in its' comment section stresses the importance of the minutes from your meeting tonight, be very specific and what that authority is. The minutes can be reflected in the form of a resolution, but it needs to be a specific worded authority that is delegated by you as the Board to the committee to make decisions.

Mrs. Wilkerson wanted to know if Mr. Teague and Mr. Kee will be a part of this Building Committee. She stated that if we go with the committee that the Board has appointed, are we not taking the authority away from Mr. Teague and Mr. Kee and giving it to the Board Members and taking part of Mr. Teague and Mr. Kee's jobs. She stated that in the past when the schools were built, the Director and the Facilities Manager have always been the ones that made the decisions even though we had a committee.

Mr. Teague stated that he and Mr. Kee both serve on the program committee. He stated that he attends all Building Committee meetings. Mr. Kee does not attend all the meetings.

Mr. Redditt stated that he would like to see Mr. Teague and Mr. Kee and also a couple of parents so that we would have some parent involvement.

Ms. Pittman stated that when committees were formulated and discussed that we would proceed with committees, it was pretty much expressed that committees would be advisory only and that carried on into policy. She stated that she has concerns with a committee having that kind of authority. It is only four people and if all four people don't show up for the meetings that is a few people acting for nine people. She stated that she came up with a resolution that seeks to solve some of those problems and make the committees somewhat more flexible so that all Board Members or as many that wants to participate at a given meeting on a set of decisions can do that and have input in that process but it also provides the flexibility that Mr. Lanwehr and Mrs. Wadley are seeking. She stated that this will basically allow any Board Member that showed up at a committee meeting to be essentially a member of the committee at that meeting and make motions and vote.

Mr. Minor stated that the Board can make whatever rules the Board wants to make in terms of how it wants to delegate to the committee.

Mr. Redditt asked Mr. Minor for clarification, that if our chair can make everyone of us on the Building Committee and it is a committee not a Board Meeting.

Mr. Minor said, "Yes" He said that it doesn't make sense but you can make a nine-member committee. He stated that the Board could make whatever rules they wanted, it can be however big or small they wanted.

Mr. Minor gave a copy of the resolution to the Board Members that he had created last month.

Mr. Barnes withdrew his motion.

Mr. Barnes motioned to accept Mr. Minor's Resolution for the Building Committee to make routine decisions in a timely manner for the project to be completed on time. The meetings will be at 6:30 P.M. with a 3-day notice.

Mr. Wainwright seconds.

9 - Yes 0 - No

Motion carries.

15. Presentation from Brannon Lewis. (Mr. McCarty)

Mr. Teague introduced Mr. Lewis to the Board Members. Mr. Lewis stated that he is a volunteer assistant baseball coach at FWHS under Coach Bond. He stated that he would like approval from the Board Members to name the baseball field at FWHS Billy Chitwood Field. He stated that is to pay tribute to Mr. Chitwood for all of the hard work that he has been performing on the High School field. He stated that Mr. Chitwood volunteers his time. He stated that the second matter that he would like approval on is to establish baseball teams at EJHS and WJHS. He wants to do this as a cooperative and have East and West play together as one unit.

Mr. Barnes motioned to turn naming rights of field over to Mr. Teague
Mr. Wainwright seconds.

Ms. Pittman wants these issues to go before committee instead of the full board in the future.

8 - Yes 1 - No - Ms. Pittman voted No.
Motion carries.

16. Discussion and/or approval of Fayette Baptist Church requesting a 6 - month extension to use West Jr. High School.

Mr. Redditt motions to approve.
Mr. Barnes seconds.

Mr. Teague stated that the Principal, the Pastor and himself are all in agreement to extend the contract to June, 2013.

Ms. Pittman wants a copy of the contract in the future.

9 - Yes 0 - No
Motion carries.

17. Discussion and/or approval of Policy 1.400 - School Board Meetings. (2nd Reading) Mrs. Spencer

Mrs. Spencer went over the policy.
Mr. Redditt motions to approve.
Mr. Barnes seconds.

9 - Yes 0 - No
Motion carries.

18. Reports of the Standing Committees

a. Policy Committee - Sally Spencer

Mrs. Spencer stated that there are several policies that are being brought before the Board for 1st Reading.

1. The first policy is Policy 1.300 - Standing Committees - 1st Reading.

Mrs. Spencer motions to approve Policy 1.300 on 1st Reading.
Mr. Barnes seconds.

Mr. Garrett stated that this seems to be very heavy in administrative overhead and bullet #2 is against what we just voted on for the Building Committee.

Mrs. Spencer stated that this is 1st Reading. We can take this back to committee and alter it and bring it back to you. She stated that all we are asking you for is either to approve this or offer suggestions where we might change it so the whole Board would like it better.

Ms. Pittman made a subsidiary motion to take Policy 1.300 back to committee.
Mrs. Spencer seconds.

9 - Yes 0 - No
Motion carries.

2. Policy 1.300.1 - Special Committees - 1st Reading

Mrs. Spencer motions to approve Policy 1.300.1 on 1st Reading.
Mr. Redditt seconds.

Mr. Barnes made a subsidiary motion to kick this back to committee.
Ms. Pittman seconds.

9 - Yes 0 - No
Motion carries.

3. Policy 1.305 - Budget Committee - 1st Reading

Mrs. Spencer motions to delete Policy 1.305 on 1st Reading.
Mr. Barnes seconds.

8 - Yes 0 - No 1 - Pass - Mr. Garrett passed.
Motion carries.

b. Transportation Committee – Mrs. Wilkerson

1. Minutes

Mrs. Wilkerson stated that the Board Members just received a copy of the Transportation Committee Meeting Minutes. There are no recommendations. She went over the minutes with the Board Members.

c. Budget Committee – Ms. Pittman

1. Minutes

Ms. Pittman went over the minutes from the Budget Committee. She stated that the committee voted to recommend to the Board that we set a goal of \$2 million of fund balance that can be passed on to the Planning Committee.

Ms. Pittman moved to set a goal of \$2 million to be passed on to the Planning Committee. Mrs. Spencer seconds.

9 – Yes 0 – No

Motion carries.

2. Teachers and Staff Salaries

Ms. Pittman stated that the Board Members had a handout on teacher salaries for teachers in the surrounding counties.

3. Direct Deposits for all payrolls.

Ms. Pittman stated that the committee made a motion to move forward to the Board to recommend to allow optional deposit on all payrolls. Ms. Pittman stated she has not gotten all the answers.

Ms. Pittman made a motion to refer this back to committee.

Mr. Barnes seconds.

9 – Yes 0 – No

Motion carries.

20. Report from Special Committees

d. Building Committee – Mr. Barnes

1. Minutes

Mr. Barnes stated that there is a copy of the minutes in the Board Members packets and there are no recommendations.

21. Instrument for Superintendent Evaluation. (Ms. Pittman)

Ms. Pittman stated that she asked about this several times because we are contractually obligated to develop an instrument for the Superintendent's Evaluation. She stated that she got a sample instrument from TSBA. She suggested to the Board Members to go through this, make notes on what we like, don't like, things we would like to add and maybe we could reconvene at a workshop before the next Board Meeting.

22. Frequency of School Board Payroll. (Ms. Pittman)

Ms. Pittman made a motion that the Board Members get paid once a month.

Mr. Redditt seconds.

Mr. Teague stated that payrolls will be printed on the 10th.

8 – Yes 1 – No – Mr. Wainwright voted No.

Motion carries.

23. Payroll Issues. (Ms. Pittman)

Ms. Pittman pulled this.

24. Discussion and/or approval of moving the January 3, 2013 Regular School Board Meeting to January 10, 2013.

Mr. Barnes motions to approve.

Mr. Wainwright seconds.

6 – Yes 1 – No – Mrs. Wilkerson voted No.

2 – Pass – Mr. Garrett and Mr. Redditt passed.

Motion carries.

25. Cancellation of the Standing Committees.

Ms. Pittman moved to cancel the Standing Committee meetings for December.

Mr. Wainwright seconds.

8 - Yes 1 - No - Mrs. Wilkerson voted No.

Motion carries.

26. Adjournment.


Mr. Wainwright motions to adjourn.

Mr. Barnes seconds.

Approved on: 1/18/13



Ronnie McCarty, Board Chairman



James M. Teague, Superintendent

Submitted by: Toni Pollet