

CASWELL COUNTY BOARD OF EDUCATION MINUTES
Joint Meeting with Caswell County Board of Commissioners
December 20, 2018

The Caswell County Board of Education met in a joint meeting with the Caswell County Board of Commissioners on Monday, December 20, 2018, at 2:00 p.m. in the Caswell County Historic Courthouse located in Yanceyville, North Carolina. Members present: Chairman Gladys Garland, Vice Chairman Donna Hudson, Wayne Owen, Vennie Beggarly, and Tracy Stanley. (Mel Battle and Ross Gwynn were absent). Commissioners present: Chairman Rick McVey, Vice Chairman Jeremiah Jeffries, Sterling Carter, Steve Oestreicher, and David Owen. (Nate Hall and Bill Carter were absent). Others present include Superintendent Dr. Sandra Carter, Attorney Ron Bradsher, County Manager Bryan Miller, Attorney Brian Ferrell. Representatives from the USDA include: Tobais Fullwood, D. Garland Burnette, and Rusty Long. Connie Kimrey recorded the minutes for the Board of Education and Paula Seamster recorded the minutes for the Board of Commissioners.

I. CALL TO ORDER

The joint meeting was called to order by Chairman Rick McVey followed by a moment of silence and the pledge of allegiance.

Gladys Garland called the Caswell County Board of Education meeting to order.

County Manager Bryan Miller introduced representatives from the USDA in attendance for clarification purposes. Those include: Tobais Fullwood, D. Garland Burnette, and Rusty Long. Mr. Burnette shared he was glad to be here as this was the first time to meet individuals face to face. He noted he was contacted to clear up any uncertainties. In regards to the proposed bonds the owner is defined as the borrower or applicant. Specific guidelines indicate construction contracts have to be in the name of the county. Executions of the change overs are very specific and the County Commissioners have the responsibility to the county for the debt. The Board of Education also have concerns about the cost and will be integral to the project going forward with design, technology specifications and what is needed by the students for the county to be comparable to surrounding counties. General Statute requires that the Board of Education be involved. The Board of Commissioners will be involved in the process as well. The Board of Commissioners are in control of the funding and the Board of Education basically drives the project.

Tracy Stanley questioned if the Board of Commissioners are okay with the Board of Education driving the project. Commissioner Steve Oestreicher questioned specifics and execution.

Discussion took place regarding the execution, owner of the bond and driving force.

Mr. Burnette (USDA) shared that the Board of Commissioners knowledge and expertise as well as the Board of Education's knowledge should form a partnership between both groups. Mr. Burnette shared that General Statute requires an agreement between both boards listing roles and responsibilities as well as keeping each other informed.

Attorney Ron Bradsher and Superintendent Dr. Sandra Carter shared a copy of a draft agreement for the Board of Commissioners to review.

Gladys Garland questioned the Board of Commissioners on how much they want to be involved. Chairman Rick McVey replied that he sent an email to each commissioner asking for their input and

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once he receives all the information he will meet with County Manager Bryan Miller and compare the list to see where we are at.

County Manager Bryan Miller shared that the Memorandum of Understanding (MOU) is a good starting place and the commissioners will review the draft and make a list of items they would like to be included to begin the basis of dialogue.

Board Attorney Ron Bradsher questioned why the agreement cannot be reviewed now? Attorney Brian Ferrell responded that the commissioners have not had adequate time to review or react and recommended to the commissioners to not agree on anything today and just look at the concepts. Attorney Ferrell shared that the county is required to sign the contracts and it must be responsible of procurement and bidding process.

Donna Hudson questioned who would like to be on the committee? Attorney Ferrell shared again, that the commissioners have not had time to digest the MOU.

Jeremiah Jefferies shared that he has been on the board during the construction of three new schools and in the past the commissioners funded the building and the Board of Education built the schools noting we have never had these issues before. Chairman Rick McVey questioned if the funding was provided from the USDA in the past. The answer was "no." Chairman Rick McVey shared this is why there are different issues as the USDA has specific requirements.

Mr. Burnette voiced that this is your project and a committee needs to have representatives from both sides to provide input and design and to also have periodic presentations to the Board of Education and Board of Commissioners. During those times if things look off base that will be the time to discuss it and review. The County will execute the contract with the architectural firm for design and construction plans. The project will be put out for bid and generally the lowest responsible bidder is selected. The engineering firm will do a feasibility study and recommend their selection to the commissioners. The commissioners will vote to accept the recommendation from the engineering firm and if accepted the contracts will be entered into. This is basically the process.

A committee which should consist of representatives from both boards will meet and report on the project. Mr. Burnette suggested the County Manager as well as 2-3 commissioners should be included to work with the Board of Education and this be a collaborative process.

Gladys Garland stated that we have known for years that we need a new high school. The Board of Education has secured a \$15 Million grant and reduced the overall amount. We have also spent a lot of time and effort in getting the design in place and we have an opportunity to do something for our community. Mrs. Garland shared that we do not want to lose the money and questioned if the dilemma is who will be in charge? Mrs. Garland expressed that we have to work together.

David Owen stated he did not think the commissioners have expressed that they want to be in control of the design; however, there are obligations that the commissioners are responsible for and the commissioners want to make sure all the requirements are being met. Mr. Owen questioned what is the disagreement with the Board of Commissioners?

Attorney Ron Bradsher shared that the Board of Education wants to be the driving force behind the construction.

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Donna Hudson expressed that that the Board of Education is willing to work with the commissioners to move forward and hopes that the USDA will let us use the architectural firm that we've already hired; however, if the Board of Commissioners need to bid it out we understand. Mrs. Hudson expressed that the Board of Education needs to be the driving force in pushing forward and noted we will work with you in any way we can and feel the MOU is a good starting point. Mrs. Hudson shared that we do not want a small company to come in and do a turn-key job referencing a company in Texas. When the job is put out for bids the Board of Education needs to look at it also.

County Manager Bryan Miller responded to Mrs. Hudson that would not happen as far as using a small company. Based on his knowledge and experience the contract with the architectural/engineering firm will take care of the bidding process. Attorney Ferrell shared that there are preliminary requirements prior to the Request for Quotation (RFQ) including the language used to meet guidelines and noted there are a lot of components to be done.

Dr. Sandra Carter responded that the architectural firm selected by the Board of Education has worked with the USDA in the past and have met qualifications and noted this will save a tremendous amount of time.

Mr. Burnette stated that the contract has to be made by the county noting the Mini-Brooks Act requires that before you contract for design purposes you must go through the RFQ process as there are a number of important factors to look at.

Donna Hudson questioned if there is a timeline to abide by? County Manager Bryan Miller responded that there are requirements for the RFQ process and things we can do. Phase I will be to finish the feasibility/environmental study. Attorney Ron Bradsher emphasized the importance of the MOU.

Wayne Owen expressed his thoughts noting that the architect works with the Board of Education on designs, etc., and that plan is presented to the Board of Commissioners who then will issue out the bids. The exception seems to be that the Board of Education has chosen an architectural firm and now it is up to the commissioners to select the architectural firm and asked if this is unacceptable.

Steve Oestreicher expressed that no one wants to undo the amount of work that has been done; however, the USDA clearly defines the roles and the Board of Commissioners have a process to follow.

Dr. Sandra Carter shared that the Board of Commissioners has funded new construction in the past and the Board of Education has carried out all the construction (design, bidding, results of bidding, etc.) and there were no objections. With the current project we realize the funding is through the USDA and there are guidelines to follow. The committee, with the majority of members being from the Board of Education, needs to move forward with the design.

Attorney Brian Ferrell shared that the Board of Commissioners cannot delegate their policy making and a vote is required.

Donna Hudson questioned how many members would like to be on the committee. Gladys Garland questioned the commissioners as to what else can the Board of Education do.

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Chairman Rick McVey shared that he would like the attorney to have ample time to review the draft agreement that was presented and allow time for the Board of Commissioners to meet and decide what we feel we need to do based on the attorney's recommendations.

Gladys Garland questioned if the Board of Education will be the driving force. Chairman Rick McVey responded that he had no comment until the attorney has reviewed the document and noted that he will not do anything the attorney does not recommend.

Continued discussion took place on financing and who will be the driving force on the project.

Attorney Brian Ferrell stated that there are a lot of alternatives and is confident that both boards can work together to benefit all of Caswell County but it will take some work. He shared he has not heard anything instrumental in thinking otherwise. The Memorandum of Understanding is the first step in this process.

Gladys Garland questioned when the next meeting would take place.

Chairman Rick McVey shared he would need to meet with the county attorney to review the agreement and noted the upcoming holiday schedule. County Attorney Brian Ferrell shared he could commit to having feedback for the Board of Commissioners at their first meeting in January.

II. ADJOURN

David Owen moved, seconded by Steve Oestreicher to adjourn the Board of Commissioners meeting at 3:15 p.m. Wayne Owen made a motion to adjourn the Caswell County Board of Education meeting, Tracy Stanley seconded the motion and it carried unanimously.

Gladys Garland
Chairman

Dr. Sandra Carter
Superintendent