

**At a Joint Meeting of the Sussex County School Board and
Sussex County Board of Supervisors, held at the
Sussex Middle School on Monday, July 20, 2009 at 6:30 p.m.**

BOARD MEMBERS PRESENT

T. Wayne Birdsong
C. Eric Fly
Rufus E. Tyler, Sr.

Charlie E. Caple, Jr.
Harris L. Parker

BOARD MEMBER ABSENT

Wayne M. Harrell

STAFF PRESENT

Mary E. Jones, County Administrator
Henry A. Thompson, Sr., County Attorney
Jerry L. Whitaker, Director of Finance
Deborah A. Davis, Assistant to County Administrator

CALL TO ORDER

The Sussex County Board of Supervisors was called to reconvene at the July 16, 2009 meeting by Chairman Fly, for a joint meeting with the Sussex County School Board on Monday, July 20, 2009, commencing at 6:00 p.m.

ADOPTION OF AGENDA

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the agenda of the July 20, 2009 joint meeting of the Sussex County Board of supervisors and School Board is adopted as presented.

Voting aye: Supervisors Birdsong, Caple, Fly, Parker, Tyler

Voting nay: none

Absent: Supervisor Harrell

FINANCIAL PRESENTATIONS

Mr. Jerry L. Whitaker, Director of Finance introduced Mr. David Rose, Senior Vice President of Davenport & Company.

Mr. Rose provided a presentation to the Board regarding funding strategies for the proposed elementary school project.

Dr. Charles H. Harris, III, Superintendent of Schools, provided information regarding the proposed elementary school project and advised the Board of Supervisors that the School Board has voted in favor of the construction of one elementary school.

Supervisor Caple stated that the Board of Supervisors should accept the School Board's decision and allow the School Board to proceed with the construction of one elementary school. That the Board of Supervisors duty is to see what monies are available for building an elementary school and, if monies can be found that will not cause to much of a burden on citizens, then the School Board members who were elected by the people to do so, and not the Board of Supervisors, decides how many elementary schools to build.

Supervisor Parker commented that there has been an increase in test scores within the local school systems and that the Board needs to continue their support of the public school system. He further stated that schools are a part of the community and an elementary school is needed on each end of the County. Supervisor Parker also stated that the Board needs to think about the establishment of a county wide recreational complex.

Mr. Will Massenburg (School Board member) stated after the current elementary schools are vacated, consideration can be given to the renovation of them into a recreational center. That the "kids" need a new elementary school now and that the School Board has decided upon one school and that the Board of Supervisors is aware of the School Board's decision.

Chairman Fly stated that the County's Comprehensive Plan indicates future growth and the Board needs to look at the long term perspective. That two schools would help with economic development and would enhance the prospect of growth for our County and that the County needs to build these two schools while construction prices have bottomed out and construction costs are lower than at an earlier time.

Ms. Terry Massenburg (citizen) stated that the construction of two schools is not a good decision because of the current economic conditions. That certain Board of Supervisors members are "playing politics" with the children of the County for their own personal ambitions and that the citizens should remember those that are playing politics at the next election. Ms. Massenburg indicated that citizens should let them vote for two schools that they know they cannot afford to build and remember them at the next election.

Mr. Keith Blowe (citizen) stated that the Board needs to remember schools serving as emergency shelters when needed. This should be a major factor in the planning and construction processes. He also stated that he has been listening to the Board of Supervisors discuss this one elementary school verses two elementary school issue for two years now; there needs to be a decision made now because the children of Sussex County deserve better.

Mr. Ricks (school system employee) stated that he sees a problem with the elected officials “playing politics” and the issue is becoming too personal. The children’s education is the priority.

Mrs. Ora Briggs (citizen) stated that she has followed this process since it began and she asked the Board members to “man up” and appropriate \$18 million dollars to build one elementary school.

Chairman Fly stated that the Board needs to move forward and do what needs to be done. He stated that he does not believe any member is playing politics. The Board is willing to fund \$23 million to build two schools.

Supervisor Parker stated that he agrees with Chairman Fly and he also stated that he (Parker) has no personal agenda.

Supervisor Caple stated that he believes that it appears that the Board’s decision is not about the children or their education, but about power and authority. Why does the Board not want to follow rules and regulations?

Supervisor Tyler thanked the School Board for agreeing to meet with the Board of Supervisors and he thanked Dr. Harris for his presentation. He also stated that the Board of Supervisors is committed to funding education, but decisions need to be made based on facts. There are advantages to building one consolidated elementary school because of the County’s current financial situation. If two schools are built, it will not be cost effective.

Supervisor Birdsong stated that the Board of Supervisors has listened to both sides of this issue. He has also listened to Dr. Harris and there has been nothing said that will cause him to change his decision. He feels that the construction of two schools will be in the best interest of the children.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE that the Sussex County Board of Supervisors approve of the construction of one elementary school and the appropriation of \$18 million dollars.

Voting aye: Supervisors Caple, Tyler

Voting nay: Supervisors Birdsong, Fly, Parker

Absent: Supervisor Harrell

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR PARKER that the Sussex County Board of Supervisors hereby approves of the construction of two elementary schools (one on each end of the County) and appropriates \$23 million dollars to the Sussex County School Board for said construction.

Voting aye: Supervisors Birdsong, Fly, Parker

Voting nay: Supervisor Caple, Tyler

Absent: Supervisor Harell

County Attorney Thompson, prior to the motion being “voted upon” and thereafter, advised that the foregoing motion is out of order in that in order for an appropriations of over five hundred dollars to occur, that, absent the absent Board of Supervisors member affirmatively disqualifying himself, that a vote of four Supervisors are needed. Further, the County Attorney again reiterated his earlier legal opinion that the Board of Supervisors does not have the legal authority to override the School Board’s decision regarding the number of elementary schools to build in the County and the placement location of any such elementary school.

Supervisor Caple stated that the Board of Supervisors is disrespecting the School Board’s authority. That it is clear that the Board of Supervisors has no legal authority to order the School Board to build two schools and that the Chairman is seeking budget cuts and yet voted to spend money which the County does not have.

Supervisor Fly stated that the Board of Supervisors has just passed a motion appropriating twenty three million dollars for the building of two schools and that the School Board should now move forward with the Board of Supervisors ‘directive.

County Attorney Thompson advised that he would seek an Attorney General’s opinion regarding this issue and the vote, and requested that the Board take no steps to implement this motion that “passed” until a confirming or overruling legal opinion is obtained.

ADJOURNMENT

ON MOTION OF SUPERVISOR PARKER, seconded by SUPERVISOR TYLER and carried: RESOLVED that the July 20, 2009 Joint Meeting of the Sussex County Board of Supervisors and School Board is hereby adjourned.

Voting aye: Supervisors Birdsong, Caple, Fly, Parker, Tyler

Voting nay: none

Absent: Supervisor Harrell