

Kitsap Sun

NEWS

South Kitsap school board facing lawsuits, school rebuilds



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Published 4:47 p.m. PT April 21, 2022

South Kitsap's school board covered a wealth of territory during Wednesday's meeting that spanned more than four hours, including the introduction of a long-range plan to replace, rebuild or modernize all 16 of its aging schools. It's a priority considering a majority of those schools are 50-60 years old.

One thing that wasn't addressed was a lawsuit filed April 15 by District 5 director Jeff Daily against the board's four other directors: John Berg, Jeffrey Wilson, Brian Pickard and Kate Espy.

It's the third lawsuit Daily has filed in Kitsap Superior Court against his own board in the past nine months.

In an interview with the Kitsap Sun prior to Wednesday's board meeting, Daily said his most recent lawsuit comes in response to what he believes is an attempt for other board members to stifle a consistently dissenting viewpoint.

"You cannot tell somebody what to say and what to do," Daily said. "It's against the law. Especially a public official who has the right to speak on the behalf of 9,500 people. You cannot tell them they cannot speak. If you do, you are headed for a lot of trouble. You cannot do it."

Board governance policy debated

The lawsuit contends that the four other board members, while voting in favor of amended coherent governance policies on March 16, approved rules that "are not consistent with the law." Specifically, the lawsuit takes issue with the governance policy

covering board members' code of conduct, which, in part, instructs members to not undermine board decisions when speaking to the press or publicly sharing personal opinions; respect decisions of the full board; criticize privately, praise publicly; make every reasonable effort to protect the integrity and promote the positive image of the district; and never embarrass each other or the district.

The lawsuit states the governance policy "threatens censure on Mr. Daily and any other member of the board who attempts to shine a light on issues being considered by the board" and "infringes on the rights of each board member and the constituents who speak through them, to criticize their elected leaders."

Daily's belief that virtually no district business should remain off-limits for discussion came to the forefront during Wednesday's meeting as members voted to approve superintendent consent agenda and board consent agenda items. Citing board policy, Wilson, who is acting board president, stated that items listed as consent agenda items — such as human resources employment reports and minutes from prior meetings — aren't debatable during meetings.

Daily disagreed.

"You cannot have something in a public meeting with public officials and silence 9,500 people because of Robert's Rules of Order," said Daily, taking aim at the parliamentary procedure utilized by South Kitsap school board during meetings.

"The piece is our own policy," Wilson responded. "It has nothing to do with Robert's Rules of Order."

"Your policy is against the law," Daily said.

At odds with other members

Since upsetting incumbent Greg Wall for South Kitsap's District 5 seat during the 2019 fall election, Daily has often found himself at odds with members of two separate boards. He rarely sides with the majority during votes, but said he doesn't have any issue taking a stand on what he believes are important district issues, such as fiscal responsibility.

"I'm not there for a popularity contest," Daily said.

If it's uncommon for a board member to bring board business before the courts, Daily's

three lawsuits over the past eight months have shown he doesn't care.

"You just have to do what you feel is right to do," he said.

In August 2021, he filed his first lawsuit against Berg and former board members Eric Gattenby, Rebecca Diehl and Liz Sebren over his claim that the board failed to investigate allegations of misconduct of other members. It also criticized the board's handling of complaints made against Daily at an April 21 meeting in which members passed a motion seeking to have Daily investigated and possibly censured for policy violations.

There is an administrative review hearing scheduled for Oct. 11 at Kitsap Superior Court for the August 2021 lawsuit.

Daily's second lawsuit, filed Feb. 14 against Berg, Wilson, Pickard and Espy, contends the board limited public input while voting during its Jan. 19 meeting to award to district's pool modernization project to Christiansen, Inc.

South Kitsap School District spokeswoman Amy Miller said the district couldn't comment on legal matters, but did say the district had spent roughly \$25,000 in legal fees related to Daily lawsuits as of February.

Rebuilding school district facilities

Board members voted to hold an April 27 study session to determine next steps after hearing from the district's long range facility planning team on Wednesday night. The team spent the past 16 months developing and recommending priorities for the physical needs of the district's buildings.

Planning team officer Lee Fenton gave a presentation which called for work to be done on all 16 of the district's schools, including replacement/major modernization for seven schools: South Kitsap High School, Discovery High School, Explorer High School, Cedar Heights Middle School and South Colby, Olalla and Orchard Heights elementary schools.

Schools requiring medium modernization are John Sedgwick and Marcus Whitman middle schools and Burley Glenwood, Manchester and East Port Orchard elementary schools. Schools requiring minor modernization are Sunnyslope, Hidden Creek, Mullenix Ridge and Sidney Glen elementary schools.

The team recommended the district seek to put a 30-year bond before voters no

earlier than 2023. The cost summary, which is only a rough estimate at this stage, could see the district ask taxpayers for \$447 million over the life of the bond (all of South Kitsap's K-12 facilities are eligible for OSPI school construction assistance due to their age and condition).

South Kitsap voters haven't approved a bond since 1988, when the district added three elementary schools. Eight bond measures have failed since, the most recent in 2018.