

POLICY REVIEW COMMITTEE MEETING MINUTES
Suffolk City Hall
442 W. Washington Street,
Council Chambers Conference Room
Suffolk, VA 23434
July 13, 2023

Present:

Members

- ✓ Dr. Dawn Brittingham, ***School Board Member***
- ✓ Dr. Judith Brooks-Buck, ***School Board Member***
- ✓ Mrs. Phyllis Byrum, ***School Board Member***

Participants

- ✓ Dr. John B. Gordon III, ***School Superintendent***
- ✓ Wendell M. Waller, ***School Board Attorney***
- ✓ Renée Davenport, ***Administrative Assistant***

Attendees

- ✓ Mrs. Heather Howell, School Board Vice Chair
- ✓ Mrs. Kimberly Slingluff, School Board Member
- ✓ Dr. Deborah Wahlstrom
- ✓ Mr. Matthew Hintlian

➤ **Meeting called to order.**

- Dr. Judith Brooks-Buck called the meeting to order and welcomed everyone.

➤ **Review and approval of minutes from June 8, 2023 meeting.**

- Dr. Brooks-Buck asked if anyone had any corrections to minutes that were previously emailed to the committee. None were noted. Mrs. Byrum moved that the minutes be approved and there was a second by Dr. Brittingham. The minutes were approved.

➤ **Unfinished Business**

• **Chapter 4, Article 6 – Purchase of Goods and Services**

- Dr. Brooks-Buck stated that Board Member Slingluff asked the committee to review this policy. She asked Dr. Brittingham to make the statement that couldn't be done at the last meeting. Dr. Brittingham asked Attorney Waller if there is a policy that addresses the superintendent's threshold amount that will require the superintendent to bring the matter to the board for a vote?
- Attorney Waller replied that policy section 4-6.1, subsection C refers to the superintendent authority regarding good or services that does not require concealed bids. Anything that requires competitive negotiation or concealed bids, the superintendent has the authority to enter into those contracts. Dr. Brittingham asked why does that contradict what Anthony Hinds presented to us back in May because on all of his PowerPoints, at the bottom it says "bids regardless of

amount can now be awarded by the superintendent provided that it doesn't exceed budgeted funds and that policy 4-6.2, in slides 8-11 (is what he is referencing), and to help her understand that. Attorney Waller responded that 4-6.2 addresses the appointment of a purchasing manager by the superintendent, it does not address the superintendent's authority. Brittingham continued that if you go back to the June 2022 meeting where this policy was voted, addressing Dr. Buck and Mrs. Byrum she asked, was it your understanding that there was a specific spending threshold assigned?

- Dr. Brooks-Buck asked Dr. Brittingham to relay her concern about the policy. Dr. Brittingham said that we need to clean up the verbiage in this policy. We need to establish a plan to add verbiage that creates a spending threshold that requires a board vote before entering into a contract. Dr. Buck asked if Dr. Brittingham wanted a board vote every time the purchasing agent buys something? Dr. Brittingham replied No, she wants it to come to the board every time it exceeds a certain amount and right now the way the policy is written, there is a lot of wiggle room in it. Dr. Buck in trying to understand, asked if this change is trying to relate this to student achievement as Board Member Slingluff was asking. She asked, how can you relate the purchase of buying a school bus to student achievement? Dr. Buck continued that if we put it in policy, it applies to everything, if we need to get the roof fixed, if we need to get the chillers done, whatever we need to do. All of that is presented to us when Mr. Napier comes to us and tells us that we need to purchase certain equipment, etc. He gives us a list of projects that we need to vote on. We don't need to vote individually on each one of those projects when we know that in a certain year, they are going to need to be done. If we put it in policy then we are going to have to do this every time. This would mean that we would need to meet every time we went to purchase something that is over \$100,000. Dr. Brittingham said that she thinks that is good practice. Dr. Buck asked how are we not being accountable when we have a list and we have placed certain items for purchase in the budget that we have approved? The superintendent is only buying something that we have already approved in a budget, so why would we need to meet and vote again on it? Dr. Brittingham said that she thinks it's a big difference in having a presentation and approving funds to do something. It appears to her that there have been a lot of presentations but they don't always pan out to be the exact thing that is purchased. It is our responsibility to be made aware and accountable when it comes to School Board funds and where they are going. It is our responsibility and we don't relinquish that to our employees. Dr. Buck replied that she believes that when we write it down in a budget and list things to be purchased and then approve the budget, we have done what is our responsibility. When we purchase these items, that demonstrates our accountability and every month we print out a list of what we purchased down to the pencils that have been ordered. So, we are accountable and we can check and see that the pencils that we ordered along with any other supplies, have been purchased. So, I don't know how anyone can say, especially when we have backups due to our audits that show that not a dime is out of place, no one can come up and say that we have done anything that is inappropriate. We have an internal audit and an external audit by the city and they approve it, and that shows that we are accountable.
- Dr. Gordon asked Dr. Brittingham about her statement that sometimes presentations occur and things that have been advertised or discussed, but not

purchased. Can you give me an example? Dr. Brittingham replied that she is going to use the presentation that was done in May because information that was presented there did not reflect well. That is my concern. She watched the July meeting and doesn't think that they are aware of what they are relinquishing. My concern is that we don't have the oversight. It is our responsibility to have that oversight and we have handed that oversight over to our employees. Dr. Gordon replied that she had not answered his question yet. Dr. Brittingham said that we haven't purchased buses. We are going to have to hand that money back over to the City. Help me understand that process. Dr. Gordon answered that this gets back to the "competitive bid" part. By law, we put this request for buses out for bid, and we have to go with the lowest bidder. The distributor gives us an estimated window of when these goods will be delivered. We don't pay until the goods are actually delivered. If we were to wait or go somewhere else, this would mean that we would have to wait even longer.

- Dr. Gordon invited Mrs. Wendy Forsman to explain to the committee in greater detail about that process. Dr. Gordon asked Mrs. Forsman how long had we been waiting on these buses. Mrs. Forsman replied that we talked to the vendor last June when we realized that we had some huge needs. We purchased six (6) small buses at the time. We contracted with the vendor and were told that the buses would be in no later than February. We had a year to use that money and since it was not later than February, we were good to go and they gave us all assurances. The other buses that we needed were to replace buses that were getting to be 15 – 18 years with high mileage. We are required by law to get them off the road. We have to get them off the road and get another set of buses. In 2007-8 the City purchased through a lease approximately 80 buses. We are hitting the year bubble when we have to purchase buses. We had a consultant come in and speak with us about 5-6 years ago. We were told that in order to meet the needs of SPS, we need to purchase between 12-16 buses each year if we have the money. We have been trying to purchase buses each year, if we have the money. But we don't know how much money we will be receiving until the last minute because the money comes from the state. We had the assurance from the vendor that we would have the buses by February, and so we went ahead and obligated the money. A letter went out July 1st to the vendor, which was followed up by a purchase order that was mailed to the vendor because that is what he requested. We talked to him in September and again in November. When we were closer to December, he said it was changing. We kept pushing him to get the buses by May, and we were told that we would get some of the buses by June but he wasn't clear how many buses we would get. We received two (2) buses. Mrs. Forsman said when we realized that we would not have all of the buses by June 30, she called Dr. Gordon and said we are not going to get these buses and we need to go back to the City and tell them that we need to obligate these funds in a CIP. Through no fault of our own, those buses didn't come. We are in dire need of these buses. We spent a million dollars with private carrier last year transporting these students.
- Dr. Gordon continued with Dr. Brittingham stating that with that information, it shows that we told you that we were going to purchase buses and we ordered buses. There is not one purchase that we presented to the Board either in our year end discussions or spending or based on our vision statement that the of which the Board has not been made aware of. There is also not one purchase

discussion that we had and we did not order exactly what we said we were going to order. So, I just don't understand that portion of the concern.

- Dr. Brittingham asked Mrs. Slingluff to speak to this since she was the one who submitted concerns for the policy review. Mrs. Kimberly Slingluff expressed that it was her understanding that there was a limit of \$100,000 for purchases without Board approval. When Mr. Hinds made his presentation, Kimberly Slingluff said that she found out then that this requirement did not exist and caused her to feel very uncomfortable. She then referenced the presentation that was done on the purchase of the Pharmacy. It was easy for her to understand and digest the Pharmacy information. However, Mrs. Slingluff said that she became concerned again when the bid came in for the AstroTurf for King's Fork High. She assumed that this purchase had been approved previously by the Board. After doing some investigation of her own, she found out that what she would be voting on she knew little about. She could not find where the Board had approved this. She felt like the Board should have all of these numbers in order to make a sound decision of this magnitude, but was never presented with this information. Mrs. Slingluff said there needs to be some sort of perimeter where the Board approves expenditures with a presentation to understand the cost benefit and why we are doing it. Dr. Brittingham continued stating that she proposes that we add this statement into the policy in order to clarify the verbiage and make sure that we are all on the page.
- Dr. Buck asked if she could respond to what Mrs. Slingluff said before Dr. Brittingham made her statement. Dr. Brooks-Buck said that we have listened to two things. One is policy 4-6.1 and policy 4-6.2 is "procurement". One limits the superintendent to \$100,000 for contracts not requiring his signature. The other speaks to the purchasing manager. Mrs. Slingluff was not in for the earlier conversation. Dr. Brooks-Buck said that if we needed to buy a roof to go on a school, the day to day operations would include the superintendent and the purchasing manager buying the materials. We did not buy for King's Fork at the same time we purchased turf for the other schools because King's Fork had almost a \$1,000,000 of sink holes and it took a little longer to get done and the costs were more. That changed the number. This is their job for the day to day operations. Our job is to approve the budget and to ensure that these people purchase things that they say they are going to purchase for the purpose that it was intended. If they come out of the lines, then they have to come to the Board and say that they asked for this money for one thing but now we have done something else. But we don't get into the day to day operations. We don't go back and ask why did the Board approve something so many years ago.
- Mrs. Slingluff questioned the limit of \$100,000. Mrs. Forsman answered that anything over \$50,000 we are going to do a sealed bid on it. Mrs. Slingluff stated that she along with other board members were under the understanding that the \$100,000 limit meant that the superintendent could not spend over that amount, but that is not the case. The intent of this is not to limit the needs of the schools but to have some oversight on the spending. Her concern is that the Board should decide on whether that magnitude of money should be spent for AstroTurf or for something else to fix the problem. Dr. Gordon stated that the cost analysis is what we do. We are not going to bring anything to the Board that is not beneficial for the school division. This is part of the process. Dr. Gordon reminded Mrs. Slingluff of the conversations that they had regarding the AstroTurf. The school division

had spent hundreds of thousands of dollars maintaining our fields. A turf field will last us 15 – 18 years if we properly maintain the fields by replacing the black pellets. So, after 10 years, I now have 5 to 10 years more of saving funds which shows that we are being conservative and fiscally responsible. These were the questions and the process that Mr. Hinds, Mr. Napier, Ms. Forsman, Dr. Leigh, Dr. Byrd, Mr. Fortune and myself all did. So, it's our responsibility and we make the presentation and recommendation to the Board. There hasn't been anything that we brought to the Board that the Board hasn't approved. From what you are saying today, you want to be able to see the cost analysis to determine if it's something you should do. What I'm asking is that this is the point where you have to trust the staff to do their job and at no point in time especially with Mrs. Forsman as our CFO are we ever going to do any type of major purchase if it's not going to be fiscally responsible or save us money in the long run.

- Mrs. Forsman also interjected and asked when we go out for a sealed bid, at what point would you want a presentation? It was in Dr. Gordon's vision; the Board saw his vision and he talked to Board members individually and no one gave him feedback that they didn't want to do that. When we go after a bid, we have to be extremely careful that we don't start talking to you all about cost because we are in the middle of negotiations. Many things come into play, including which field needs to be done first, the City had to approve the plans, they have to find environmental credits. These are all things that happen behind the scenes even before we can go after a bid. And so, we can't talk about it until we are ready to bring it to the board to agree to the contract. So, you have bidding and purchasing, then you have approval. It's important for everyone know that those are two different things and two different processes. We have to wait in talking with the public until we have these three bids. If we start talking to the public before that, it takes away all negotiating power to work them off each other to get the best we can get. Mrs. Forsman explained the difference when it came to the process for King's Fork. It will be either in the budget or it will be on the May resolution indicating what we intend to do. We have to be very careful about what kind of threshold we are talking about, one textbook adoption can be over a million dollars. There are a lot of things that costs hundreds of thousands of dollars, such as copier, etc.
- Dr. Buck interrupted to conclude the Board meeting and asked Dr. Brittingham to make her proposal. Dr. Brittingham stated that she would like to propose a Subsection C to policy section 4-6.1, that says additionally the superintendent would be required to have a Board vote occur before engaging in purchases, projects, contracts, etc. that exceed a certain amount. Any purchases, contract, financial obligation approval over a certain amount will also require a presentation by the superintendent to the Board delineating the functionality and purpose, how it will impact student achievement, how it will support staff and the feasibility to include the cost analysis of the purchase, contract, project, etc.
- Mrs. Phyllis Byrum and Dr. Brooks-Buck voted no on the verbiage. Changes will not go before the board.

➤ **New Business.**

- **None presented.**

- **Business by Committee Meetings.**
 - **None presented.**
- **Next meeting to be on August 10 at 4:15 PM.**
- **Meeting was adjourned.**