

## MINUTES

### MURFREESBORO CITY BOARD OF EDUCATION SPECIAL CALLED MEETING

Tuesday, September 22, 2009

4:30 p.m.—Central Administration Building

#### ATTENDANCE

Board: Chair Mary Wade, Susan Andrews, Ray Butrum, Butch Campbell, Nancy Duggin, David Hopper, Nancy Phillips, and Council Liaison Ron Washington.

Staff: Director Marilyn Mathis, Gary Anderson, Crystal Farris, Michelle Hummel, Danielle Kaminsky, and Lee Wilkerson.

Others: City Staff Attorney Kelley Baker, *Daily News Journal* reporter Chasity Gunn, *POST* reporter Michelle Willard, principals, and others.

#### ORDER OF BUSINESS

##### I. CALL TO ORDER BY BOARD CHAIR

Chair Wade called the special meeting to order at approximately 4:35 p.m.

##### II. APPROVAL OF AGENDA

On motion by Mrs. Duggin and second by Mrs. Phillips, the agenda as presented was approved by acclamation.

##### III. DISCUSSION OF SELECTION OF INTERIM DIRECTOR OF SCHOOLS

City Staff Attorney Kelley Baker stated that the Board had several issues to discuss before interviewing candidates for the position of Interim Director of Schools. The first issue was to clarify Board Policy BO 35—Employment of Director of Schools, number four which states “The Board will appoint a director by two-thirds vote of its membership.” Mrs. Baker explained that two-thirds would require five votes; a majority would require four votes. She asked the Board to clarify if they wished to require four votes or five votes in the selection of the Interim Director.

Mrs. Phillips moved that the Board allow four votes to approve the appointment of the Interim Director; Dr. Andrews seconded the motion. On roll call: Andrews—yes; Butrum—yes; Campbell—yes; Duggin—yes; Hopper—yes; Phillips—yes;

Wade—yes. The motion carried. Mrs. Baker stated that she will revise the policy so that it clearly states this.

Mrs. Baker stated that the next item for consideration is salary. Although they do not need to denote a specific amount, Dr. Jones has provided them with ranges for consideration. He noted that if the Board considered hiring a retired superintendent, he/she would expect the same per diem as the current Director which in our market could range from \$90,000 to the current salary. Mrs. Baker stated that this would be approximately \$464 per day. They might also expect costs for relocation and mileage for travel in the district.

Mrs. Duggin asked where in the budget the money for the search firm comes from. Mr. Anderson stated that they are looking at two different things that could come from two budget categories. The search firm fees and expenses and candidate expenses prior to the appointment of the new Director would come out of the Board of Education category (line item 399--Other Contracted Services for the search firm fee and line item 599—Other Charges for the candidates' expenses). If the costs exceed the funds in this category, the Board would be asked to approve a budget amendment. In terms of the salary for the Interim, there is no additional money in the Director's line as it is what that person is paid. With an outside person coming in, you would have to pay the Interim the salary, temporary housing, relocation, travel, and benefits and the same thing for the Director. There is no money for that, so you would have to take it from fund balance or do a budget resolution at some point. Mrs. Duggin asked how a retired superintendent would be affected if they are drawing retirement, social security, etc. in terms of benefits. Mrs. Baker explained that the Board has no obligation to pay benefits for an interim, only salary and reimbursement for expenses such as mileage for travel within the district.

Dr. Andrews stated that the Board would not spend more than they do now but actually less since they would not be paying benefits. Mr. Anderson stated there is a potential savings but having gone through this recently, there might be a cost associated with relocation expenses, temporary housing, etc. Mrs. Phillips asked if it would be illegal, taking past motions into consideration, to revisit hiring an internal person. Mrs. Baker stated that if it is the Board's wish, they can make a new motion as to whether to consider internal candidates. She advised the Board that if they decided to stay with external candidates, then they should only consider those who have already applied. Mrs. Phillips asked how an internal person would be reimbursed for the added responsibilities if chosen. Mrs. Baker replied that typically they are given a stipend above their normal salary, which could range from \$15,000 to \$30,000, just depending on the district and the person's current position.

Dr. Andrews stated that Dr. Jones had indicated that there was a candidate who would be willing to work at the same rate as the current director so she did not feel the Board would be spending more money. In response to Mr. Campbell's question, Mr. Anderson stated that the current director's total salary and benefits and all other expenses are about \$15,000 per month. He added that there are other expenses in this line item that will not go away. Mr. Campbell stated that the Board would not have to pay retirement, benefits, etc. Mr. Hopper stated that the benefits typically run about 30% so the Board could save about that much.

Mrs. Baker asked if the Board still wished to have three candidates of those who applied for the interim brought back to them. Dr. Jones will provide the names of those candidates to her for the Board the next day provided he completes the reference and background checks. There were seven applicants, but two have expressed an interest in applying for the Director's position so there may only be five. Mr. Hopper moved that the Board be provided three candidates from the pool for the interim position; Mrs. Duggin seconded the motion. On roll call: Butrum—yes; Campbell—yes; Duggin—yes; Hopper—yes; Phillips—yes; Andrews—yes; Wade—yes. The motion carried.

Mrs. Baker stated that it is essential that the Board have someone in place by October 2 due to the time involved to put in place the new person's electronic signature for the payroll on October 7. She shared that some other systems have put an "acting interim director" in place to fulfill this obligation (of which duties can be specified by the Board such as payroll, reports due, etc.) until the interim can take office. Mr. Anderson stated that it takes a week to get the electronic signature in place, and bank signature cards must be updated, so a decision on this date would be necessary. He explained that direct deposit is encouraged but participation is not 100% so actual checks are dispersed. Mrs. Phillips stated that it would still be a financial savings and solve the payroll problem by hiring an internal candidate. Dr. Andrews estimated that the cost for an external interim would be approximately \$10,000 a month, and Dr. Jones thought someone would accept this amount so an external candidate would still work. Dr. Butrum asked if the Board might consider paying the interim less than the current director's salary since retirees are drawing retirement, etc. and further consider lowering the new director's salary taking other regional directors' salaries into consideration.

Mrs. Phillips reminded them that it was recommended they not lock themselves into a specific number. Mrs. Baker stated that they might wish to keep a range of figures in mind and then negotiate with the candidate taking his/her experience, qualifications, etc. into consideration. Her intent was for the Board to enter into this discussion so they would gather some ballpark figures and ideas. Based on Dr. Jones's experience,

he had recommended a range of \$90,000 up to the current Director's salary if a retired director/superintendent were hired. Mrs. Duggin asked that the Board move forward and maintain the previous decision of considering external candidates, look at dates to schedule interviews, and consider paying 80-85% of the Director's current salary. Mr. Anderson stated that 80% would be approximately \$94,000. Mrs. Phillips stated that she asked to revisit appointing an internal candidate because she saw the possibility of financial savings.

Dr. Andrews moved that the Board hire an Acting Director of Schools to perform until the Interim Director can officially sign the checks; Mr. Hopper seconded the motion.

On roll call: Campbell—yes; Duggin—no; Hopper—yes; Phillips—yes; Andrews—yes; Butrum—yes; Wade—yes. The motion carries.

In clarification, Dr. Andrews stated that this is only until the Interim Director is in place; this person will sign the checks until the Interim Director can take over. Mr. Hopper asked if the Interim had to be licensed. Mrs. Baker responded no. She stated that the Board can restrict the duties that this individual would fulfill during this short timeframe such as signing payroll and signing any documents that must be signed by the Director until the Interim is in place. Mr. Hopper asked if Mr. Anderson were considered would there be any audit problems. Mr. Anderson stated that Davidson County had used their person in his position for months, which is stated in their board policy. In response to Dr. Andrews' question, Mr. Anderson stated that in Mrs. Mathis' absence, he steps in conferring with Mr. Wilkerson and Mrs. Kaminsky if issues arise that pertain to their expertise. Dr. Butrum asked if Mrs. Bell could do this. Mr. Hopper stated that from an audit standpoint with her being in more direct contact with the finances/accounts, it would be less of an issue if Mr. Anderson took the position.

Mr. Hopper moved that the Board name Mr. Anderson the Acting Interim Director until the Interim Director is hired. Mrs. Phillips seconded the motion. Mrs. Duggin asked if the Board could specify what Mr. Anderson's responsibilities would be as Acting Interim. Dr. Andrews stated that it might be an issue if they exclude things and issues arise that must be addressed so the acting interim should not have his hands tied, as he knows he would not be in there to make huge or drastic changes. Mr. Hopper stated that this would be for payroll and emergencies. In response to Mrs. Wade's question regarding personnel issues, Mr. Anderson stated that Mr. Wilkerson handles this and takes his information to the Director. Mr. Wilkerson stated that personnel issues that can be handled directly from his office are handled that way.

On roll call: Duggin—no; Hopper—yes; Phillips—yes; Andrews—yes; Butrum—yes; Campbell—yes; Wade—yes. The motion carries.

Mr. Campbell commented that if the interview process takes place like it is supposed to, they are not talking about a long period of time—just two or three days so Mr. Anderson and Mrs. Wade can sign the checks that need to go out the first of October.

Mrs. Baker stated that the Board needed to set a date to interview the candidates for the Interim Director's position. She noted that Dr. Jones suggested the interviews be held on September 28 or 29, as he would be here and be available to meet with the Board following those interviews. After discussion, it was decided that the Board would interview three candidates for the position of Interim Director beginning at 4:30 p.m. on Tuesday, September 29, and would meet with Dr. Jones following the last interview. Dr. Jones will contact the three candidates to set up the interviews at the times specified by the Board. He will not participate in the actual interviews but will be available to the Board when they enter into discussions of the candidates.

Mrs. Baker provided to the Board an interview guide for the Interim Director. If the Board has additional questions they wish to add, they can send those to Mrs. Baker or to Dr. Jones. Questions should be divided between the Board with each Board member asking at least one question if not more. If there is a particular question on the interview list that a Board member wishes to personally ask, please let her know.

Mrs. Baker provided the Board a rough draft of a contract for an Interim Director based on information shared by Dr. Jones from his previous searches. If Board members have questions or suggestions, please contact her. Mr. Campbell asked if the Interim Director would have the authority to hire and fire. Mrs. Baker stated that the Interim Director would have the same authorities that are under the state statute for the Director, and a job description has been provided to the Board. The Interim would have the obligation to follow all board policies and the responsibilities set for the Director in board policy.

Mrs. Baker stated that the Board can establish the length of time for termination of the Interim's contract. In response to the Board's discussion, Mrs. Baker stated that it could be to the Board's advantage to have a shorter window in the event a Director of Schools is chosen and can begin in a short period of time. Most people coming into an interim position understand that. Mrs. Phillips thanked all who applied for the job.

Mrs. Duggin moved that Mrs. Baker change the termination period to two weeks. Mr. Campbell seconded the motion. In response to Dr. Andrews, Mrs. Baker stated

that if the Board later decided to extend the termination period, she would have to come back to the Board for approval. The Board has set December 15 as the date the Board will announce the new Director, so the person coming in as Interim knows the maximum period of employment.

On roll call: Andrews—yes; Butrum—yes; Campbell—yes; Duggin—yes; Hopper—yes; Phillips—yes; Wade—yes. The motion carried.

#### IV. ADJOURNMENT

Dr. Andrews moved to adjourn, seconded by Mr. Campbell. Mrs. Wade adjourned the special called Board meeting at approximately 5:30 p.m.

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Director of Schools

#### ***MISSION STATEMENT***

***To assure academic and personal success  
for each child.***