

BURKE COUNTY BOARD OF EDUCATION MEETING

Special Called Meeting

July 6, 2009

Open Session Minutes

Board Chair, Ms. Tracy Norman, called the Special Called Meeting of the Burke County Board of Education to Order at approximately 10:00 a.m. in the Olive Hill Room at the West Concord Resource Center. Other members of the Board who were present included Vice Chairman; Mr. Tim Buff, Mr. Buddy Armour, Mr. Rob Hairfield, Mrs. Karen Sain, and Mr. Sam Wilkinson. Also present for the meeting were Acting Superintendent/Associate Superintendent, Mr. Rick Sherrill; Assistant Superintendent, Mr. Tony Cox; Human Resource Director, Mr. Winston Bagley; Chief Finance Officer, Mr. Keith Lawson and School Board Attorney, Mr. Jon Jones.

Approval of Agenda

With the first order of business being to approve the agenda for the meeting, the Motion was made by Mr. Buff to approve the agenda followed by a Second by Mrs. Sain. The Motion carried with a vote of 4-2 with Mr. Armour and Mr. Wilkinson in opposition.

Mr. Sherrill briefly addressed the Board as well as those in attendance for the meeting concerning the need for the county to start working together rather than being divided. He continued by stating that it was unfortunate that the dispute over the superintendent's contract had taken the focus off the many good things happening in our schools. Mr. Sherrill shared that he had agreed to step in and serve as acting superintendent until the new superintendent was hired, to work on budget, personnel, and staff development issues to ensure that our schools could operate effectively for the opening of the 2009-2010 school year. Mr. Sherrill reiterated that he did not intend to accept the position of superintendent.

Re-Confirm Appointment of New Board Member

Ms. Norman requested to reverse the order of item III. and IV. on the agenda to re-confirm the appointment of the new Board member. She informed Board members of the written ballot included in their packets and requested that they mark and sign their ballot. Mr. Armour questioned why Ms. Norman didn't request to amend the agenda to reverse the items on the agenda. Ms. Norman then called for a Motion to amend the agenda to reverse the order of item III. and IV. to re-confirm the appointment of the new Board member. Mr. Armour made the Motion which was Seconded by Mr. Buff. The Motion was approved by a 6-0 unanimous vote. Ms. Norman then asked Board members to mark and sign their ballot and pass to the center.

Mr. Sherrill tallied the votes in which Mr. John Aulgur received 4 votes and Nellie Yancey received 2 votes. Upon the request of a Motion by Ms. Norman, Mr. Buff then made a Motion to appoint Mr. John Aulgur to the vacant Board seat, with a Second by Mrs. Sain. Mr. Armour shared his concern that the votes that Mr. Aulgur had taken part in during the previous Board meeting should be null and void. Ms. Norman stated she would need to clarify with counsel but if the outcome of the votes were the same then it wouldn't change the vote. Mr. Jones stated that there was no legal statute and if the results of the vote remained the same then the votes were valid.

Mr. Armour then stated that since Mr. Aulgur sat in on Closed Session on June 30th before he was a Board member those Closed Session Minutes should be released to the public since he was representing the public and not the Board. Ms. Norman stated that the Board would have to consult with legal counsel on that. The vote was taken to appoint Mr. Aulgur to the vacated Board seat of Mr. Barnard. The Motion carried with a 4-2 vote with Mr. Armour and Mr. Wilkinson in opposition. Mrs. Mabel Lowman administered the Oath of Office and swore in Mr. John Aulgur.

The Board took a short recess.

Ms. Norman called the meeting back in session at approximately 10:35 a.m.

Appropriation Funding by County Commissioners

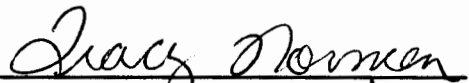
Mr. Sherrill briefed Board members on the document that he and Mr. Lawson had prepared to assist in determining whether local current expense funding was sufficient to support the Burke County Public Schools. Mr. Lawson reiterated the handicap it placed on the school system with the lack of funding from the 6900 purpose function series of codes, one of which being postage needed to mail out notifications to BCPS employees as well as paper needed to process transcript requests. Mr. Wilkinson reported that he was under the impression that the County Commissioners were only exercising their statutory right to request the Board of Education to contact them to request money from the 6900 code and that these monies had not been cut. He shared that he agreed that the two Boards needed to meet but also shared his concern that the BOE had already spelled out their conditions without having met with the Commissioners. Mr. Lawson reported that at this point the allocation to the 6900 series of codes was \$0 and that the school system had immediate needs that had to be addressed.

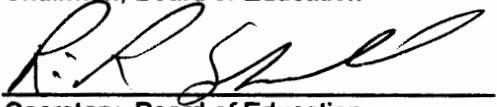
There was discussion concerning some of the funding the Commissioners were allocating actually being funds they already owed the school system from the previous two years. Mr. Jones reported that by statute the County Commissioners had to allocate funds to the school system budget by July 1 unless the Board of Education consents to extend that time. He further stated that they County Commissioners didn't have the authority nor was there a procedure in place to contact the Commissioners every time the Board needed funds allocated. Mr. Jones stated that as a result of the consent judgment established in 2005 the two Boards came together to establish a minimum level of funding to be allocated to the school system for future years. Mr. Jones reported that as part of that consent judgment, beginning with SY 2007-2008, the county would maintain a funding level of the Board's local current expense fund at 43% of the tax revenues, no less than \$13.7 million. He added that this same percentage was used for SY 2008-2009. He further stated that the Board of Education had not received all the money allocated from this percentage for the SY 2007-2008 or SY 2008-2009 and that the Commissioners had acknowledged owing this money to the Board of Education. Mr. Jones further stated that the County Commissioners had passed their budget for SY 2009-2010 funding the school system at only 42% of the tax revenues plus the amount owed to the school system from the two previous years to equal 43%. Mr. Jones presented a resolution to the Board for their recommendation.

Upon clarification that Mr. Schwartz had assisted with the resolution to the Commissioners, Mr. Wilkinson questioned when the Board authorized Mr. Schwartz to assist with the budget and County Commissioners. Ms. Norman stated that the scope of the duties for Mr. Schwartz had been broadened some time back. Mr. Jones stated that he highly recommended that the Board take advantage of Mr. Schwartz's expertise and authorize him to assist with this matter. The Motion was made by Mr. Buff to approve the resolution as presented with a Second by Mr. Hairfield. The Motion carried by a vote of 5-2 with Mr. Armour and Mr. Wilkinson in opposition. Ms. Norman requested a Motion to allow Mr. Schwartz to assist Mr. Jones in the matters concerning the budget and the County Commissioners. The Motion was made by Mrs. Sain and Seconded by Mr. Buff. The Motion carried 4-2-1 with Mr. Wilkinson and Mr. Armour in opposition; Mr. Hairfield abstained.

Adjournment

Upon a Motion by Mr. Hairfield and a Second by Mr. Aulgur the meeting adjourned at approximately 11:47 a.m. with a 6-1 vote of the Board; Mr. Armour was opposed.


Chairman, Board of Education


Secretary, Board of Education