

**Anderson County Board of Education**  
**907 North Main Street, Suite 202, Anderson, South Carolina 29621**  
**Transcript of 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 stated: Mr. Chairman, it is the recommendation of the Anderson County Board of Education Personnel Committee 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 that we 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 Rev. Dr. Rufus Mitchell 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. So let's have discussion now.

Dr. Gary Burgess then read a statement 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 defeated 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 on June 23, 2020, apparently another closed 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 damage 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 the 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 Two Board of Trustees has only one employee, and that is the district superintendent, and the fate of the district superintendent rests solely with the board of trustees.*

*Most respectfully submitted,*

*Gary L. Burgess, Sr.*

Mr. Mike Upton asked Dr. Gary Burgess: When was this secret meeting he was talking about.

Dr. Burgess: The secret meeting behind the door meeting.

Mr. Upton: When?

Dr. Burgess: When I came in on Tuesday.

Mr. Upton: Where was the meeting?

Dr. Burgess: I don't know the details, sir.

Mr. Upton: I got here early and Jim got here early.

Mr. Draisen: I got here late.

Mr. Upton: We sat in Joey's office until we came in here. If that is the meeting you are referring to, the only thing we talked about was ice-tea and pain medicine. Nobody specific brought up anything about the purpose of the meeting. That is the only meeting I know of. Is that the one you are referring to?

Dr. Burgess: I made my statement.

Mr. Upton: Well, you made a statement about a secret meeting and I am the chairman of the Personnel Committee and I would like to know if there was a secret meeting.

Dr. Burgess: I didn't say there was a secret meeting. I made my statement, Mr. Upton.

Mr. Draisen: Ok, let's go forward. So, we have two motions on the floor, one is from the Personnel Committee to appointment Alderman Maynard to that spot, and one there is a motion by Dr. Gary Burgess to appoint Marion Nickles and was seconded by Dr. Rev. Rufus Mitchell to be Marion Nickles. Alright, let's have discussion first on the committee recommendation.

Mr. Upton: Or either one of them, I guess we can discuss both of them.

Dr. Burgess: Don't you have to take care of the secondary motion first?

Mr. Draisen: Actually you have to take care of the committee's motion first. If the committee put up a motion on the floor, then that's the one we should probably do that first.

Mr. Haning: That should be Robert's Rules of Order.

Dr. Burgess: We have the book here.

Mr. Upton: See when you have more than one candidate on the ballot, or do you have to vote one down before you can have another. It seems to me that if it is an appointment by election and you have two candidates to vote on.

Mr. Draisen: That's what I thought but he made a secondary motion. He's right if he made a secondary motion. That's complicated.

Mr. Upton: It seems to me that if it is an appointment by election then you have two candidates to vote on.

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 amend, refer to a committee, and/or postpone a main motion.

Mr. Upton: Alright, then for a point of order, if the board approves his nomination then do we have two candidates to vote on?

Mr. Draisen: If the board approves his nomination then it's an approval, you don't have anything.

Mr. Upton: What happens if the Personnel Committee voted on that? It was a recommendation that was voted on.

Ms. Bradberry: If Gary was making a substitute motion, then the Board has to vote whether or not to let him substitute that motion. If they allow him to substitute that motion, then that becomes the main motion and that is all you vote on.

Mr. Upton: He made a secondary motion not a substitute motion.

Several board members asked the difference between a secondary vs. substitute motion. 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. (Dispose of the secondary motion first)

Mr. Upton: You (Dr. Burgess) thought by doing that we would have two candidates to vote on.

Dr. Burgess: No, I thought we would have to dispose of my motion first.

Mr. Nimmer: A secondary motion has to be taken up first according to Robert's Rules.

Mr. Draisen: To take that up, we have to vote to allow that secondary motion to go forward.

Mr. Upton: What will the effect of that secondary motion be?

Mr. Draisen: You take that secondary motion and that is your candidate, that's your appointment.

Mr. Upton: Then you never get the chance to vote on the one the committee recommended?

Mr. Draisen: Well, you don't have to approve his secondary motion.

Mr. Upton: I know that, I know that, I'm just trying to find out where this thing goes and who sits where when we vote.

Mr. Nimmer: 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 on 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: So you have to vote on the secondary motion first?

Mr. Nimmer: That's correct based on what I am reading.

Mr. Upton: When is the secondary motion allowed; to override another motion?

Mr. Draisen: I don't know, I'm confused on that because the Personnel Committee made a recommendation and we were having a discussion. Then Dr. Burgess came up with the secondary motion when we were in the middle of a discussion on the committee motion and I don't know if that is allowed. *(long pause)* I think that might have been out of order. If you are doing a discussion on a motion, you can't really come up with a secondary motion at that time.

Ms. Bradberry: You have to make the substitute motion, David.

Mr. Draisen: Well, no substitute motion was made.

Dr. Burgess: It was a secondary motion.....

Mr. Draisen: A secondary motion was made and what happened was that Mr. Upton came out of his committee and made a report on his committee and his committee decided on a certain candidate. Then I opened it up for discussion and Dr. Burgess said he had a secondary motion.

Ms. Bradberry: I'm wondering if he used the right terminology.

Mr. Nimmer: According to this (Robert's Rules) a secondary takes precedence over any motion.

Mr. Draisen: Takes precedence over a committee?

Mr. Nimmer: Or over any motion. Basically, what Mike was doing was making a motion coming out of a committee.

Mr. Draisen: Then a secondary motion was made, it was seconded, so we discussed that secondary motion.

Mr. Nimmer: It's called an incidental or secondary motion.

Mr. Draisen: Ok, then we can discuss that on Marion Nickles. Any discussion?

Mr. Upton: Then the way I understand it, if we take a vote and we approve the secondary motion, that person will be the appointee for the school board. And, what the committee has done never makes it to a vote.

Mr. Draisen: Apparently, I'm sorry to hear that. I thought we just had to vote on this.

Mr. Upton: I thought we would vote on two people. That's what I was expecting. You said at the board meeting that while we were discussing this, if someone else wants to make a nomination from the floor they can.

Mr. Draisen: Well, it doesn't matter, it will be one way or the other because if not enough people carry that one, then it will go back to the committee, right?

Mr. Upton: Well, if you have two people, one of them would.

Mr. Draisen: Right now we only have one. So I guess we take a vote.

Mr. Upton: We are always going to be voting for one person.

Mr. Draisen: Right now we only have one, Marion Nickles, because he came out of the secondary motion and that takes precedence. You take your roll count and go.

Mr. Upton: Alright Gary, we have to vote on this one up or down, if he gets up, he is the nominee. If he gets voted down, we go back to the beginning. This is voting to see if the nominee for the seat will be Marion Nickles and nobody else. If he is defeated, we go back to the board nominee.

Mr. Nimmer took the roll count for the vote on Marion C. Nickles:

Mr. Mike Upton - No  
Dr. Rev. Rufus Mitchell - I vote for Marion Nickles  
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

Ms. Bradberry: Who abstained?

Mr. Draisen: You have your five votes.

Mr. Nimmer: There are three Nays and five Yeas. With that the Yeas have it.

Ms. Bradberry: Does that have to be voted on now by the entire board?

Mr. Draisen: The whole board just voted.

Ms. Bradberry: I thought that was the motion to adopt the secondary motion.

Mr. Draisen: Ok, the motion was voted on to adopt that secondary motion, right?

Dr. Burgess: Yes.

Ms. Bradberry: Right

Mr. Draisen: So now what do you do? Do you vote on the secondary motion?

Mr. Nimmer: You can vote on the motion. You've got that vote for the secondary motion.

Mr. Upton: Well, what was that first vote for?

Mr. Draisen: That first vote was whether or not to adopt the second of our committee meeting.

Mr. Nimmer: To adopt the secondary motion. So now we have adopted the secondary motion.

Mr. Upton: Do you have a discussion on the motion?

Mr. Nimmer: Now we can have discussion and then vote on the motion itself which is appointing Marion Nickles.

Mr. Upton: I can't comment on anything. I left all my notes at the office. What was Mr. Nickles' job?

Mr. Martin: Mr. Nickles works at J-TEKT, Koyo Bearings, aerospace.

Mr. Upton: Ok, an engineer?

Mr. Martin: An engineer.

Mr. Draisen: He was also on the City Council.

Long pause

Mr. Draisen: Any other discussion?

Mr. Upton: My only comment is we vetted all these folks, we voted on them, and the committee wound up with another candidate. Members of the board were there and were able to have input. I just feel like we should stick with the committee recommendation.

Mr. Draisen: We did, we put a lot of work into it, a lot of energy, spent a lot of time. I agree with you that we went through the entire process. I've talked to just about everyone on this board individually. You have to vote the way you feel you are comfortable with. 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. But we haven't voted on this yet, we just voted on the fact that we approved the secondary motion.

Mr. Upton: All we did was bring this to a vote.

Mr. Draisen: Bring this up to discuss it. If there is anything of merit to bring up as to why we should not vote for this person, now is the time to say it.

Mr. Upton: When we voted the first time in committee, he was not one of the top two candidates.

Mr. Martin: I don't know about that.

Mr. Draisen and Mr. Martin: I think he was.

Mr. Haning: It was 3, 3, and 2.

Mr. Martin: I think he was a 3 for sure.

Mr. Haning: He was a 2. Although it doesn't matter.

Dr. Burgess: I think he was your first choice, David.

Mr. Draisen: He was, he was my first choice.

Mr. Martin: He was my first choice too so I guess that was the 2.

Mr. Draisen: But you weren't on the Personnel Committee, you were just here for interviews. I was in Orlando, but that was my first choice. I think both of us were together on that.

Dr. Burgess: He was my second choice.

Mr. Draisen: First or second, still a good person. Any more discussion before we take a vote? Mike Upton, you've said your piece?

Mr. Upton: Yes, sir.

Mr. Draisen: Rev. Mitchell, Mr. Brock? (no comments) I had a reason for abstaining. The reason I abstained was very similar to the reason Mike Upton pointed out that our committee made a motion to do something and I thought we should have voted on that but we didn't, so I abstained. So, if everyone has said their piece, 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: Roll call

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: Passes 5 to 3

Mr. Draisen: Five is a majority. I want to make one comment though. This is a divided district and, unfortunately, it has divided us as a board which makes sense since we have constituents that are telling us what they think we should do. I hope that this doesn't affect us as a board in the future because we usually try to do the right thing. Going forward, I want to charge Mr. Nickles with doing the right thing with this board trying to make it cohesive. Like Dr. Burgess said, try to make that board work together as a unit and remember the reason that board is together is for the children and for the kids not their own personal agendas.

Mr. Upton: I agree with Dr. Burgess' comment about whoever goes in that their primary task is to influence everybody else. In the right way.

Mr. Draisen: I hope they can do that and pray they can do that as well. It's a big task to each individual trustee is an individual trustee just like each of us is an individual board member. We have no power whatsoever, the power is in the board. Just like I said, when people say "why did you vote that?"

I voted the way I felt I should but the board made the decision not me. That is the best answer. So, it looks like Mr. Nichols is going to be our appointee, correct?

Mr. Haning: I would like to make a comment now that the vote is over. When innuendo is made, whether it is called a secret meeting or a meeting, to make an appearance, it..... I've said this before and I'll say again right now Proverbs 22:1 A good name is more desirable than great riches. Absolutely not when we sat in an office was there a meeting taking place number 1, and number 2, all we did talk about was small talk and his pain and the pain medicines he has been taking, period. When it is pointed out in a comment, it tries to lend credence that something inappropriate took place. And, Sir, I assure you that did not.

Dr. Burgess: I made my statement. I put it in writing.

Mr. Haning: Exactly.

Dr. Burgess: So to make sure that it came from the heart. That's how I operate. I don't know any of these people that were nominated. The only two people I have talked with are Mike Brock and I spoke to Ms. Bradberry today. Otherwise, I don't care. My concern is that school district. The former superintendent and the superintendent that works for the board and when the superintendent takes a stand against one part of the board over another part of the board, that's not good.

Mr. Haning: I agree.

Mr. Draisen: I want to thank all of you for all your hard work especially Mr. Upton. You have put a lot of work into this committee. Was it the right or best decision to make as a committee to do this? Our usual situation is a district appoints or tells us who they would rather have on their board and we usually go with what they would rather do. Unfortunately, this is a different situation where their board did not make this recommendation. It kind of fell on us. I appreciate all your hard work and I know that District Two will appreciate your appointee and, hopefully, they can get back to business and form a cohesive unit.

We are adjourned now.