

MINUTES

The Board of Trustees of the Sweeny Independent School District met in Special Meeting on Tuesday, January 19, 2016, at 6:00 p.m. in the All-Purpose Meeting Room of the Administration Building located at 1310 Elm Street, Sweeny, TX. Dr. Garrison called the meeting to order. The Pledges of Allegiance to the American and Texas flags were recited and Dr. Garrison gave the invocation. All Board Members were present except Mrs. Jan Reddoch and Mrs. Donna Bohlar-Schroeder.

The following Board members were present:

- Dr. Glenn Garrison, President
- Jan Reddoch, Vice President – **arrived at 6:03 p.m.**
- Peggy Ellis
- Mark Gregurek
- Earl Mathis
- Connie McAda

The following Board member was absent:

- Jan Reddoch, Vice President – **arrived at 6:03 p.m.**
- Donna Bohlar-Schroeder, Secretary

The following staff members were present:

- Randy Miksch, Superintendent
- Brett Miksch, Exec. Director of Administrative Services & Athletics
- Robert Morrison, High School Principal
- Michael Saul, Jr. High School Principal
- Michael Heinroth, Elementary Principal
- Martha Finley, Recording Secretary

Also present for this meeting:

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| Violet Weeks | Amy Pope |
| Vincent Strother | Tracy Smith |
| Susan Soto, Attorney | LaBonne Casey |
| Stacy Branch | Kelly Bertsch |
| Melissa Salazar | Adrienne Thompson |
| Traci Eaton | J. A. (Drew) Jolly |
| Robbie Richers | Tammi Homnick |
| Heather Raynor | Sandi Vandaveer |
| Kevin Lungwitz | Agatha Sanchez |
| Vicki Mitchell | Andy Packard – The Facts |
| Tenesha Britton | Anthony Maenza – Brazoria County News |
| Rikki Merchant | Haley Turner – Walsh |

Dr. Garrison explained the procedures that would be followed during the grievance hearings.

The Board moved into Closed Session at 6:06 p.m.

Tex. Gov't Code Section 551.071 Consultation with Board legal counsel regarding various legal issues

The Board reconvened into Open Session at 6:26 p.m.

The Board moved into Closed Session at 6:28 p.m.

Tex. Gov't Code Sections 551.074 and 551.082 Conduct hearing on Level III employee grievances

The Board reconvened into Open Session at 8:56 p.m. for the sixth and final grievance presentation.

Dr. Garrison said, "We are now back in open session for the purpose of hearing an employee grievance against the Board of Trustees, in accordance with Board Policy DGBA (Local). This is a continuation of the hearing that has, up until this point, been held in closed session. As we have already explained the procedures to the involved parties, and the Board has been provided with the documents and information related to this grievance, we are ready for the employee to proceed with his presentation.

Ms. Turner, could you tell us how much time the grievant has remaining for this presentation? Ms. Turner responded 11 minutes.

Ms. Soto made a presentation to the Board regarding Mr. Strother's Level III grievance against the Board of Trustees filed on November 18, 2015 involving the outcome of and the response to the investigation into the wrong doing committed by the Superintendent and his son.

Dr. Garrison asked if the Board had any clarifying questions:

There were questions from Mr. Mathis regarding states monitoring the District finances to ensure that the Superintendent is properly maintaining the District's financial procedures and records. Dr. Garrison questioned if findings from the Board's investigation into allegations of wrong doing are privileged information? Also if reports on allegations are made as a part of the grievance process; should be released during the process or at the end. Ms. McAda asked a question regarding tab 42 where counsel results should be shared; should it be verbal or in writing.?

The Board adjourned into Executive Session at 9:10 p.m.

Tex. Gov't Code Section 551.071 Consultation with Board legal counsel regarding various legal issues

Tex. Gov't Code Sections 551.074 and 551.082 Conduct hearing on Level III employee grievances

The Board reconvened into Open Session at 9:21 p.m.

MOTION was made by Dr. Garrison, and seconded by Mr. Mathis, " I move that Sweeny ISD Board of Trustees having asked for an investigation of allegations brought forth to two individual board members and then brought forth to the Board as a whole, having conducted an investigation by the Law firm of Walsh Gallegos, that the Board waive attorney client privilege on the contents of report generated by Board's counsel, Haley Turner, and present copies of this report to the public today; along with that report which is not included would be the cost and fees associated with this case as well as items requested and provided which are open records request and so on which in and of themselves are not privileged and are open records but provided. All voted aye. (6-0) Motion carried.

Copies of the report will be generated at this time and will be disseminated to the public.

The Board adjourned into Executive Session at 9:24 p.m.

Tex. Gov't Code Sections 551.074 and 551.082 Conduct hearing on Level III employee grievances

The Board reconvened into Open Session at 11:18 p.m.

Dr. Garrison said that all Board Members are present and have heard the grievances. There are six grievances and there will be six separate motions on those grievances.

MOTION was made by Mrs. McAda, seconded by Mr. Gregurek, with regard to grievance number one filed on October 20, 2015; I move that the Board direct the Superintendent to amend evaluation point number 42 on Strother's 14-15 evaluation to reflect that Strother's ethical conduct is not at issue, and to direct the Superintendent to conduct timely annual evaluations of all employees under his supervision and ensure all evaluations are received and signed by the employee in a timely manner. All other remedies requested on this grievance are denied. All voted aye. (6-0) Motion carried.

MOTION was made by Mrs. Ellis, seconded by Mr. Mathis, with regard to grievance number two filed on November 17, 2015, alleging nepotism and favoritism; I move that the Board find that insufficient evidence exists to conclude that the Superintendent's assignment of Human Resources duties to Brett Miksch constituted a violation of the state nepotism laws. However, the Board directs the Superintendent to post the previously approved position of Director of Human Resources on January 20, 2016, and proceed with the hiring process. Also, on January 20, 2016, to direct the Superintendent to perform the Human Resources duties from Brett Miksch. All other remedies requested on this grievance are denied. All voted aye. (6-0) Motion carried.

MOTION was made by Mrs. Reddoch, seconded by Mrs. McAda, with regard to grievance number three filed on December 18, 2015: I move that the Board find that although evidence exists that the 2002-2003 evaluation of a central office staff member was backdated, no evidence exists that the evaluation itself was intentionally falsified and a corrected evaluation has been replaced in the employee's file. And direct the Superintendent to provide evidence that all supervisory employees and administrators have completed training on documentation and employee evaluations. This evidence shall be provided before the end of the 2015-2016 school year. The Board will require evidence of successful training through the random audit of employee files. All other remedies requested under this grievance are denied. All voted aye (6-0) Motion carried.

MOTION was made by Mr. Mathis, seconded by Mr. Gregurek, with regard to the grievances four and five filed on November 17th and 18th alleging retaliation found on pages 028 and 032 of the Grievance Record: I move that the Board find that Mr. Strother's placement on administrative leave with pay did not constitute retaliation for any complaints or report made by Mr. Strother or any other protected activity. All requested remedies related to these grievances are hereby denied. All voted aye. (6-0) Motion carried.

MOTION was made by Dr. Garrison, seconded by Mr. Mathis, with regard to the grievance filed against the Board on November 18, 2015, regarding the outcome of the Board's investigation: I move that the Board declare that appropriate action has been taken by the Board in response to the allegation brought to the Board, which were proven, and identified by the Board as legitimate areas of concern. The Board has directed the hiring of a Director of Human Resources, is in the process of reviewing additional standards of conduct for the Superintendent and high-profile administrators, has authorized the release of an investigation report, and has tried to be transparent while protecting the rights of the grievant and other employees of the district. All other remedies requested in relation to this grievance are hereby denied. All voted aye. (6-0) Motion carried.

Copies of the Standards are available for the public.

The meeting was adjourned at 11:26 p.m.

Dr. Glenn Garrison

Donna Bohlar-Schroeder