

## Dickenson County School Board Special Called Meeting - Summary Minutes

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May 4, 2020

**I. ROLL CALL AND MEETING CALLED TO ORDER - 5:00 P.M.** The meeting was called to order by Chairman, Dr. Lurton Lyle followed by the Pledge of Allegiance and a Moment of Silence.

a. **Members in Attendance:** Dr. Lurton Lyle, Chairman; Rick Mullins, Vice-Chairman; Jason Hicks; Damon Rasnick; Jamie Hackney; Tonya Baker, Clerk; and Haydee Robinson, Superintendent; Scott Mullins, Board Attorney

b. **Approval of Agenda**

Chairman Dr. Lurton Lyle asked for a motion to approve the agenda with no changes.

Following a motion by Jason Hicks and second, by Damon Rasnick, the agenda was approved.

*Vote results*

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Aye:	5	Dr. Lurton Lyle, Rick Mullins, Jason Hicks, Damon Rasnick, Jamie Hackney
No:	0	
Abstain:	0	
Not Cast:	0	

**II. Update of Resolution from the Board of Supervisors and New Elementary School Project**

**Scott Mullins:** There is good news that since we last met the Board of Supervisors have given us some information and direction. In summary on April 30th, we received a letter from the chair that summarized the resolutions that were taken by his board the night before. I will go through these individually very quickly.

1. The board of supervisors recognizes the legal right of the school board to pick the location of the new Elementary School. That is one of the primary issues that was involved with the litigation that was filed in 2019. It was essentially the issue that brought the project to a halt. The boards could not agree to the location and because we had signature blocks on all of the checks.
2. The Board of Supervisors appropriated a \$250,000.00 budget amendment to the school board for engineering and designs of the new elementary school. From November 2018 to the present we've not had money available to move forward. The statement that the Board of Supervisors appropriate \$ 250,00.000 budget amendment, just to be clear that is not new money. The term appropriated basically they are authorizing the use by the School Board of \$250,000.000 of money that was provided by the Corp of Engineers.
3. It is written that the Dickenson CountyBoard of Supervisors will appropriate approximately 24.5 million dollars to the School Board without any restrictions. That is extremely good news. When the board of supervisors said that they would appropriate that money without restrictions if you are a PPEA proposer and you are going to go out and partner up with an architectural firm and an earthmover, maybe a transportation expert or maybe an education planner. If you are going to come and start doing a lot of work on your own with your own money. Then you do not want to hear the language that the School Board is reading to go forward but it is subject to some other approval. With the action that the Board of Supervisors has taken that concern is gone and we should be very appreciative.

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In general terms, we have eight million dollars in the construction accounts. That money is in the account that we use to do all of the work that was done at Ridgeview. The Board of Supervisors got some qualified school construction bonds and at that time we thought that we would need those in order to do the work that was necessary to finish the school. At the time we got them it was zero interest. After we got those bonds in January of 2016 the Corp of Engineers told us that the money had been made available to them and that they were ready for us to move forward. What that meant was that a lot of potential interest costs that we had on a forty-two million dollar rural development loan just disappeared. We took the money that was allocated to Ridgeview from the Corps and we paid that loan off to rule development. We did not pay off approximately \$6.9 million dollars of those bonds. The way the bonds are written if we would have prepaid them it was just a significant atrocious amount of money in penalties. So we have that money to pay off those bonds. We will just say for the purpose of this discussion that we have eight million dollars in that construction account. The bonds to pay off all debt associated with Ridgeview is seven million dollars so that leaves us one million dollars so the basic deal proposed by the Board of Supervisors is you give us the seven million dollars that we need to pay off the debt and what we will do is the remaining one million we want you to essentially escrow that one million dollars. We want to make sure as good stewards of the taxpayer money that you can complete the new elementary school before you start spending money on things at Ridgeview. The one million dollars that are leftover are not all discretionary.

When Ridgeview was built there were Wetlands on the ridge. We were supposed to do Wetlands remediation. Originally we were going to use the Ervinton High School property because it was being abandoned to create wetlands to make up for the wetlands that were on the ridge. Coutura took over Alpha's interest in the coal business. They said they may open a coal mine there someday. We worked a deal to go up the road about a mile and a half to a place called Spring Fork and do wetlands remediation. During the last year or so while we were disagreeing, the School Board put out an RFP request for proposals. Basically shortlisted, negotiated, got a contract in place and the contractor quite naturally doesn't want to sign a contract with us until he is sure that Dickenson County has their differences resolved because the money has to come out of our construction account. There is a requirement to do mitigation at Spring Fork, there is a requirement to do 25 or 30 years but there is a significant reporting requirement where you have to have people with an engineering background to go out to your wetland and make reports back to the Norfolk brand of the Corp of Engineers. We need to talk with the Board of Supervisors. They proposed they would get the one million dollars to hold in escrow until the new elementary school is built and it may take two and a half years to get the elementary school completed. This wetlands remediation has to be done now. I don't think that's a problem. I think that it was just an oversight it probably comes about from litigating instead of talking but we need to fix that and I am optimistic that we can.

Discussion of the benefits of a PPEA compared to a traditional design-build. PPEA is a procurement tool that is fairly new and we are historically used to a typical design-bid-build. With a traditional design, you

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hire an architect to design your school and then you put it out for bid and if the bids come back within your budget you hire the contractor to build your school. PPEA is a different procurement approach. Under a PPEA what you do is you contract with an architect and a construction contractor, a school builder you also involve an earthmover and they are all on one team. Under the design-bid-build, they are not connected but under the PPEA they are. The PPEA gives you a lot of flexibility. With a PPEA we will get a contract in writing that will have a guaranteed maximum price. That guaranteed maximum price will be backed by an independent insurance company, a bonding company that will show that they can fulfill their part of the bargain. I would recommend that if we get to the point that because we have a guaranteed maximum price with the elementary school and we have made substantial progress and we are getting things done, I don't think we need to hold up two and a half years to get those other things done.

- III. Closed Session:** I move that pursuant to Virginia Code section 2.2 371 (A) (7) we convene a closed meeting to consult with legal counsel and receive briefings by staff members pertaining to actual litigation with the Board of Supervisors and IDA regarding the location of the proposed new elementary school.

Following a motion by Dr. Lurton Lyle and a second by Rick Mullins, the Board convened in a closed session.

*Vote results*

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Aye:	5	Dr. Lurton Lyle, Rick Mullins, Jason Hicks, Damon Rasnick, Jamie Hackney
No:	0	
Abstain:	0	
Not Cast:	0	

Following a motion by Rick Mullins and a second by Jason Hicks; the board returned to open session.

*Vote results*

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Aye:	5	Dr. Lurton Lyle, Rick Mullins, Jason Hicks, Damon Rasnick, Jamie Hackney
No:	0	
Abstain:	0	
Not Cast:	0	

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Pursuant to Section 2.2-3712(a) of the Code of Virginia, I move to certify and second by Rick Mullins; that during the closed meeting just concluded the Dickenson County School Board discussed only matters lawfully exempt from the open meeting requirements under Section 2.2-3711 of the Code and identified in the motion convening the closed meeting.

### *Certification of Closed Session*

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Aye:	5	Dr. Lurton Lyle, Rick Mullins, Jason Hicks, Damon Rasnick, Jamie Hackney
No:	0	
Abstain:	0	
Not Cast	0	

## VI. BOARD ACTION

**Jamie Hackney:** I move to adopt the Board of Supervisors' proposed agreement and dismiss litigation with the minor provision of wetland mitigation and settlement of the six hundred thousand for the 5% match on the 202 project. (Motion failed for lack of a second.)

**Rick Mullins:** I would like to make a motion: We have reviewed the resolution prepared by our attorney and make a motion to adopt it in the form presented except for two corrections involved typographically on the last page. We authorize the division Superintendent and Scott Mullins to email copies of the resolutions to the Board of Supervisors and the IDA. Following a second by Damon Rasnick, the motion passed 4-1.

### *Vote results*

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Aye:	4	Dr. Lurton Lyle, Rick Mullins, Jason Hicks, Damon Rasnick
No:	1	Jamie Hackney
Abstain:	0	
Not Cast:	0	

## V. BOARD COMMENT:

**Rick Mullins:** I would like to thank the Board of Supervisors for all of their hard work and what you all have done. You've brought this a long way and I think it's going to be really successful.

**Jason Hicks:** I will echo what Rick said that very very encouraged by the Board of Supervisors from their resolutions and the meeting from the other night and by their chair and vice-chair being here in attendance tonight. We are very close to getting this thing settled and we're looking forward to those conversions.

**Damon Rasnick:** Peggy I echo that, I am so happy you and Josh came and I wish we had all been together earlier and you know I've known you all my life. We know each other and most of us are in that belt in Dickenson County we have a lot in common but there all those rules out here and Federal and State and

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Local Governments and all kinds of things that are required to do. I just hope that sometime between now and as soon as we can I would like to see Mr. Mullins be able to sit down with your attorney and the Superintendent and I would like to see our Chairman or however they want to do it. To meet and talk and discuss these things some of it just involves a couple of little lines of things that we need to get squared away here. I think that was a wonderful thing that you all did and put out to bring this closer. The ultimate thing is so we have \$ 85,000.00 dollars a month we are losing construction cost going up. We would like to have it over tomorrow. I know that's impossible but soon I hope there's some positive contact. They can make this come together among good people like all of you are. We need to think about these children and I mean all children. Every child in this county benefits from any good that comes to any other child or any other family and families are struggling right now. We know this around this country we're struggling. We have got people in Dickenson County that are hungry with all the efforts out there to help we got people struggling and we need to do what we can to make them know this is gonna be a brighter thing from every county. Its gonna be bright for our children and for every citizen in this county. I just want to get it done in a good way and the way we respect each other and work well with each other.

**Jamie Hackney:** I don't really know what to say, I'm disappointed tonight. I had hoped to come in tonight and be able to resolve the differences and you know dissolve the litigation and get on the same page with our other county boards. I am still hoping to do that, I'm still holding a lot of hope. I just felt like that the Board of Supervisors adopted a very good agreement that gave a lot of concessions on their behalf and thing that we had asked for. I think they worked really hard on it. I was hoping we'd be able to come in here tonight and get on the same page with them. There are one or two little minor issues that we could have easily worked through but I was hoping we could do that tonight. I am still hopeful for whatever happens next. It would have been nice to come out of this meeting and say that we are moving ahead and we're all on the same page.

**Dr. Lurton Lyle:** I like to think that we are making progress in our effort to build a school and I hope things will continue.

**Dr. Lurton Lyle: CONVENED: 8:00 p.m.** We will reconvene May 13, 2020, at 5:00 p.m.

*Dr. Lurton Lyle*

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Dr. Lurton Lyle

**Approved: June 24, 2020**

*Tonya Baker*

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Tonya Baker, Clerk

