

Anderson County Board of Education
907 North Main Street, Suite 202, Anderson, South Carolina 29621
Called Board Meeting - June 25, 2020

Call to Order: Chairman David Draisen called the meeting to order and Rev. Dr. Rufus Mitchell gave the invocation after which everyone joined in the pledge of allegiance to the American Flag.

Board Members Present: The following board members were present for the June Called Meeting: Mr. David Draisen, Mr. Mike Brock, Dr. Gary Burgess, Mr. Jim Haning, Mr. John Martin, Rev. Dr. Rufus Mitchell, Mr. Mike Upton, and Joey Nimmer, Ex Officio. Ms. Brenda Bradberry participated by phone and Mr. Nakia Davis through the Zoom app.

Board Members Absent: N/A

Approval of Agenda: Mr. Mike Upton made a motion to approve the agenda. Dr. Rev. Rufus Mitchell seconded the motion and with a unanimous vote, the agenda was approved.

Consideration of Recommendation from The County Board Personnel Committee regarding the Appointment to fill Vacancy on Anderson School District Two Board of Trustees: Chairman David Draisen read the agenda item and then turned the meeting over to Mr. Mike Upton who is the Chairman of the Personnel Committee.

Mr. Mike Upton continued stating the recommendation of the Anderson County Board of Education Personnel Committee is that Mr. Alderman Maynard be appointed to fill the vacant Area One seat on the Anderson School District Two Board of Trustees. Per South Carolina statute, this seat will be on the general election ballot in November 2020, and the prevailing candidate will take the seat on January 1, 2021. Therefore, the appointment will be effective until December 31, 2020. Mr. David Draisen then said that is the motion from the committee and doesn't need a second.

Dr. Gary Burgess indicated he would like to make a Secondary Motion to appoint Marion C. Nickles to the unexpired term to fill the seat on the Anderson County District Two School Board that became vacant as a result of the untimely death of Trustee Stu Shirley. Chairman David Draisen asked Dr. Burgess if he wanted to nominate Mr. Nickles and Dr. Burgess said yes. Mr. Draisen asked if there was a second and Ms. Brenda Bradberry seconded the motion.

Mr. David Draisen said we can have two motions, Mr. Mike Upton said we can have a discussion, this is a nomination for a position. Discussion of the motion and secondary motion took place.

Dr. Gary Burgess then said he had a statement to read. *See attachment.*

After a brief back and forth discussion between Dr. Burgess and Mr. Upton, Mr. Upton stated, "There was no secret meeting. We were sitting in Joey's office with the door open. I arrived early and went to Joey's office because no one was in the meeting room. Mr. Haning was already there. We talked for 5 or ten minutes, mostly about iced tea and pain pills." Chairman David Draisen instructed the Board Members to move forward with the meeting.

Chairman David Draisen stated there were two motions on the floor, one is from the Personnel Committee to appointment Alderman Maynard to fill the vacancy, and the other is a motion by Dr. Gary Burgess to appoint Marion Nickles that was seconded by Dr. Rev. Rufus Mitchell. Mr. Draisen asked to have discussion first on the Personnel Committee's recommendation. Mr. Upton said both of them can be discussed, and Dr. Burgess asked if the secondary motion should be taken care of first. After a brief discussion, Mr. Upton suggested looking it up in Robert's Rules of Order.

Mr. Nimmer read from the Robert's Rules of Order: When secondary motions are taken up, they take precedence over the main motion. A discussion must focus on the secondary motion until it is resolved or temporarily disposed of. Some examples of secondary motions are to amend, refer to a committee, and/or postpone a main motion.

After discussion between several board members, there was a question posed as to the difference between a secondary and a substitute motion. Again, Mr. Nimmer referenced the Robert's Rules of Order book for clarification. Mr. Nimmer reiterated that a secondary motion vote allows you to dispose of the original motion and act on the secondary motion. You vote on the secondary motion first. If you make a substitute motion you then act on whether or not the board wants to allow the substitute motion to take the place of the original motion. Still reading directly from the book of Robert's Rules of Order, Mr. Nimmer stated that a secondary motion has to be taken up first since a secondary takes precedence over any motion.

Still some board members questioned how to handle the vote and how to proceed with two candidates being named. Mr. Nimmer stated again that the way this reads, is you deal with the secondary motion, if it passes, the other becomes moot. If it doesn't pass, then it refers back to the main motion made by the Personnel Committee based upon what this says. We are not substituting one for the other. It is a secondary and by using that terminology, you have to deal with that first.

Mr. Draisen said based on Robert's Rules, we now have only one candidate, Marion Nickles because he came out of the secondary motion and that takes precedence. He instructed that a roll call vote be taken to approve the consideration of the secondary motion.

Mr. Nimmer took the roll call for the vote on considering the motion:

Mr. Mike Upton - No
Dr. Rev. Rufus Mitchell - Yes
Mr. Mike Brock - Yes
Mr. Nakia Davis - No
Mr. John Martin - Yes
Ms. Brenda Bradberry - Yes
Dr. Gary Burgess - Yes
Mr. Jim Haning - No
Mr. David Draisen - abstained

There are three Nays and five Yeas, Mr. Nimmer said, and with that the Yeas have it.

Mr. Draisen continued stating the motion was voted on to adopt that secondary motion. He then asked if there was anyone wanting to discuss the candidate prior to the vote.

Mr. Upton asked what Mr. Nickles occupation was and Mr. Martin answered he works at J-TEKT, Koyo Bearings, aerospace as an engineer. Mr. Draisen added he had previously served on the City Council. Mr. Upton commented that he still felt that since the Personnel Committee vetted all the candidates and voted on them, that it was a shame the candidate the committee recommended would not be considered.

Mr. Draisen praised the Personnel Committee for putting in a lot of work, energy, and time. I agree with you that we went through the entire process judiciously. He continued to say that if any of your constituents say "why did you do this?" You didn't do anything, the board did. The board voted on it not your individual vote. I want to make sure that everyone understands that. Each individual voted the way they felt comfortable with, but you individually didn't make this happen, the Board made this happen.

Mr. Draisen stated if there are no further comments or discussion, we have a motion on the floor to appoint Mr. Marion Nickles as our appointee and I guess we need to take a vote now.

Mr. Nimmer took the roll call vote to appoint Mr. Marion Nickles:

Mike Upton - No
Rev. Mitchell - Yes
Mike Brock - Yes
Nakia Davis - No
John Martin - Yes
Brenda Bradberry - Yes
Gary Burgess - Yes
Jim Haning - No
David Draisen - Abstain

Mr. Nimmer announced the vote passed with five Yeas to three Nays.

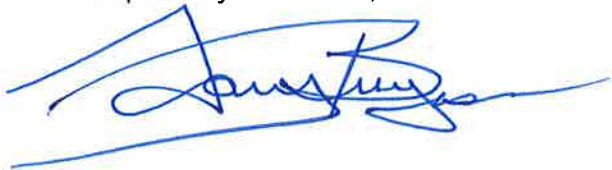
Mr. Draisen said five is a majority. He continued stating this is a divided district and, unfortunately, it divided us as a board while still hoping that this doesn't affect us as a board in the future. Going forward, Mr. Draisen wants to charge Mr. Nickles with doing the right thing by making the District 2 Board cohesive. He referenced what Dr. Burgess said about making that board work together as a unit while remembering their board is for the children and not their own personal agendas.

Mr. Upton agreed with Dr. Burgess' previous comment that the primary task for the person appointed to the District 2 seat is to influence everybody else in the right way. Mr. Draisen reiterated that he also hopes and prays they can do that as well stating it is a big task whether an individual is a trustee or a board member.

Mr. David Draisen went on to thank the County Board Personnel Committee members for their hard work especially their Chairman, Mr. Upton. Mr. Draisen appreciated all their hard work and is sure that District Two will appreciate the appointee and, hopefully, they can get back to business and form a cohesive unit.

The meeting was adjourned.

Respectfully submitted,



Dr. Gary Burgess, Secretary of the Anderson County Board of Education
This is a true and correct copy of notes taken at the meeting.

Dr. Gary L. Burgess, Sr.

202 Sweetheart Nook
Pendleton, SC 29670

June 25, 2020

The Anderson County Board of Education
Call Meeting
For the record

My motion:

I move that this board appoint Marion C. Nickles to the unexpired term to fill the seat on the Anderson County School District Two Board which became vacant as a result of the untimely death of Trustee Stu Shirley.

Discussion:

On June 10, 2020, the personnel committee met and selected a candidate whose name would be presented to the full board during the board's regular meeting on June 15, 2020, to fill the vacancy on the Anderson County Two Board of Trustees. The candidate with a simple majority vote, 3 to 2, was Mr. Scott McGonigle. I anticipated that he would be defeat during the regular meeting by a 5 to 3 vote given the body language of those present during the personnel committee meeting.

However, for some reason, the vote to fill the vacancy on the District Two board was tabled after discussion by two members of the personnel committee prior to the June 15, 2020 meeting of the Anderson County Board of Education. Neither Rev. Dr. Mitchell nor I, the other two members of the four member personnel committee, were informed of this discussion to table the vote. The County Board, during the June 15, 2020 meeting, agreed to have another personnel committee meeting on June 23, 2020 for additional discussion about the vacancy, with a call meeting of the full board on June 25, 2020.

Upon entering the meeting space for the personnel committee meeting on June 23, 2020, apparently another close door meeting was in progress, neither Rev. Dr. Mitchell nor I had been invited to attend. During the personnel committee meeting, by a simple majority vote, 3 to 2, Mr. Alderman Maynard's name was selected to go before the board at this evening's June 25, 2020 call meeting of the Anderson County Board of Trustees for a vote.

Since the personnel committee had a name to present to the full board for a vote on both June 10, 2020, Mr. Scott McGonigle and another name, Mr. Alderman Maynard, as a result of the June 23, 2020 meeting, personnel committee meeting, I have nominated Mr. Marion C. Nickles. Mr.

Nickles, I believe, was one of the top three candidates for all those in attendance on June 10, 2020, particularly for those serving on the personnel committee.

Outcome:

This board, the Anderson County Board of Education, has worked harmoniously together. I believe we, each one of us, are honorable people engaged in an honorable civic duty, to provide an exemplary education to the children of Anderson County. I pray that the selection of a candidate to fill a position for less than six months has not done irrevocable damaged to our ability to trust and work with each other for the benefit of the children and taxpayers of this county.

Finally:

Regardless of the outcome of the vote tonight to fill the seat of the late Trustee Stu Shirley on the Anderson County School District Two School Board there will be well-meaning citizens in School District Two who will not like our decision. Nonetheless, the person who fills that seat should use their influence as a board member to seek the following:

- The immediate reinstatement, to their former positions, the two district employees who were demoted as a result of the ongoing political fight between the current superintendent and the board
- New legal counsel to represent the board
- A commitment from the board not to hire or contract with any former district staff, including former superintendents

The Anderson County School District Board of Trustees has only one employee, and that is the district superintendent, and the fate of the district superintendent rest solely with the board of trustees.

Most respectfully submitted,



Gary L. Burgess, Sr.