

**Special Called School Board Meeting
Wednesday, December 5, 2012 at 6:30 P.M.
Fayette-Ware High School – Library**

Minutes

1. Call the meeting to order.
Ronnie McCarty, Chairman of the Board, called the meeting to order at 6:30 P.M.
2. Establish a Quorum.
A quorum was established with the following members present: Robert Redditt, Marandy Wilkerson, Evangeline Shaw, Wendell Wainwright, Ronnie McCarty, David Barnes, James Garrett, Sally Spencer, Dana Pittman and James Teague, Superintendent
3. Approval of Agenda.
Mr. Wainwright motions to approve the agenda.
Mr. Barnes seconds.
Mr. Redditt stated that he is not in favor of anything on the Agenda.
8 – Yes 1 – No Mr. Redditt voted No.
Motion carries.
4. Discuss and approve Resolution to submit Alternative Plan to the Court for consideration and authorize Tom Minor to hire counsel to assist with submitting the Alternative Plan to the Court.
Mr. Barnes motions to approve.
Mrs. Shaw seconds.
Mrs. Wilkerson had a question concerning the authorization of Tom Minor to hire additional counsel. She stated that Mr. Teague is the Director of Schools. She stated that if Mr. Teague wants funds, he brings the recommendation before the Board for approval, so how does Mr. Minor have the authority to go out and hire counsel without it going through the proper procedures. Mrs. Wilkerson stated that Mr. Minor is a contractual employee and wanted to know when did he start hiring for the Board.
Mr. McCarty stated that in our regular meeting in November we started talking about this. It was approved for Mr. Minor to seek additional help. This was discussed at the regular board meeting and this is why this Resolution is here now along with the Alternative Plan for him to look for assisting counsel.
Discussion continued between the Board Members concerning allowing Mr. Minor to hire additional counsel to assist with submitting the Alternative Plan to the Court. Mr. Minor stated that the two Law Firms that were brought back in April that he felt would best fit the Board's needs were Mr. Shield's Law Firm and Mr. Jordan's Law Firm. He stated that he had discussions with the Board Members throughout that process and he felt Mr. Shields was the best suited to address a mediation process and Mr. Jordan had more trial experience and would be better suited for a contingency that involved possible litigation. He stated that it is his opinion, if the

Board gives him the authority to choose an attorney tonight, that it would be Mr. Jordan and his Law Firm. He stated Mr. Jordan has provided him with his hourly rates. They are as follows:

Mr. Jordan	\$225/hour
His Associates	\$185/hour
Paralegal	\$65/hour

Mr. Minor stated that these rates are all discounted rates from the normal rates that is charged by an attorney such as Mr. Jordan with his years of experience and the fact that he is the Memphis market. This case is pending in Memphis and not in Fayette County. He stated that there are not a lot of lawyers who are qualified to appear in District Court. He stated that I am certainly not one of those. He stated that if the Board sees fit to give him the discretion to choose an attorney tonight, his recommendation would be Mr. Trey Jordan and his Firm. He has an Associate that is a former Clerk of the Court of Appeals. Mr. Minor stated that this means a Lawyer who has written a lot of appellate opinions and he is one of the best writers that I have ever dealt with. He stated that part of this process is presenting written material to the Court, LDF and the DOJ.

Mrs. Wilkerson asked Mr. Minor about the time frame. She wants a cost analysis.

Mr. Minor stated that those are the rates, but as far as budgeting, there would have to be a scenario of budgeting with no litigation and a scenario of budgeting with courtroom time. He stated that he could sit here tonight and give what he thinks is a reasonable budget, but he does not want anyone to hold him to that because there is no way of knowing what may occur down the road.

Mrs. Wilkerson wants something in writing with a projected budget.

Mr. McCarty asked Mr. Minor if he could have that for the Board Members for the next meeting on the 13th.

Mr. Minor stated that he could.

Mr. Redditt stated that when it comes time to vote on this, there are six Board Members that really need to weigh this. He stated that those of you who represent the students at Northwest, with this plan, you are fixing to bus half of your district. He stated that he doesn't think that the members are going to be very popular once the children are moved from Northwest to Oakland, which is about 80 students. There is only one classroom available at Oakland. He stated that because there is no room, the only option is for the children from Oakland to be bused to the new school to accommodate the students who were bused from Northwest to Oakland. He stated that busing kids just to bus kids is crazy and the Board needs to rethink this.

Mrs. Wilkerson wanted to know if the Board was going to vote on the whole item for #4 tonight.

Mr. McCarty stated that we are. He stated that Mr. Minor is going to come back with a budget next week and if we don't like it, we can always rescind it.

Ms. Pittman stated that the numbers will change at Oakland with the restoration of Oakland to PreK – 5. She stated that the membership numbers will come down quite a bit. She stated that is where it allows room to accommodate the children coming from Northwest. 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. Ms. Pittman stated that she wanted to remind everybody that the County Commission voted 17 yes out of the 18 people present in support of the Alternative Plan and they also agreed to provide the funding for it and that is elected officials that represent the entire county.

Mr. Redditt stated that he did have the understanding that the County Commission did vote to approve, but that he also believes that the County Commission stated that the School Board would have to pay for that.

Mr. McCarty stated that is correct.

Roll call vote:

Mr. Barnes – Yes; Mr. Garrett – Yes; Ms. Pittman – Yes; Mr. Redditt – No;
Mrs. Shaw – Yes; Mrs. Spencer – Yes; Mr. Wainwright – Yes; Mrs. Wilkerson – No;
Mr. McCarty – Yes.

7 – Yes 2 – No

Motion carries.

5. Discuss and approve Resolution to the County Commission thanking them for support of Alternative Plan.

Mr. Barnes motions to approve.

Mr. Wainwright seconds.

7 – Yes 1 – No; Mrs. Wilkerson 1 – Pass; Mr. Redditt

Motion carries.

6. Discuss and approve delegation of routine building decisions by Building Committee.

Mr. Barnes motions to approve.

Mr. Redditt seconds.

After discussion on the floor between the Board Members, Mr. Barnes withdrew his motion.

It was decided to add this item to the Agenda for the December 13th School Board Meeting. It is to be placed right after Fleming and Associates presentation.

7. Adjournment.

Mr. Barnes motions to adjourn.

Mr. Redditt seconds.

Approved: 12/13/12



Ronnie McCarty, School Board Chairman



James Teague, Superintendent

Submitted by: Toni Pollet