

## MINUTES

Monroe City School Board of Education  
2006 Tower Drive  
Monroe, Louisiana 71201

The Monroe City School Board met in special session, Thursday, December 22, 2011 at Monroe City School District Central Office, 2006 Tower Drive; Monroe, Louisiana 71201. The meeting was called to order at 12:00 p.m. by President Traweek. Prayer was offered by Rev. Dale Walker. The Pledge of Allegiance was led by Mr. Verbon Muhammad.

### Agenda Item 1A – Roll Call

Board Members Present: Mrs. Victoria Dayton, Mrs. Victoria Krutzer, Mr. James Traweek, Mr. Clarence Sharp, Bishop Rodney McFarland Sr., Mr. Verbon Muhammad and Mr. Glynn Ludley

### Action Item 1B – Adoption of the Agenda

Public Input: Ms. Gloria Walker questioned the purpose of the meeting. She asked if it is legal to call a meeting at noon. Mr. Traweek replied that the meeting was posted 24 hours prior to the beginning of the meeting; therefore, it is a legal meeting. Mr. Quincy Gardner stated that at the last meeting there was no closure on the matter regarding Carroll High, Carroll Jr. and Martin Luther King Middle. He then asked why that item was not important enough to be placed on the agenda.

On a motion by Mr. Muhammad and seconded by Mr. Sharp, the Board approved the agenda as printed. The motion carried on a majority vote. Bishop McFarland and Mr. Ludley opposed.

### Action Item 2 – Executive Session

It was moved by Mr. Muhammad and seconded by Mrs. Dayton, to convene into executive session to discuss personnel issues related to the employment of the superintendent and to take any required action on matters related to the employment of the superintendent upon reconvening into open meeting.

Dr. Harris read the following statement: *“The agenda language for today’s meeting is written in such a way that it does not provide sufficient information regarding what the Board intends to discuss, or what action it intends to take with respect to me and my employment with the district, or with respect to anything else that the Board might determine necessary to discuss or act upon. I am requesting that any discussion regarding my character, competency, and fitness, that occurs during the Monroe City School Board December 22, 2011 special called meeting, occur in an open forum so that the public as well as myself have an opportunity to hear the Board’s concerns. Board policy language and my contract both set forth the appropriate means by which investigations are to take*

*place, and the Open Meetings Law should not be used to circumvent those processes.”*

Mr. Ludley asked for an explanation as to why this matter is being discussed.

Bishop McFarland stated that it is ludicrous to have this meeting to discuss the superintendent, or to begin an investigation during the time in which the district will be closed. He further stated that he is not in favor of going into executive session.

Mr. Traweek stated that at the request of Dr. Harris, the Board will not go into executive session.

Bishop McFarland stated that if there is no executive session, then there is no other business because the agenda item states that the Board will convene into executive session. If there is no executive session, then the agenda item is null and void.

Mr. Muhammad stated that the election by Dr. Harris not to go into executive session does not nullify the motion.

Attorney Lawrence noted that any comments concerning the character, competency and fitness of the superintendent must be made in open meeting because the superintendent has made that request. He stated that since she has elected to have the discussion in public, there must be other bases under the law to go into executive session.

Mr. Muhammad stated that the Board does have the authority to go into executive session.

Attorney Lawrence stated that the Board must articulate the reason for going into executive session, and that the public has the right to know what provision of the law is being used to do so.

Mr. Traweek asked if a motion can be made even if the Board does not go into executive session.

Attorney Lawrence replied that it is the judgment call of the president to determine if the motion is germane to the issue on the agenda.

Bishop McFarland noted that charges can be brought against the president if the Board proceeds with the executive session. He advised the Board to adjourn the meeting and take the matter up in January.

Mr. Traweek asked Attorney Lawrence if it is legal for him to proceed being that the motion was to go into executive session. He stated that the superintendent waived her right; therefore, the motion changed.

Attorney Lawrence stated that part “B” of the agenda item allows for an open session portion on this agenda item. He stated that he does not see anything illegal thus far.

Bishop McFarland asked Attorney Lawrence if the Board president can be challenged and lose in court if he moves forward.

Attorney Lawrence replied that it can be challenged.

Bishop McFarland urged the Board to think about what it is doing. He urged the president to adjourn the meeting to safeguard the Board.

Attorney Lawrence noted that the executive session item is dead. The Board is now at the point as to whether there will be a motion made from the floor that is germane to what is on the agenda.

Attorney Wesley Johnson noted that she is legal council for Dr. Harris. She stated that she is glad that the Board has decided to remain outside of executive session because it sends a clear message to her and Dr. Harris that the Board has no intent on discussing anything but her character, competency and fitness, or to take any actions with regards to anything but her character, competency and fitness. There is a provision that would allow the Board to go into closed session over Dr. Harris' request, but that matter is not on the table and has not been properly posted; therefore, there should be no action taken on any type of investigation with regards to the superintendent based on the agenda language both last week and this week. She stated that this would not be the first time legal action has been taken against the Monroe City School Board. In the late 80's, District Attorney Norris filed suit against the Board for going into executive session in violation of the Open Meetings Act. That lawsuit resulted in a stipulated judgment being filed with the 4<sup>th</sup> Judicial District Court. At this point, it would not only be a violation of state statute, but it would be in contempt of court if action is taken. There is a process in place by which investigations are to take place; it is set forth in her contract and by Board policy. It is obvious from the events of last week, that anything involving the need to conduct an investigation has already been contemplated by at least one member of the Board. The agenda item is insufficient to support any adverse employment action against Dr. Harris at today's meeting – allegations have not been made or conveyed to Dr. Harris as pursuant to Board policy and her contract. She stated that she is placing each Board member on notice that all available remedies will be pursued if the Board violates the Open Meetings Act.

Public Input: Ms. Geneva Dixon stated that the superintendent desires to make the district a "world class system" but the Board will not allow her to do so. She stated that Board members need to understand the job the superintendent was hired to do and to let her move forward. Rev. Dale Walker stated that what has gone on with this superintendent and the previous superintendent does not benefit the students of Monroe City Schools. He asked the Board and superintendent to take responsibility and do things differently. Each person must give up their right to what they think is right; there must be give-and-take. Rev. Oliver Billups Jr. noted that there is not a spirit of trust among the Board. He stated that the purpose of trying to get rid of the superintendent is not clear; she has not been given a reason. He asked the Board to give her a chance to do what she was hired to do. Mr. Quincy Gardner stated that the Board will be held accountable for the action they will take. He further stated that the Board has failed the students.

Mr. Ludley stated that he still does not know the real purpose of the meeting. He then moved to adjourn the meeting. Bishop McFarland seconded the motion.

Mr. Traweek indicated that there is already a motion and second on the floor.

Mrs. Krutzer stated that she wants to write a letter to the editor. She asked Attorney Lawrence if it is permissible for her to write what has truly happened on the Board and the games that have been played.

Attorney Lawrence replied that there is flexibility as to what can be written and said with the exception of matters that are private.

Bishop McFarland reminded Mr. Traweek that the motion on the floor is to go into executive session.

Mr. Traweek asked Attorney Lawrence how the motion could have been written.

Attorney Lawrence stated that he did not draft the language for this agenda item – it was taken from a previous meeting. He further stated that if he is not given specifics, he drafts generic agenda items to cover matters that may arise.

Mr. Muhammad noted that the Board can not get pass the motion because there was no input from the attorney.

Attorney Johnson stated that the agenda item was not sufficient last week. There was a motion for an investigation, without any allegations, after a discussion that was supposed to have been about character and competency. There should have been something discussed during that conversation that would leave someone to believe that there should be an investigation. Someone said that they thought the superintendent was disrespectful and that she needed to work on her communication. Two Board members spoke on character and competency; none of which warrants an investigation.

Mr. Traweek noted that the Board has twenty days prior to the actual hearing to give written notice of accusations.

Attorney Johnson stated that the law was not written so that a vague agenda item can be written, and then make up reasons to go into closed session. If the Board goes into executive session over Dr. Harris' objection, they will be in violation of the Open Meetings Act. If anyone votes or takes action based on the agenda item, they will also be in violation of the law. Based on the last meeting, it is clear that this matter has already been contemplated.

Mr. Muhammad stated that there are concerns but this motion needs to be withdrawn. If it is brought back it needs to be brought back properly.

Mr. Traweek asked Mr. Muhammad if he is withdrawing his motion.

Mr. Muhammad replied "yes."

Attorney Lawrence asked Board members to be open with him and he will help them with

what they are trying to do. He stated that it is hard to draft agenda items if Board members are not specific.

Bishop McFarland asked that a meeting not be called during the Christmas break.

Action Item 3 – Recess/Adjournment

There being no further business to come before the Board, the meeting adjourned at 1:00 p.m. upon a motion by Bishop McFarland and seconded by Mr. Ludley. The motion carried on a unanimous vote.

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Mr. Mickey Traweek  
Board President

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Dr. Kathleen Harris  
Superintendent