

At a regular meeting of the Board of Supervisors, Alleghany County, Virginia held on Tuesday, October 6, 2020 at 7:00 p.m. in the Alleghany County Governmental Complex, Covington, Virginia, thereof:

PRESENT: G. Matt Garten, Chairman  
Stephen A. Bennett, Vice-Chairman  
Shannon P. Cox  
James M. Griffith  
Cletus W. Nicely  
Richard Lee Shull  
M. Joan Vannorsdall

and Jonathan A. Lanford, County Administrator  
Suzanne T. Adcock, Director of Finance  
Jim Guynn, County Attorney  
Melissa A. Munsey, Deputy Clerk to the Board

CALL TO ORDER:

The Chairman called the regular meeting to order. Mrs. Cox gave the invocation and the audience remained standing for the Pledge of Allegiance.

Mr. Garten stated that this meeting is being held pursuant to and in compliance with ordinance O-20-2 which was adopted on April 3, 2020 and readopted/amended on June 2, 2020 and August 4, 2020.

MINUTES:

Hearing no corrections or deletions, the Chairman declared the following minutes approved as submitted: (1) a regular meeting held on September 1, 2020; and (2) an adjourned meeting held on September 9, 2020.

PUBLIC HEARING - APPOINTMENT TO THE ALLEGHANY COUNTY SCHOOL BOARD (JACKSON RIVER DISTRICT):

Public Hearing was held to consider an appointment to the Alleghany County School Board from the Jackson River District to complete the term of Mr. R. Craig Lane beginning immediately and ending June 30, 2023.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, September 15, 2020 and Tuesday, September 22, 2020 in accordance with the Code of Virginia. He then called the public hearing to order.

Mr. Garten stated that two resumes were received for the appointment to the Jackson River District (Mr. Robert W. Honts, II and Mr. Richard A. Shull). He asked that one of the candidates wait in the Conference Room so that each can give a brief presentation and answer any questions the Board may have without the other present.

Presentations by candidates and questions/comments from Board members:

Mr. Robert Honts, II read the following prepared statement:

*Good evening Ladies and Gentleman of the Board, my name is Rob Honts and I live at 3002 Winterberry Avenue, Covington, VA. I appreciate the opportunity to speak with you tonight about my desire to be appointed to the Jackson River District seat on the Alleghany County School Board.*

*I have lived my entire life in the Alleghany Highlands, except for a brief 6-month period in 1991, including 47 years in the Jackson River District. I graduated from Alleghany High School in 1986 and from Virginia Tech in 1990 with a degree in Civil Engineering, with a specialization in transportation. I have been employed by WestRock for the past 29 years in various management positions. Since 2014 I have had the role of Supply Manager for both the Covington Mill and the Low Moor Converting Plant. In this role I am responsible for cost negotiations, implementing purchasing contracts, leading cost optimization projects, cost forecasting, and have overall responsibility for the entire incoming supply chain. Prior to that I held increasing levels of responsibility in the Maintenance Department, including oversight of the Mastercraft Training Program. In this program I worked with DSLCC and the VA Dept. of Labor to develop training programs to obtain Journeyman certifications for our mill tradespeople.*

*For the past 15 years I have been very active with the youth of our community. I have coached youth football, basketball, and baseball, including 4 years as the Covington Post 4 American Legion Baseball Manager. For the past 7 years I have officiated youth football and basketball for the Alleghany County Parks and Recreation Dept., and for the past 6 years I have served as the official scorekeeper for Alleghany Boys Varsity Basketball and Varsity Baseball.*

*Education has and always will be very important to myself and my family. My wife Phaedra is a graduate of Radford University and teaches 2<sup>nd</sup> grade at MVE. My daughter Alexis graduated from Roanoke College in 2019 and teaches 4<sup>th</sup> grade at MVE. She is also the Head Cheerleading Coach at CMS. Any my son Trey graduated from DSLCC this year and is now pursuing two additional degrees at NRCC in Electrical Engineering Technology and Instrumentation Technology.*

*I believe a strong public school system is vital to sustain and grow our local economy. The complexities of a school consolidation and the COVID-19 health pandemic have added immensely to the normal regular challenges that our school system faces every day and require strong leadership now more than ever. I believe the combination of my education, work experience, and experience working with our local youth enable me to provide that strong leadership. My goal is to give our Superintendent, Administration, and Staff the tools and resources they need to make our school system the absolute best it can be.*

*Thank you,  
Rob Honts*

Mr. Honts added that he checked and there would not be a conflict of interest for him to serve on the School Board with his wife and daughter being teachers. He commented that from a legal standpoint it is permissible as they are under written contract. He stated that he does not see a conflict as business is business and things need to be done fairly. He mentioned that he would excuse himself from participation and abstain if he felt otherwise.

Ms. Vannorsdall complimented Mr. Honts on his work with youth sports and that a lot of people do not continue when their kids are out of school.

Mr. Bennett asked his opinion on consolidation. Mr. Honts replied that he feels it absolutely needs to happen and that we have two of the smallest school systems. He commented that he never has a team that does not have County and Covington kids mixed together. He stated that there are tough decisions to be made, but we can not continue to operate independently. He mentioned that having a better school system is the bottom line.

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Mr. Richard Shull stated that he applied for the appointment last time and thanked Mr. Lane for his service on the School Board. He commented that he would like to give back to the community and be an advocate of teachers. He mentioned that he is the father of twins and respects teachers even more. He stated that he was blessed with great teachers and would like to be a voice to give them all they need now more than ever.

Ms. Vannorsdall commented that she appreciates his concern regarding teachers and that it is good to advocate for them.

Mr. Bennett asked his opinion on consolidation. Mr. Shull replied that he thinks it would be a great opportunity. He stated that the two boards can build it from the ground up by working together to achieve a good system and how they want it to be. He commented that only one or two consolidations have actually been done and we could lay the groundwork for others in the State to use what we have done.

Mrs. Cox commented that with all that has occurred since the last time Mr. Shull applied shows dedication. She thanked him for still being interested.

Mr. Shull stated that he was attending training in Richmond for work and drove back for the meeting tonight.

Mrs. Tiffany Shull, 612 Heatherton Drive, commented that they are the parents of 8 year old twins. She mentioned that she works at WestRock, her daughter is a dancer with Garlynda's, and her son likes to swim. She stated that her children are in school two days a week and are virtual three days. She spoke regarding how upset her kids have been with the virtual learning and how her daughter said life is not fun anymore. She commented that her daughter misses her friends and teachers. She mentioned that her son was behind in reading, but with the assistance of amazing teachers they got him to the 2<sup>nd</sup> grade level and then the next year he was on a 3<sup>rd</sup> grade level. She commented that he was tested this year and his results were back to a 2<sup>nd</sup> grade reading level and he asked if he is dumb. She stated that they have worked up a plan with a teacher who said that kids are falling behind. She commented that we have got to do something better as kids are getting further behind.

There being no one else who wished to speak, the Chairman declared the public hearing closed and stated that action would be taken at the next regular meeting.

AND OUTSTANDING ENCUMBRANCES):

Public Hearing was held to consider an amendment to the County Operating Budget for Fiscal Year 2020-21. The amount is needed due to carry forwards in the amount of \$7,606,635 and outstanding encumbrances in the amount of \$3,293,119.78 from the Fiscal Year 2019-20 budget. The total budget amendment is \$10,899,754.78.

The Chairman announced that this public hearing was advertised in the Virginian Review on Tuesday, September 29, 2020 in accordance with the Code of Virginia. He then called the public hearing to order.

Ms. Adcock stated that this is an annual exercise that is familiar to the Board. She commented that a majority of carry forward dollars are to build capital in order to make large purchases (i.e. garbage trucks, etc.). She mentioned that the outstanding encumbrances include contracts designated for specific purposes which have been encumbered and carried into the next fiscal year. These items were obligated in the previous year, but not completed during that time.

There being no one else who wished to speak, the Chairman declared the public hearing closed.

PUBLIC COMMENT (5 MINUTE TIME LIMIT):

Mr. Donnie Kern, 115 Church Street, read the following prepared statement which is a part of the records of this meeting:

*Honorable Members of the Board of Supervisors,*

*Good evening. One of my peers on the Alleghany County School Board is going to be speaking to you about legal fees the School Board has incurred and seeking reimbursement. I would like to briefly share some information to help add to the business discussion.*

*On August 21, 2017, the School Board during its regular meeting voted unanimously to not have an attorney present at the School Board meetings. Please note this is prior to me serving on the School Board. The School Board at this time also decided to continue to retain Reed Smith LLP. Reed Smith LLP is a global international law firm with over 30 offices and 1,500 lawyers. They are ranked the 15<sup>th</sup> largest law firm in the United States by the National Law Journal. The cost for Reed Smith LLP to attend a meeting is \$3,400.*

*Despite having voted and approved the official action to not have an attorney present, and absent any subsequent vote by the School Board, the attorney began to be physically present at our School Board meetings. On November 19, 2018 an attorney for Reed Smith LLP made their first appearance during this meeting.*

*The definition of malfeasance can mean "knowingly exceeding authority for improper reasons." Having the attorney present at a School Board meeting and after taking a vote not to, is what I would consider an act of malfeasance. The expenses for having the attorney at the meetings when the School Board voted not to have one is the responsibility of those that had the attorney present.*

*In addition, it was stated during this meeting: "Some of the questions that Mr. Kern has brought up can only be answered by an attorney." I find it flattering that my form of questioning requires an attorney to receive an answer.*

*In an excerpt from the VSBA Finance Manual, 3<sup>rd</sup> Edition it states: "The Virginia Supreme Court has affirmed the school board's preeminent role in the governance of schools...." I am under the belief due to this legal stance, and as a member of the School Board, I can ask whatever question I deem fit to help provide for such supervision of our school system. If my peers on the School Board along with the Superintendent lack the intellectual capacity to answer these questions then my questions should still be answered by someone.*

*Then most recently, on March 28, 2019 when the Board of Supervisors and the School Board jointly met to review the 2019-2020 operating budget the need for additional legal fees were questioned. The Honorable Mrs. Vannorsdall asked, and I quote: "You say \$60,000 additional funding for legal expenses. What is the baseline budget item?" Randy Tucker in response, and I quote: "Expenses of our attorney dealing with Mr. Kern." These statements were recorded by the Alleghany Journal.*

*I personally feel these statements that were made were very vindictive, and threatening. Based on these statements among other things I hired two legal firms. As act of last resort, I publicly stated in the Virginian Review on May 2<sup>nd</sup> 2019 that I sought diplomacy. I stated: "I hope we can all work together through these dark times; I believe in diplomacy."*

*Please note: Not one public official from the Board of Supervisors or School Board made any objection in the use of taxpayer dollars to be utilized in a manner to have the School Board attorney to "deal" with me. This legal investment by the School Board failed.*

*The 2019-2020 School Board operating budget was approved by the School Board and then the Board of Supervisors. The \$60,000 in legal expenses were included in this appropriation.*

*Now the Board of Supervisors have requested the return of \$500,000 from the School Board in unspent funds from the 2019-2020 fiscal year. I believe the Board of Supervisors is justified in asking for the return of these funds since the School Board was required to only ask for funds that were needed. Obviously this \$500,000 was not needed since it was not spent, and the Board of Supervisors would not so easily be able to ask for it back.*

To provide additional clarity these legal fees in question that have been incurred by the School Board do not just involve their attorney dealing with me. Our school division has spent legal fees to mediate a child discrimination situation. Our school division also spent legal fees to circumvent a potential federal equal opportunity complaint filed by an individual. I have provided a FOIA request which will substantiate this. Please note, as a School Board member I have to make FOIA requests for information about the legalities effecting our school division. Also, note on the request that the information requested was delayed.

Our school division has a history of spending legal fees to provide agreements that provide monetary remuneration in exchange for silence this is called a non-disparagement clause. I have provided a signature page of such an agreement.

I have tried eagerly to work with my peers on certain situations that I feel are ethically wrong. I believe that accountability should be used. My peers on the School Board would rather offer agreements and pay out taxpayer funds in exchange for silence. Silence would not be needed if my peers did nothing wrong.

In one situation, my accountability approach could have saved our community approximately \$50,000. My peers opted to payout \$50,000 for silence.

I learned in the 10 plus years I spent serving children in non-profit organizations that "what we allow we teach." If we do not hold people accountable, then we allow bad conduct to continue. If we allow the bad conduct to continue then we are teaching everyone that bad conduct is ok. It's not ok.

My peers are upset with me because I have chosen a path of honesty, doing right by the taxpayer and most importantly our children. I refused to sign these agreements.

This entire situation reminds me of Jonestown, when Jim Jones asked his congregation to drink the kool-aid. If you didn't drink the kool-aid you were retaliated against. I chose early on that I wasn't going to drink the kool-aid.

The reason why these legal fees exist. It isn't because of me. It's because there are individuals that made some really bad choices. The choice to have the school board attorney "deal" with me was probably one of them. Retaliating and discriminating against my child, there are no words to describe it.

I have furnished exhibits to your clerk that will substantiate everything I have stated. The information that is not substantiated will be provided in the near future.

Thank you for your time and I hope the rest of your meeting goes well.

Donnie T.A.M. Kern  
School Board Member  
Clifton Forge West District

NOTE: The abovementioned exhibits are a part of the records of this meeting along with the statement.

Ms. Audra Hill, 808 N. Augusta Avenue, read the following prepared statement which is a part of the records of this meeting:

Greetings members of the Board. I will not be before you long. I am concerned that Cletus Nicely is still a member of this board. I am hopeful that each of you had the opportunity to speak with Cletus Nicely about his racist comment and strongly encouraged him to resign from this position.

As I stated at the last meeting, until Cletus Nicely resigns we will begin looking at policies that Cletus Nicely has voted for and against. That time has now started. I hope that everything that this board has done was done in the best interest of all of the residents of our community because if now we will expose it.

Thank you for your time.

MS. SUSAN HAMMOND, VDOT RESIDENT ENGINEER - VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATE:

Ms. Susan Hammond, VDOT Resident Engineer, gave an update on the following VDOT activities:

Maintenance

- Mowing of primary and secondary routes is complete. Interstate mowing should be complete later this week.
- Skin patched Rts. 782, F-201, 651, 645, and 642.
- Plant mix patched Rts. 642, 269, 1105, 1109, 602, and 616.
- Plant mix patched various pipe crossings.
- Installed 60" pipe on Rt. 639.
- Built shoulder on Rt. 619 at new pipe crossing.
- Patched ditch cleanout on Dabney Drive.
- Ditched section of Valley Ridge Road.
- County-wide filled potholes on gravel roads.
- Extended pipe in Selma.
- County-wide cleanup of trees/debris and pipe cleanouts.
- Continuing to sign up contractors for snow removal and prepping equipment for winter operations.

Construction

- Rt. 696 bridge replacement - Prepping for pour of second stem for Abutment A. Pile testing will occur this week. In the next couple weeks, paving will occur on a portion of Rt. 1308, intersection of Rich

- *Patch Road and the pipe crossings on Rt. 696. Rt. 220 (Botetourt County) update provided to County Administrator and was forwarded to Board members. Information can be forwarded to constituents and any questions can be forwarded to me. Updates will continue to administration staff in the community until the project is complete.*

Mrs. Cox stated that between Armentrout Road and Chipper Arritt's it looks like the road is splitting some and grass is growing up in the center of the road where it was built up.

Mr. Bennett commented that on Roaring Run Road there is a tree on the bank which is leaning out in the road.

Mr. Garten mentioned that on Smokey Bear Lane there are several trees leaning over into the road. He also mentioned the need for a high wall on Rt. 220 above Honda.

APPROVE AN AMENDMENT TO THE COUNTY OPERATING BUDGET FOR FY21 (CARRY FORWARDS AND OUTSTANDING ENCUMBRANCES):

On motion of Mr. Bennett, seconded by Mr. Shull, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors, after holding a public hearing on October 6, 2020 to amend the FY20-21 budget, hereby approve the carry forward and appropriation of the following from Fiscal Year 2019-20 to the Fiscal Year 2020-21 budget (including appropriate revenue line items):

General Operating	\$1,000,973
CARES Act COVID-19	1,229,306
Joint School Incentive Fund	289,720
CDBG Boiling Springs	21,851
CDBG Wrightstown Project	1,156,037
IPR Construction	46,661
CIP	3,682,235
Water/Sanitary Capital Outlay	<u>179,852</u>
<b>TOTAL CARRY FORWARDS</b>	<b>\$7,606,635</b>

BE IT FURTHER RESOLVED by the Board that the following funds be budgeted and appropriated in the FY 2020-21 budget to cover outstanding encumbrances at the end of FY 2019-20:

General Operating	\$ 121,842.00
Wrightstown CDBG	195,677.30
CIP	1,752,216.94
Water/Sanitary Capital	905,445.24
Water/Sanitary Operating	7,962.30
AHEDC	<u>309,976.00</u>
<b>TOTAL OUTSTANDING ENCUMBRANCES</b>	<b>\$3,293,119.78</b>

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
Stephen A. Bennett	Yes
G. Matt Garten	Yes

MR. JACOB WRIGHT, SCHOOL BOARD CHAIRMAN - DISCUSS ATTORNEY FEE REIMBURSEMENT:

Mr. Jacob Wright, School Board Chairman, gave a brief update on the Superintendent search:

- Mr. Sherman Callahan has been named Acting Superintendent.
- The VSBA will be conducting the search.
- A survey is being put out on what people would like to see in a Superintendent.
- We have 180 days to find a Superintendent and if not can get an extension of another 180 days from the Department of Education.

Mr. Wright handed out and reviewed a memo from Mr. Patrick Andriano of Sands Anderson (attorney for the School Board) in reference to attorneys' fees incurred regarding Mr. Donnie T.A.M. Kern which is a part of the records of this meeting. He mentioned that Reed Smith LLP (as mentioned by Mr. Kern) is now Sands Anderson. The memo is as follows:

*Over the course of the past several years, the Alleghany County School Board ("School Board") and Alleghany County Public Schools ("ACPS") have expended significant amounts of financial resources as a result of litigation and complaints initiated by or involving a school board member, Mr. Donnie T.A.M. Kern, who was appointed to the School*

Board by the Board of Supervisors. This memorandum outlines six sources of litigation initiated by or regarding Mr. Kern in which the School Board and ACPS have expended legal fees. While not exhaustive, the list of disputes below represent the most significant financial costs that have been incurred by the school division as a result of Mr. Kern.

1. November 8, 2018 "Report of Harassment"

On November 8, 2018, Mr. Kern filed a "Report of Harassment," complaint against the former ACPS Superintendent, Mr. Eugene Kotulka. Mr. Kern's complaint alleged that Mr. Kotulka discriminated and retaliated against Mr. Kern when Mr. Kotulka requested that Mr. Kern pay a deposit in order to process a request for records pursuant to the Freedom of Information Act ("FOIA"). Mr. Fred Vaughan, ACPS' Director of Human Resources and Pupil Personnel, investigated Mr. Kern's complaint. In investigating the complaint, Mr. Vaughan consulted with ACPS counsel and interviewed several individuals, including School Board members Craig Lane and Randy Tucker, Mr. Kern, Mr. Vaughan, School Board clerk and FOIA officer Ms. Lorie Bess, and Virginia School Board Association ("VSBA") Policy attorney Ms. Elizabeth Ewing. Mr. Vaughan also reviewed several documents as part of his investigation. Mr. Vaughan's investigation determined that Mr. Kern's complaint was unfounded.

2. December 11, 2018 Complaint

On December 11, 2018, Mr. Kern submitted a 140-page complaint to the Superintendent of State Police, the Auditor of Public Accounts, and the State Inspector General. In his complaint, Mr. Kern alleged, among other things, that ACPS administrators and staff:

*failed to implement the individualized education programs ("IEPs") of special education students; inflated budget items; fraudulently received and misappropriated funds; assigned unqualified service providers to students; committed Medicaid fraud; forged medical documents; "cooked the books"; failed to advertise the division's budget properly; failed to conduct an annual audit; misused funds; failed to provide funds to provide students with an appropriate education; intentionally inflated the instructional budget to provide for capital expenses; manipulated remaining year-end funds to move more funding into capital funds; operated like Bernie Madoff; achieved a negative year-end balance; misclassified a new vehicle purchase; engaged in "suspect invoicing"; compiled a "substandard" budget; falsely stated that a financial audit had been conducted; and used an unacceptable basis of accounting.*

Annual financial audits revealed that Mr. Kern's allegations were unfounded. Moreover, the Virginia Department of Education ("VDOE") determined that ACPS' audits were consistent with VDOE's review. As a result, VDOE closed the matter. On February 25, 2019, the School Board passed a resolution disavowing Mr. Kern's allegations. On March 4, 2019, the Alleghany County Board of Supervisors passed a resolution requesting that Mr. Kern immediately resign from the School Board. On June 17, 2019, Mr. Kern sent an e-mail to the Superintendent stating that "A forensic accountant with the Virginia State Police indicated that we had a 'budget problem.'" In late June, 2019, the Superintendent contacted the Virginia State Police regarding Mr. Kern's June 17, 2019 assertion. The State Police confirmed that ACPS had broken no laws and that Mr. Kern's financial concerns were a matter for the School Board to handle.

ACPS expended significant time and resources while addressing Mr. Kern's 140-page complaint. ACPS consulted extensively with counsel who, in turn, reviewed the complaint and advised the School Board on how to proceed.

3. June 19, 2019 Internal Investigation - Mr. Kevin Rice

On June 19, 2020, Mr. Kevin Rice, ACPS' Director of Finance, submitted a complaint pursuant to School Board policies regarding harassment and abusive work environments (i.e., policies GBB and GBA/JFHA). Mr. Rice alleged that Mr. Kern violated policies GBB and GBA/JFHA by harassing Mr. Rice and by creating an abusive work environment. Specifically, Mr. Rice alleged that allegations raised against him in the December 11, 2018 140-page complaint submitted by Mr. Kern to the Auditor of Public Accounts, Inspector General, and the Superintendent of State Police were harassing in nature and created an abusive work environment.

As a result of the complaint, ACPS appointed a neutral third party, Dr. Larry Massie, the former superintendent of Buckingham County Public Schools, to conduct an investigation. As part of the investigation, Dr. Massie reviewed numerous documents, including, but not limited to: Mr. Rice's complaint; Mr. Kern's December 11, 2018 140-page complaint; ACPS' independent audit reports from 2015 to the present; statements from the School Board; Mr. Rice's performance reports; applicable school board policies and laws; correspondence, school board meeting minutes; newspaper articles; and social media posts. Dr. Massie also interviewed several individuals, including: Mr. Rice; Mr. Fred Vaughan, the Director of Human Resources and Pupil Personnel; Mr. Eugene Kotulka, the former ACPS Superintendent; an independent accountant; an Administrative Finance Assistant; and a school resource officer.

Dr. Massie reached out to Mr. Kern on numerous occasions in an attempt to discuss his allegations and obtain his perspective on the allegations. Mr. Kern, however, refused to meet with Dr. Massie. Dr. Massie found that the allegations raised by Mr. Kern against Mr. Rice in the December 11, 2018 complaint were unfounded. Indeed, audits reviewed by Dr. Massie revealed that the complaints made by Mr. Kern were unsupported by the facts.

Dr. Massie analyzed Mr. Kern's actions in conjunction with School Board Policies GBA/JFHA and GBB. Dr. Massie found that Mr. Kern violated Policies GBA/JFHA by making false, baseless, outrageous, and public allegations that both contributed to an abusive work environment and contributed to a pattern of harassment against Mr. Rice.

ACPS sought the advice of legal counsel with respect to the processing of Mr. Rice's complaint. Moreover, after receiving communications from Mr. Kern's attorney, from approximately mid-July to mid-September, 2019, ACPS' counsel communicated extensively with Mr. Kern's attorney to attempt a mutual resolution of grievances between the parties via a settlement agreement. It is ACPS' understanding that Mr. Kern retained two separate attorneys during this time period, both of which he eventually terminated. ACPS' counsel communicated extensively with Mr. Kern's attorneys and expended significant amounts of time in developing an appropriate settlement agreement. Ultimately, settlement was not successful as a result of Mr. Kern's actions.

4. June 19, 2019 Internal Investigation - Dr. Elizabeth Heath

On June 19, 2020, Dr. Elizabeth Heath, ACPS' Director of Special Education submitted a complaint pursuant

to School Board policies regarding harassment and abusive work environment (i.e., policies GBB and GBA/JFHA). Dr. Heath alleged that Mr. Kern violated policies GBB and GBA/JFHA by harassing Dr. Heath and by creating an abusive work environment. Specifically, Dr. Heath alleged that allegations raised against her in the December 11, 2018 140-page complaint submitted by Mr. Kern to the Auditor of Public Accounts, Inspector General, and the Superintendent of State Police were harassing in nature and created an abusive work environment.

As a result of the complaint, ACPS appointed a neutral third party, Dr. Larry Massie, the former superintendent of Buckingham County Public Schools, to conduct an investigation. As part of the investigation, Dr. Massie reviewed numerous documents, including, but not limited to: Dr. Heath's complaint; Mr. Kern's December 11, 2018 140-page complaint; ACPS' independent audit reports from 2015 to the present; statements from the School Board; Dr. Heath's performance reports; applicable school board policies and laws; correspondence, school board meeting minutes; newspaper articles; and social media posts. Dr. Massie also interviewed several individuals, including: Dr. Heath; Mr. Fred Vaughan, the Director of Human Resources and Pupil Personnel; Mr. Eugene Kotulka, the former ACPS Superintendent; an independent accountant; an Administrative Finance Assistant; and a school resource officer.

Dr. Massie reached out to Mr. Kern on numerous occasions in an attempt to discuss his allegations and obtain his perspective on the allegations. Mr. Kern, however, refused to meet with Dr. Massie. Ultimately, Dr. Massie found that the allegations raised by Mr. Kern against Dr. Heath in the December 11, 2018 complaint were unfounded. Indeed, audits reviewed by Dr. Massie revealed that the complaints made by Mr. Kern were unsupported by the facts.

Dr. Massie analyzed Mr. Kern's actions in conjunction with School Board Policies GBA/JFHA and GBB. Dr. Massie found that Mr. Kern violated Policies GBA/JFHA by making false, baseless, outrageous, and public allegations that both contributed to an abusive work environment and contributed to a pattern of harassment against Dr. Heath.

ACPS sought the advice of legal counsel with respect to the processing of Dr. Heath's complaint. Moreover, from approximately mid-July to mid-September, 2019, ACPS' counsel communicated extensively with counsel for Mr. Kern in a good-faith attempt to reach a mutual resolution of grievances between the parties via a settlement agreement. It is ACPS' understanding that Mr. Kern retained two separate attorneys during this time period, but he eventually terminated their representation. ACPS' counsel communicated extensively with Mr. Kern's attorneys and expended significant amounts of time in developing an appropriate settlement agreement. Ultimately, settlement was not successful because of Mr. Kern's actions.

5. December 26, 2019 Complaint filed by Mr. Kern with the United States Department of Education's Office for Civil Rights ("OCR")

On December 26, 2019, Mr. Kern filed a complaint with OCR against ACPS and the School Board. OCR opened an investigation into Mr. Kern's complaint on March 12, 2020. Specifically, OCR opened an investigation into Mr. Kern's allegations that

ACPS retaliated against Mr. Kern when: on July 3, 2019, the School Board failed to recognize Mr. Kern's work on the salary committee for the 2018-2019 school year, but did so for other members; on July 3, 2019, the School Board failed to reappoint Mr. Kern to the salary committee for the 2019-2020 school year; on October 10, 2019, the Superintendent notified Mr. Kern that he had violated school division policies GBB and GBA/JFHA due to allegations Mr. Kern raised against two ACPS employees in complaints filed with the Auditor of Public Accounts, Inspector General, and State Police; on October 21, 2019, the School Board did not appoint Mr. Kern to serve on the special education advisory committee for the 2019-2020 school year; on October 21, 2019, the School Board meeting agenda listed Mr. Kern as up for appointment to the report card and grading committee for the 2019-2020 school year when he had previously informed the Director of Instruction that he was not interested in this position; and on November 18, 2019, Mr. Kern was not allowed to complete a statement at the School Board meeting because the Superintendent interrupted him and attacked his character.

Between March 12, 2020 and August 28, 2020, ACPS worked with counsel in order to respond to the OCR complaint. Division staff spent significant time and effort reviewing and compiling letters, e-mails, division policies, meeting minutes, and other documents for submission to OCR. In addition, staff communicated extensively with division counsel to develop an accurate and appropriate response to the complaint allegations. OCR's investigation remains pending.

6. Communications Regarding Mr. Kern's Son

On December 9, 2019, ACPS received a demand letter from yet another attorney on behalf of Mr. Kern, this one regarding the educational programming of Mr. Kern's minor son. The letter asserted that ACPS failed to meet the child find obligations of the Individuals with Disabilities Education Act ("IDEA"). The letter also asserted that ACPS failed to meet "the implementation requirements of Section 504." The letter demanded the development of a "proper" individualized education program ("IEP") and "monetary compensation" for the alleged denial of an appropriate education. ACPS spent a significant amount of time gathering the child's education records and correspondence with Mr. Kern for counsel's review. In addition, ACPS staff communicated extensively with counsel regarding the demand letter's allegations and requests.

On January 23, 2020, ACPS, through counsel, sent a response to Mr. Kern's demand letter to Mr. Kern's counsel. In this letter, ACPS noted that ACPS actually convened an eligibility meeting under the IDEA for Mr. Kern's son. During the meeting, the team reviewed information from a variety of sources and determined that the child's medical diagnoses did not adversely impact the child's educational performance. Moreover, Mr. Kern's wife attended the child's eligibility meeting and specifically requested that their son not be found eligible under the IDEA. Mrs. Kern agreed with the team's determination that their child was not eligible for special education. ACPS proposed to conduct updated assessments of the child and revisit the child's eligibility, despite the fact that the child no longer attends school within the school division at this time. ACPS denied Mr. Kern's request for "monetary compensation." On February 24, 2020, counsel for Mr. Kern, despite being on notice that ACPS is represented by counsel, reached out to ACPS staff directly to inquire as to the status of ACPS' response to the December 9, 2019 demand letter. On February 25, 2020, counsel for ACPS re-sent its January 23, 2020 response to the demand letter to counsel for Mr. Kern. Counsel for ACPS has not received further communications from counsel for Mr. Kern regarding this matter.

**Conclusion**

*To date, ACPS has expended approximately \$75,000 in attorney’s fees to review, investigate, consult, and appropriately respond to Mr. Kern’s allegations and complaints. Although the aforementioned complaints represent the bulk of the litigation involving Mr. Kern, ACPS has also expended significant time and resources in responding to Mr. Kern’s violations of school board procedures and communications, as well as securing the representation of counsel at School Board meetings to address these matters. As a result, the School Board respectfully requests reimbursement of the monies spent by the school division in addressing matters related to Mr. Kern.*

Mr. Wright added that the School Board has not had counsel at meetings since July when he became Chairman. He mentioned that Mr. Kern has abstained from 49% of votes and has been absent for 32% of meetings.

Mr. Garten commented that the attorney fee reimbursement request will be tabled while the investigation by the Board of Mr. Kern’s recent allegations are ongoing. He asked for an itemized listing of the attorney fees.

Ms. Vannorsdall asked if this is a sum total of the problem with Mr. Kern and if this memo is a public document. Mr. Wright replied that the memo is just a history of the legal interactions with Mr. Kern and is a public document.

APPROVE APPLYING FOR A GRANT FROM THE VIRGINIA DEPARTMENT OF HEALTH FOR A LEAK DETECTION SURVEY AND PRELIMINARY ENGINEERING REPORT:

Mr. Lanford stated that there is a resolution in the agenda packet regarding applying for a grant for \$35,000 through the Virginia Department of Health for a leak detection survey and preliminary engineering report for the Intervale/Clearwater Park and Cliftondale/Sharon/Triangle/Wilson Creek water systems. He commented that the County monitors systems monthly to track water loss as those services are purchased from Clifton Forge and Covington. He mentioned that the water systems mentioned are losing 40% of water due to the age of the system, topography, terrain, etc. and outside assistance is needed to find and address the issues.

On motion of Ms. Vannorsdall, seconded by Mrs. Cox, that the following resolution be adopted:

WHEREAS, Alleghany County (the “County”) has determined it necessary to perform a leak detection survey of the Intervale/Clearwater Park and the Cliftondale/Sharon/Triangle/Wilson Creek water systems and prepare a Preliminary Engineering Report making recommendations to address water loss; and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning and Design Fund Program provides funding for projects such as this one; and

WHEREAS, the County Administrator has reviewed project planning material and found that the pre-requirements for the Planning and Design Fund Program have been met for submitting a funding application;

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Supervisors does hereby vote to seek funding from the Office for the following project:

Alleghany County Leak Detection Survey and PER           \$35,000

BE IT FURTHER RESOLVED that Mr. Jonathan A. Lanford, County Administrator, immediately begin to process a grant application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the County Attorney.

Unanimously adopted by the following roll call vote:

- Shannon P. Cox            Yes
- James M. Griffith        Yes
- Cletus W. Nicely         Yes
- Richard Lee Shull        Yes
- M. Joan Vannorsdall     Yes
- Stephen A. Bennett      Yes
- G. Matt Garten           Yes

APPROVE SUPPLEMENTAL APPROPRIATIONS AND TRANSFER FROM OPERATING CONTINGENCY IN FY20:

Ms. Adcock stated that there are various supplemental appropriations needed for FY20 to cleanup budgets with offsetting revenue received. She mentioned that \$8,874 will also need to be transferred from Operating Contingency to cover expenses in the CSA budget.

On motion of Mrs. Cox, seconded by Mr. Shull, that the following resolution be adopted:

BE IT RESOLVED that the Allegheny County Board of Supervisors budget and approve the following supplemental appropriations in FY19-20:

<u>Revenue Accounts</u>	
Property Tax Relief (110-4110104)	\$ 4,453
Reg/Elect Board-Salaries (110-4230601)	\$ 8,420
State Human Services-CSA (110-4240108)	\$ 35,498
Courthouse Security-Fund Equity (248-33001)	\$ 2,049
TOTAL	\$ 50,420

<u>Expenditure Accounts</u>	
Electoral Board-Temporary Help (1301-53003)	\$ 8,420
Property Tax Relief (5306-55701)	\$ 4,453
Non-Facility-Public Mandated (5405-55763)	\$ 35,498
PT Salaries/Wages (210911-51003)	\$ 1,807
Police Supplies (210911-55409)	\$ 242
TOTAL	\$ 50,420

BE IT FURTHER RESOLVED that the Board approve the following budget transfer in FY19-20 from Operating Contingency (9100-54001) in the amount of \$8,874 to the following line item due to the lack of funds to cover additional expenses:

<u>Expenditure Accounts</u>	
<u>Childrens Services Act</u>	
Non-Facility-Public Mandated (5405-55763)	\$8,874

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
Stephen A. Bennett	Yes
G. Matt Garten	Yes

APPROVE AWARD OF BID FOR DOOR REPLACEMENT AT THE GOVERNMENTAL COMPLEX:

Mr. Lanford stated there is a memo in the agenda packet from Mr. Mike Hendrickson, Public Works Superintendent, which states:

*The Department of Public Works has properly bid the above referenced project to replace doors at the Allegheny County Governmental Complex. The low bidder for this project is Architectural Products of Virginia in the amount of \$64,260.71.*

*The Department respectfully requests that the Board authorize Mr. Jon Lanford, County Administrator, to award this contract as stated above. Please do not hesitate to call with any questions or concerns you may have.*

Mr. Lanford replied that this would be paid for with CARES Act money to replace interior and exterior entrance doors with touch-free access.

On motion of Mr. Shull, seconded by Ms. Vannorsdall, that the following resolution be adopted:

BE IT RESOLVED that the Allegheny County Board of Supervisors accept the bid from Architectural Products of Virginia in the amount of \$64,260.71 to replace doors at the Allegheny County Governmental Complex.

BE IT FURTHER RESOLVED that the Board authorize Mr. Jonathan A. Lanford, County Administrator, to award and sign the abovementioned contract on behalf of the County in form approved by the County Attorney.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
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James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
Stephen A. Bennett	Yes
G. Matt Garten	Yes

APPROVE AMENDMENT TO THE COUNTY CLASSIFICATION PAY PLAN (MOVE PARKS AND MAINTENANCE SUPERVISOR POSITION):

Mr. Lanford stated that the Parks and Maintenance Supervisor retired after 35 years of service and the beginning pay range for that position has not been looked at in a significant amount of time. He commented that the range needs to be adjusted to be competitive. Changes are highlighted on the draft resolution in the agenda packet.

On motion of Mr. Griffith, seconded by Mr. Shull, that the revisions to the County Classification Pay Plan be adopted as follows to become effective October 1, 2020:

**COUNTY CLASSIFICATION PAY PLAN  
TO BECOME EFFECTIVE OCTOBER 1, 2020**

<b>Pay Group A - Supervisory</b>		
<b>Minimum Starting Salary \$13.00</b>		
<b>Maximum Starting Salary \$21.50</b>		
1	Public Works Coordinator	Exempt
1	Recreation Supervisor	Exempt
<b>Minimum Starting Salary \$13.25</b>		
<b>Maximum Starting Salary \$22.25</b>		
2	County Planner	Exempt
2	Special Projects Coordinator	Exempt
2	Transfer Station Superintendent	Exempt
2	Code Compliance Officer/Maintenance Coordinator	Exempt
<b>Minimum Starting Salary \$14.50</b>		
<b>Maximum Starting Salary \$23.50</b>		
3	Director of Public Safety	Exempt
<b>Minimum Starting Salary \$16.50</b>		
<b>Maximum Starting Salary \$29.50</b>		
4	County Engineer	Exempt
4	Director of Parks and Recreation	Exempt
4	Public Works Superintendent	Exempt
4	Accountant	Exempt
4	Radio System Technician	Exempt
<b>Minimum Starting Salary \$22.00</b>		
<b>Maximum Starting Salary \$47.00</b>		
5	Director of Finance	Exempt
5	Assistant County Administrator	Exempt
5	Director of Public Works	Exempt

<b>Pay Group B - Administrative Clerical</b>		
<b>Minimum Starting Salary \$9.00</b>		
<b>Maximum Starting Salary \$15.00</b>		
0	PT Temporary Office Assistant	Non-Exempt
0	PT Grant Writer	Non-Exempt
<b>Minimum Starting Salary \$11.00</b>		
<b>Maximum Starting Salary \$12.50</b>		
1	Assistant Registrar	Non-Exempt
<b>Minimum Starting Salary \$11.00</b>		
<b>Maximum Starting Salary \$12.80</b>		
2	Office Assistant	Non-Exempt
<b>Minimum Starting Salary \$11.00</b>		
<b>Maximum Starting Salary \$15.00</b>		
3	Human Resources Technician	Non-Exempt
3	Secretary II	Non-Exempt
3	Purchasing Clerk	Non-Exempt
3	Accounts Payable Clerk	Non-Exempt
3	Utility Billing Clerk	Non-Exempt

<b>Pay Group B - Administrative Clerical</b>		
3	Administrative Secretary	Non-Exempt
<b>Minimum Starting Salary \$11.00</b> <b>Maximum Starting Salary \$15.20</b>		
4	Recreation Assistant Supervisor	Non-Exempt
4	Administrative Assistant/Deputy Clerk to the Board	Non-Exempt

<b>Pay Group C - Maintenance/Technical</b>		
<b>Minimum Starting Salary \$8.00</b> <b>Maximum Starting Salary \$15.20</b>		
1	PT Maintenance Custodian	Non-Exempt
1	PT Maintenance Assistant	Non-Exempt
1	PT Transfer Station Laborer	Non-Exempt
1	PT or Temporary Laborer	Non-Exempt
1	PT Sanitation Worker I	Non-Exempt
1	PT Van Driver	Non-Exempt
1	PT Code Compliance Officer	Non-Exempt
<b>Minimum Starting Salary \$11.00</b> <b>Maximum Starting Salary \$13.50</b>		
2	Sanitation Worker I	Non-Exempt
2	Laborer	Non-Exempt
2	Maintenance Assistant	Non-Exempt
2	Sanitation Worker II	Non-Exempt
2	Maintenance Custodian	Non-Exempt
2	Parks and Recreation Maintenance Technician	Non-Exempt
<b>Minimum Starting Salary \$11.00</b> <b>Maximum Starting Salary \$13.75</b>		
3	Transfer Station Operator I	Non-Exempt
3	Wastewater Treatment Plant Operator I	Non-Exempt
3	Maintenance Technician I	Non-Exempt
3	Equipment Operator I	Non-Exempt
3	Utility Maintenance Technician I	Non-Exempt
<b>Minimum Starting Salary \$11.00</b> <b>Maximum Starting Salary \$14.00</b>		
4	Sanitation Truck Driver	Non-Exempt
4	Transfer Station Operator II	Non-Exempt
4	Wastewater Treatment Plant Operator II	Non-Exempt
4	Maintenance Technician II	Non-Exempt
4	Equipment Operator II	Non-Exempt
4	Utility Maintenance Technician II	Non-Exempt
<b>Minimum Starting Salary \$11.00</b> <b>Maximum Starting Salary \$15.20</b>		
5	Animal Warden	Non-Exempt
5	Mechanic I	Non-Exempt
5	Building Inspector/Maintenance Worker	Non-Exempt
5	Utilities Construction Supervisor	Non-Exempt
5	Utility Maintenance Technician III	Non-Exempt
5	Meter Reader/Maintenance Technician	Non-Exempt
5	Mechanic II	Non-Exempt
5	Temporary Project Inspector	Non-Exempt
5	Facility Maintenance Supervisor	Non-Exempt
<b>Minimum Starting Salary \$15.00</b> <b>Maximum Starting Salary \$19.00</b>		
6	Parks and Maintenance Supervisor	Non-Exempt
<b>Minimum Starting Salary \$17.50</b> <b>Maximum Starting Salary \$21.50</b>		
7	Chief Operator (Wastewater Treatment Plant)	Non-Exempt

Unanimously adopted by the following roll call vote:

- Shannon P. Cox        Yes
- James M. Griffith    Yes
- Cletus W. Nicely     Yes
- Richard Lee Shull    Yes
- M. Joan Vannorsdall Yes

Stephen A. Bennett      Yes  
G. Matt Garten            Yes

APPOINTMENT OF MR. TERRY PAXTON TO THE WATER AND SEWER COMMISSION:

Mr. Garten stated that a replacement needs to be made for Mr. John Zeek (Clifton Forge East District) on the Water and Sewer Commission beginning immediately and ending March 1, 2022.

Ms. Vannorsdall commented that Mr. Zeek has health issues and is unable to serve. She mentioned that Mr. Terry Paxton has agreed to serve.

On motion of Ms. Vannorsdall, seconded by Mr. Bennett, that the following resolution be adopted:

BE IT RESOLVED by the Alleghany County Board of Supervisors that Mr. Terry L. Paxton (Clifton Forge East District), 1010 Kensington Avenue, Clifton Forge, VA 24422 be appointed to the Water and Sewer Commission to complete the term of Mr. John Zeek beginning immediately and ending March 1, 2022.

Unanimously adopted by the following roll call vote:

Shannon P. Cox            Yes  
James M. Griffith        Yes  
Cletus W. Nicely         Yes  
Richard Lee Shull        Yes  
M. Joan Vannorsdall     Yes  
Stephen A. Bennett      Yes  
G. Matt Garten            Yes

REAPPOINTMENT OF MR. SHAWN SIMMONS TO THE BOARD OF ZONING APPEALS:

Mr. Garten stated that the term of Mr. Shawn Simmons (Falling Spring District) on the Board of Zoning Appeals expires October 31, 2020. Terms are for five years and Mr. Simmons is eligible to be recommended for reappointment to the Circuit Court Judge. He commented that Mr. Simmons would like to serve again.

On motion of Mr. Garten, seconded by Mrs. Cox, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors endorses the reappointment of Mr. Shawn R. Simmons (Falling Spring District), 214 Wade Drive, Covington, VA 24426 to the Alleghany County Board of Zoning Appeals for a term of five years beginning November 1, 2020 and ending October 31, 2025.

This resolution of endorsement is to be submitted to the Judge of the Circuit Court to make the appointment.

Unanimously adopted by the following roll call vote:

Shannon P. Cox            Yes  
James M. Griffith        Yes  
Cletus W. Nicely         Yes  
Richard Lee Shull        Yes  
M. Joan Vannorsdall     Yes  
Stephen A. Bennett      Yes  
G. Matt Garten            Yes

COUNTY ADMINISTRATOR'S REPORT:

Mr. Lanford gave a report on the following items:

AHEDC Update

He stated that the AHEDC was restructured approximately 10 months ago giving the County and Covington a proactive approach to managing the AHEDC. He commented that the Executive Director stepped down earlier this year and a consultant has been engaged on a part-time basis. He mentioned that two gentlemen from Hunton & Williams will assist the AHEDC on an hourly basis. He stated that the AHEDC Board of Directors is working on a site investment in the community with the County, Covington, Industrial Development Authority, and Timmons Group. He mentioned that financing is being put together.

#### Jackson River Enterprises (JRE) Update

He commented that the County is still working with JRE and all recycling trailers in the County will remain. He stated that there is also a pad at the transfer station for an additional trailer. He commented that recycling is a valuable component, but we need to support JRE in other work too.

#### Water/Sewer Cut-Off Update

He stated that beginning October 15<sup>th</sup> (end of the SCC moratorium) Public Works will be working on shut-offs on its delinquent list. He commented that individuals that could be cut-off were sent out information and must contact the Public Works Department by October 15<sup>th</sup> to set up a payment plan or be disconnected.

#### Fralin Apartment Complex Update

He stated that in September the Board approved the development of an apartment complex by Fralin. He commented that the Industrial Development Authority met yesterday and approved the agreement. He mentioned that the agreement has been signed by all parties and sent to the developer.

#### November Regular Board Meeting Reminder

He reminded the Board that the November regular meeting will be held on Wednesday, November 4<sup>th</sup>, due to Election Day being on Tuesday.

#### BOARD MEMBER COMMENTS (INQUIRIES/REPORTS):

##### Miscellaneous

The Board thanked everyone for coming to the meeting and the two candidates for the School Board appointment.

Mr. Shull also thanked his daughter-in-law for speaking and Mr. Wright for his comments.

Ms. Vannorsdall stated that the Masonic Theatre is having a fundraising effort with the price of a ticket to support ongoing operations. She thanked Ms. Hill and members of the Commission on Racial Equality who are in attendance. She commented that she feels the repeated requests to Mr. Nicely are valid. She mentioned that the Commission on Racial Equity will be meeting here on October 15<sup>th</sup> at 5:30 p.m. She stated that funding for Green Pastures was approved for \$400,000 in the Governor's budget in January, but then removed. The Senate has it back in their proposed budget and it is up to the House of Delegates to approve. She suggested contacting Delegate Austin and Delegate Torian to encourage them to replace the funding.

Mrs. Cox commented that for the two School Board candidates to be interested with everyone going on means a lot. She agreed with comments made by Mrs. Shull in regards to the needs of children and thanked her for sharing the story. She also thanked Mr. Wright for his comments and mentioned that through his tenure on the School Board he has been through a lot and handled things in a professional way.

Mr. Bennett commented that it is an exciting and trying time to be on the School Board. He stated that he heard the comments by Mr. Kern and Mr. Wright and either the school system has a big problem or Mr. Kern does and that is what needs to be figured out.

Mr. Garten commented that he wishes both candidates for the School Board could be appointed. He thanked Mrs. Shull for her presentation and mentioned that he and his wife understand what they are going through as they have had a few altercations with their child. He stated that he saw where someone posted "dear teacher, you lied - my child is not pleasant to be around." He commented that teachers are undervalued. He mentioned that he is glad the County is continuing to work with JRE and the update on the apartment complex is positive.

#### CLOSED MEETING:

On motion of Mr. Griffith, seconded by Mr. Shull, that the Board go into a Closed Meeting under Code of Virginia Section 2.2-3711(A)(1) for the purpose of: (1) discussion, consideration, or interviews of prospective candidates for

employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers. Unanimously adopted.

On motion of Mr. Bennett, seconded by Mr. Shull, that the Board come out of the Closed Meeting with the following certification:

CERTIFICATION  
SECTION 2.2-3712

To the best of our knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter, and (ii) only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the session.

/s/G. Matt Garten	Yes
/s/Richard L. Shull	Yes
/s/James M. Griffith	Yes
/s/Cletus W. Nicely	Yes
/s/Shannon P. Cox	Yes
/s/Stephen A. Bennett	Yes
/s/M. Joan Vannorsdall	Yes

AGREE TO CONDUCT AN INVESTIGATION INTO ALLEGATIONS MADE BY DONNIE KERN:

On motion of Mr. Bennett, seconded by Mr. Shull, that the following resolution be adopted:

BE IT RESOLVED that the Alleghany County Board of Supervisors, pursuant to Section 15.2-1409 of the Code of Virginia, 1950, as amended, agree to conduct an investigation into the allegations made by School Board member Donnie T.A.M. Kern.

Unanimously adopted by the following roll call vote:

Shannon P. Cox	Yes
James M. Griffith	Yes
Cletus W. Nicely	Yes
Richard Lee Shull	Yes
M. Joan Vannorsdall	Yes
Stephen A. Bennett	Yes
G. Matt Garten	Yes

ADJOURNMENT:

On motion of Mr. Nicely, seconded by Mrs. Cox, that the meeting be adjourned at 9:20 p.m. Motion carried.

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G. Matt Garten  
Chairman