

Bay Haven Board of Directors Meeting
May 6, 2010
5:30pm

Date: May 6, 2010

Time: 5:30pm

Location: Cafeteria

Board members present: Neel Bennett, Karen Brown, Kelly Forehand, Scotti Haney, John Meyer, Sandy Porter, Wade Rinehart, Waylon Thompson, and Chuck Tucker. CEO, Dr. Tim Kitts and Board attorney Mr. Tim Sloan were also present.

The meeting was called to order at 5:30pm by Board Chairman, Scotti Haney.

John Meyer led the Prayer.

Neel Bennett led the Pledge of Allegiance.

It was requested that item 15b, Dismissal List Review and 15d, CEO evaluation be moved to the June meeting agenda. All approved. It was also requested the public input and comments about the Board election be moved before item 5, Board elections. All approved. Dr. Kitts requested that the comments made be respectful and kind.

Many public members requested that when Board elects their Board members they consider those candidates that already have children at Bay Haven. They also requested that the Board vote for candidates with a history. Dr. Kitts recognized that desire but stated that the Florida Statutes indicate that the Board should also be made up of community leaders.

Board Elections

The nominees were then allowed to make a brief statement. The following candidates made statements: April Brooks and Scott Reeve, for the Faculty nominated seat, and Curt Molander, Nancy Crow, Mark Graham and Mike Pledger for the remaining seats. Scotti Haney and Sandy Porter opted not to speak.

The Board members then voted. At 6:01 the ballots were counted by Mr. Sloan and Dr. Kitts. Dr. Kitts stated that the new Board members would need to meet with him immediately following the Board meeting to schedule orientation and governance training. The following were selected to serve on the Board: Scotti Haney, Mark Graham, Sandy Porter, and Scott Reeve. Scott Reeve and Mark Graham then took their seats on the Board. Scotti Haney thanked John Meyer and Karen Brown for their service to Bay Haven. She presented Karen Brown with a plate/plaque and noted she'd have one ready for John Meyer soon.

Board Officer Elections

Waylon Thompson made a motion to have Neel Bennett serve as Board President. Sandy Porter seconded the motion. Wade Rinehart made a motion to have Scotti Haney continue as Board President. Chuck Tucker seconded the motion. Scotti Haney stated that she would like to continue to serve as Board President. Neel Bennett stated that while he was not pursuing the role of Board Chairman, he would serve as Board President if voted to do so. Wade Rinehart, Scotti Haney, Chuck Tucker, and Scott Reeve voted for Scotti Haney. Kelly Forehand, Sandy Porter, Neel Bennett, Waylon Thompson, and Mark Graham voted for Neel Bennett. Scotti Haney passed the gavel to Neel Bennett.

Waylon Thompson made a motion to have Sandy Porter serve as Board Vice President. Kelly Forehand seconded the motion. Wade Rinehart made a motion to have Chuck Tucker serve as Board Vice President. Scotti Haney seconded the motion. Wade Rinehart, Scotti Haney, Chuck Tucker, and Scott Reeve voted for Chuck Tucker. Neel Bennett, Kelly Forehand, Sandy Porter, Mark Graham, and Waylon Thompson voted for Sandy Porter. Sandy Porter will serve as Vice Chairman.

Wade Rinehart made a motion that Kelly Forehand serve as Secretary. Waylon Thompson seconded the motion. All were in favor. Motion carried. Kelly Forehand will serve as Secretary.

Approval of Minutes

Chuck Tucker made a motion to approve the April 1, 2010 Board meeting minutes as presented. Scotti Haney seconded the motion. All were in favor. Motion carried.

Wade Rinehart made a motion to approve the April 27, 2010 Board meeting minutes as presented. Chuck Tucker seconded the motion. All were in favor. Motion carried.

President's Report

The next scheduled BHCA Board meeting will be June 3, 2010 at 5:30pm. The July meeting date was discussed. Normally it would be July 1st but because its proximity to the July 4th weekend and other Board member conflicts, the July meeting will be held July 8, 2010 at 5:30pm.

Neel Bennett stated that he has reviewed a lot of matters and BHCA has a lot of things going on. There are large developers and large opportunities. He stated that the Board should focus on policies and allow the administration to do their job and allow the teachers to teach. Mr. Bennett stated that while he and Dr. Kitts don't always agree, they will work together.

Dr. Kitts did express concern that John Meyer was appointed by the Board to be on the committee to negotiate with developers. Dr. Kitts asked if Mr. Bennett would consider replacing John Meyer on that committee. Chuck Tucker made a motion that Neel Bennett replace John Meyer on the committee with Dr. Kitts and Mr. Sloan to negotiate

with developers. Wade Rinehart seconded the motion. All were in favor. Motion carried.

The next item on the agenda was the Attorney report on Conflict of Interest complaint. Mr. Sloan reported that the Board was presented with an internal complaint which expressed concern that a teacher from Bay District Schools also be on the BHCA Board of Directors. Mr. Sloan stated that he researched the law and there are no specific facts. Mr. Sloan spoke to the attorney for Bay District Schools and he stated that there does not appear to be a conflict of interest. Mr. Sloan requested that the Board authorize him to request an informal opinion or a formal opinion. The Board asked Mr. Sloan about the difference between the informal opinion and the formal opinion. He stated that an informal opinion would take less time. Mr. Sloan also stated that if he requested an opinion, he would also like to ask it on Scott Reeve's behalf. Mr. Sloan also stated that he would dictate that Mr. Reeve was a tenured teacher. Mr. Sloan expressed that in the 1st, 2nd or 3rd year of teaching, a teacher is not tenured and is an annual employee. That person might be swayed in voting a certain way in order to retain his/her job. However, if a teacher is tenured, then that person is not an annual employee and is safe in his/her job. Dr. Kitts requested that this type of scenario be presented. Neel Bennett asked if a general opinion be sought. Mr. Sloan stated that he will be seeking an opinion for a generic teacher position but can request an opinion on alternative scenarios. Chuck Tucker thought that the Board should request a formal opinion. Scott Reeve made a motion that the Board authorize Tim Sloan to submit a request for a formal opinion on the conflict of interest on Scott Reeve's behalf with the condition that the scenario states that he is also a parent of a Bay Haven student. Wade Rinehart seconded the motion. All were in favor. Motion carried.

Foundation Report

Angela Turner stated that she is resigning at the Foundation secretary. Ms. Turner stated that the school should advertise for new Foundation board members and there is a difficulty in raising money. Ms. Turner stated that she doesn't know if the Foundation should continue. Kelly Forehand reported that the Foundation Gala was held on May 1st. It was reported that there was a small contingent present but the Foundation did not lose money. The Foundation Gala has the potential to grow and be bigger and better every year. Ms. Forehand thanked all businesses that sponsored the Foundation Gala and contributed items. Mr. Bennett stated that it was a great event and it was a great start. Mrs. Forehand has done an excellent job as board liaison to the Foundation. Mrs. Forehand noted that the agreement was for Waylon Thompson to take over as board liaison after a year. Waylon Thompson nominated Kelly Forehand to be the Board Liaison. After discussion, it was decided to table the issue for right now.

PTSP Report

Nancy Crow presented the PTSP Report. She reported that Teacher Appreciation Week was this week. The teacher's received a renovated teacher's lounge and new benches.

Ms. Crow also reported that the Cookie Dough sales were successful. The PTSP sold \$18,000 worth of cookie dough. The PTSP has made \$40,000 this year.

Boosters Report

Mr. Chuck Polk presented the Boosters report. Mr. Polk reported that there are going to be 3 sanctioned championships. These will be Wrestling, Boys Soccer, and Track. The Boosters have purchased new banners. Also, there are nonsanctioned sports going on such swimming, softball, and tennis. The annual budget meeting will be May 10, 2010.

CEO Report

Dr. Kitts reported that after being appointed as CEO, he has advertised the Bay Haven Charter Academy principal's position and soliciting applicants. Dr. Kitts introduced Mr. Larry Bolinger as Principal of Bay Haven Charter Academy. He introduced Mr. Chuck Polk as Assistant Principal of Facilities, Custodial, and Discipline. He introduced Ms. Anne Manfredi as Assistant Principal of Instruction and Curriculum.

Dr. Kitts presented Chief Financial Officer, Dwan Ramsey to give the budget forecast. Mr. Ramsey presented the first rough draft of the budget to the Board. Mr. Ramsey stated that he would like to have the budget workshop in July. He reported that BHCA will be converting from School Financial Services to CSI-McAleer around July 1st. There will be parallel check runs but there will be a shortened retainer with School Financial Services. There is an End of Year Report that is due to Bay District Schools so SFS will be retained for the month of July in order to accommodate the parallel check runs and the End of Year Report.

Mr. Ramsey also presented a current year projection along with the budget forecast. Dr. Kitts suggested that the Board and BHCA move forward with entering into the Florida Retirement System. Dr. Kitts reported that this action was already voted upon and barring any complaints, he would move forward with FRS.

CBC Bids: Dr. Kitts reported that an architect was employed and BHCA received the restroom variance. Two bids were received for the construction/renovation of Central Baptist facilities. Two bids were received for the implementation of the data lines at Central Baptist. Dr. Kitts requested that the Board approve the lower bid.

Wade Rinehart made a motion to accept Inacomp as the company to provide data lines at Central Baptist. Scott Reeve seconded the motion. All were in favor. Motion carried.

Dr. Kitts reported that the architect, Mr. Hunnicut reported that there was minimal asbestos and that minimal abatement will have to be performed. Dr. Kitts reported that Anderson & Associates Construction presented cost saving on the construction side in order to provide the abatement at a lower cost. Wade Rinehart made a motion to accept the lowest bid of Anderson & Associates and have them perform the construction/renovation of Central Baptist. Scott Reeve seconded the motion. All were in favor. Motion carried.

North Bay Haven Report: Meredith Higgins presented the NBH report. She reported that the applications received are above the capacity. There has been an ongoing effort for high school recruitment. Ms. Higgins also reported that the advanced learning curriculum will be called SAIL. Ms. Higgins reported that North Bay Haven received 2 of the 3 start up grants, each being \$275,000 each.

Dissemination Grant: Dr. Kitts reported that this was originally a 2 year grant; however, it is a grant that has a one year life. Tammy Graham has crunched the grant objectives into a one year structure.

Unfinished Business Report

Wade Rinehart made a motion to approve the amendment to the New Policies policy to advertise new policies and changes to policy 20 days rather than 30 days. Scotti Haney seconded the motion. All were in favor. Motion carried.

Scotti Haney made a motion to approve the Faculty/Staff Travel policy. Wade Rinehart seconded the motion. All were in favor. Motion carried.

Wade Rinehart made a motion to approve the Contract Review policy. Waylon Thompson seconded the motion. All were in favor. Motion carried.

Kelly Forehand made a motion to approve changes to the Uniform policy to allow Land's End as an additional vendor. Wade Rinehart approved the motion. All were in favor. Motion carried.

Wade Rinehart made a motion to approve the Administrative Travel policy. Waylon Thompson seconded the motion. All were in favor. Motion carried.

Scotti Haney made a motion to approve the CEO Evaluation policy. Chuck Tucker seconded the motion. All were in favor. Motion carried.

Scotti Haney made a motion to approve the amendments to the current charter contracts. Wade Rinehart seconded the motion. All were in favor. Motion carried.

Scotti Haney made a motion to approve the new charter contracts. Wade Rinehart seconded the motion. A member of the public was recognized. He pointed to item #7 in all of the school contracts under the non-renewal/termination. It stated that commencing in 2014, if there were a need to facilitate students due to an increase in the number of students, Bay District Schools could terminate the charter and use the school to house the students. The Board discussed item #7 and the language used. Scotti Haney moved to rescind the approval of the amendments to the charter contracts. Wade Rinehart seconded the motion. All were in favor. Motion carried. Scotti Haney made a motion to table all charter contracts and amendments. Wade Rinehart seconded the motion. All were in favor. Motion carried.

A recess was called at 7:42pm for the SGA Flag Lighting ceremony.

The meeting was called back to order by Neel Bennett at 8:00pm.

New Business

Dr. Kitts stated that House Bill # 1569 presented no waiver in regard to the nepotism statute in Section 1002.33 of the Florida Statutes. Tim Sloan stated that he has worked on 2 versions of a policy for hiring that would satisfy the statute. For both options the CEO is responsible for the hiring, firing, and/or disciplinary action for Central Office personnel and the Principals of each school are responsible for the hiring, firing, and/or disciplinary action for school level employees. In the first option, in the event a relative of the CEO applied for a position at the Central Office level, or if circumstances led to an employee at the Central Office level becoming a relative of the CEO, the CFO would step in and be responsible for the hiring, firing, and/or disciplinary action for that employee. In the event a relative of a principal applied for a position at that principal's school, or circumstances led to an employee of a principal becoming a relative of the principal, the CEO would step in and be responsible for the hiring, firing, and/or disciplinary action for that employee. The second option is that there may be no employee related to the CEO or the principals. Scotti Haney suggested a hybrid model wherein for a relative of a principal at a school level the CEO would be charged with hiring, firing, and/or disciplinary action, and that there would be no employee of the CEO who would trigger application of the statute, that is to say at the Central Office level. Waylon Thompson made a motion to accept the second option. Scotti Haney seconded the motion, specifying the second was to facilitate discussion of the proposals. After discussion of the two options and the hybrid option, Tim Sloan drafted another alternative. Tim Sloan presented the following:

“The Chief Educational Officer (“CEO”) shall hire, fire, supervise, discipline and evaluate all district level employees, principals, assistant principals and administrative assistants. The principal of each cost center shall have the authority to hire, fire, supervise, discipline and evaluate all instructional and non-instructional employees at their assigned cost center. The CEO and each principal are precluded from hiring, firing, supervising, disciplining and evaluating relatives as discussed in Section 1002.33 of the Florida Statutes. As such, in the event of the potential violation of Section 1002.33 involving a relative, the CEO shall hire, fire, supervise, discipline and/or evaluate the affected relative in lieu of the applicable principal. However, no relative of the CEO shall be considered for employment by or continue employment beyond their current contract with Bay Haven Charter Academy, Inc. that will otherwise trigger the nepotism portion of Section 1002.33 of the Florida Statutes, and during the time the employee is fulfilling the balance of their annual contract then that person shall be supervised, disciplined and evaluated by the Chief Financial Officer.” The motion was postponed until after the next agenda item for board members take some time to review it.

Request for technology upgrades for BHCA: Mike Sumpter presented the Board with 3 different alternatives for upgrading technology for grades K-5. He explained the

different technology that could be employed in those grade levels. Mr. Sumpter stated that if the Board approves the resources for technology upgrades, then he will work with each grade level to determine the needs of the students and teachers. Sandy Porter asked where the funds would be drawn from. Dr. Kitts explained that BHCA has an Unappropriated Fund Balance to draw from. After discussion, Wade Rinehart made a motion to allocate \$106,000 for technology upgrades for Bay Haven Charter Academy. Scotti Haney seconded the motion. All were in favor. Motion carried.

Discussion was then made about Tim Sloan's new draft of the proposed Hiring Policy. See above. Waylon Thompson rescinded his earlier motion. Scotti Haney withdrew her second. Waylon Thompson then made a motion to accept the policy as newly drafted and advertise it for 20 days. Scott Reeve seconded the motion. All were in favor. Motion carried.

The CEO evaluation was moved until next month.

Public Input: An audience member requested that the Board research a Founder's Seat for Scotti Haney.

Kelly Forehand requested that Dr. Kitts research the election process and start authoring election process guidelines, from the nominations to the election. She also requested that research be done on the Founder's Seat.

The meeting was adjourned at 8:58pm.