

September 16, 2021

The Board of Education of the County of Kanawha met in Regular Session on Thursday, September 16, 2021 at the Board of Education Building, Charleston, West Virginia. The meeting was called to order by Board President Becky J. Jordon at 6:00 p.m.

PRESENT

Becky J. Jordon, President
Tracy White, President Pro Tem
Ric Cavender
Jim J. Crawford, Sr.
Ryan White
Thomas E. Williams, Secretary

Debra J. Lewis, Recording Secretary

ADMINISTRATIVE STAFF

Paula Potter, Deputy Superintendent
George Aulenbacher, Assistant Superintendent, High Schools, Technical & Adult Education
Melissa Ruddle, Asst. Superintendent, Curriculum & Instruction
Lindsey McIntosh, General Counsel
Melanie Meadows, Treasurer, Budget & Finance
Ron Pauley, Executive Director, Human Resources
Megan McCorkle, Assistant Superintendent, Special Education & Student Support Services
Alicia Warden, Health Services
Alan Cummings, Executive Director, Purchasing & Supply Management
Briana Warner, Communications
Keith Vititoe, Executive Director, Safety & Security
Amon Gilliam, Assistant Superintendent, Middle & Alternative Schools
Chuck Smith, Executive Director, Facilities & Planning
Laura Pauley, Executive Director, Accounting Director
Elaine Gayton, Director, Staff Development/ESL (via phone)

Mrs. Jordon stated before the meeting started that no one can come in unless they were wearing a mask. Betty Jarvis-I cannot wear a mask. I have sinus issues and I've been on 2 antibiotics because of sinus issues and if you need to verify this you can call Dr. Richard Reynolds. Mrs. Jordon-Okay, how about this Mrs. Jarvis, after you speak you leave, will that work? Mrs. Jarvis-Certainly. Mrs. Jordon-Everyone else always has to have a mask on.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board President Becky J. Jordon.

DELEGATIONS

Mrs. Jordon-I'm going to go off of this agenda this one time to let Mrs. Jarvis speak and leave and then after this we will no longer allow anyone into a Board Meeting without a mask on.

Mrs. Jarvis- If I have something to say I will be here to say it. I don't think you all want to face a lawsuit and I have doctor's orders not to wear one. First of all, I hope that you will go back to the drawing board on demanding that our children will wear masks. They are unhealthy. If oxygen doesn't get to your bloodstream then you better watch out for cancer. I have talked to a leading nutritionist who has told me all about it. First of all I would like to speak to you about the law of the land. The general misconception is that any statute passed by legislators bearing the appearance of law constitute the law of the land so the U. S. Constitution is the supreme law of the land and for any statue to be valid it must be in agreement. It is impossible for a law that violates the constitution to be valid. People, I do not wish to go into battle but I will for a child. I would like to say that I know that \$1.2 billion has been disbursed into West Virginia with ESSERF funding. I think you all know that the federal government isn't supposed to be meddling in the constitution. Now they are sending COVID money illegally. People, always remember that you better watch for the strings attached and be sure that you don't become a puppet on a string. I have to say this to you and I'm not threatening, but I have been approached by other patriotic organizations and they want us to join forces with them and we will hire a lawyer and we aren't backing down. Most of you have heard of Bill Gates. He is so wealthy and he's involved in the vaccines. He took the vaccines into India and told them that they were being vaccinated for polio and he gave them that COVID vaccine and killed many children. Well, Bill Gates was tried by the military tribunal at Guantanamo Bay and they found him guilty of tremendous problems and he can't get a retrial and he will be put to death on October 5th. Money doesn't save people.

APPROVAL OF MINUTES

- A. August 2, 2021 - Special Session
- B. August 19, 2021 - Regular Session

PRESENTATION

A. COVID Testing

Dr. Williams-The State has provided labs that will do COVID testing for us and I wanted you all to hear about it. This is one of the labs. They will give you information on what they can do. It doesn't involve us and it doesn't cost us anything. Thank you all for being here tonight.

My name is Jeff Goins and this is my business partner Noi Chay. I have three kids in Kanawha County Schools. We have a high complexity lab called App Labs on the West Side of Charleston in the old Kelly's Men Shop. We have about 60 employees. We do PCR COVID testing and we also do the antigen testing. We have a statewide contract and we've been assigned different counties. We continually get calls from different county schools and John Adams was the most recent one. When they have an outbreak they bring students to our lab where we have drive-thru COVID testing. We have nurses and a pharmacy. We do the vaccinations as well. We have a 24 hour turnaround time on the PCR test and a 15 minute turnaround time on the antigen test. We are running about 2,000 COVID PRC tests every week and we have the capacity to do 5 times that amount. We had some conversations with Alicia last week about what it would look like with a partnership with Kanawha County. The positivity rate right now is the highest we have seen.

Dr. Williams-Some of our students may not be able to go to where you are, would you all go after hours to a school parking lot and do a drive thru there? Noi Chay-Absolutely. We thought about picking a particular school where they don't have a health department that's built in there and have that test offsite where the schools can do a drive-thru or come to our current location. Dr. Williams-Would this be for students who have been told they have been exposed or for any student? Jeff Goins-It could be for any student. Dr. Williams-What about their parents? Noi Chay-We do have a contract with the State but I will have to ask the State if it will cover the parents at that facility at the same time that we are testing the student. The program is for K-12. Dr. Williams-Will there be a charge for parents if you are able to test them? Noi Chay-No, we can bill it through the State, if not we can bill insurance or bill the national program if people don't have insurance.

PRESENTATION

Mr. White-Are we talking about doing testing for everybody? Dr. Williams-No, we are just looking at options. For instance, if a soccer team would come down with something we could utilize them to get quicker results maybe. Mr. White-Have we looked at regularly testing everyone? Dr. Williams-No we haven't looked at testing everyone county-wide. I don't know if that's what we want to do at this point. Mr. White-A lot of other jurisdictions are doing that. Dr. Williams-I know. We are talking about a pilot just to start off with. Noi Chay-Whatever you want us to do, whether it is one or 2 pilots we can do. Dr. Williams-I just wanted you all to hear about it. Mr. White-I am very interested in this. Noi Chay-One of the things we could do is have our people come to the school. If we know that a student was positive in a particular classroom, we could do surveillance testing on that particular classroom or the person they were close to we could do the antigen test with parent permission. We understand that this is new to everybody. Mr. Cavender-Would it be more reactive on our part if they set up at a school? Noi Chay-Ideally we would like to have a consistent testing Monday through Friday. Mrs. Jordon-Is it possible that we could send out a blanket permission slip and have them on file to test a child as needed if we have the parent's permission. Noi Chay-We do have a consent form from the State that I could send to you. Mrs. White-If a parent doesn't sign then we don't test their child right? Dr. Williams-Correct. Mrs. White-Is it still the same test up your nose. Noi Chay-We have three tests, the nasal test that goes up the nose and that's the most accurate and we also have a mid-nasal that we can do and a saliva test that we can do. The saliva is not as accurate.

Mrs. White-Do you have someone trained to give the test to students with special needs? Noi Chay-We have someone that is trained but not particularly for that, so that would be some additional training that we can have done for our staff. The surveillance is a 15 minute antigen testing, if that's positive we do the PCR test. If the consent is already signed. If there is no positive then they won't have to do any additional testing.

Dr. Williams-Thank you all very much.

REPORTS

- A. Kanawha County Travel Reimbursement for August, 2021 (Enclosure 39)
- B. Monthly Financial Report (Enclosure 40)

REPORTS (continued)

C. Legal Reports

None

D. Board Reports

Mr. Crawford-As of Tuesday, all high schools that participated in the state championship playoffs have received reimbursement for their travel expenses.

PERSONNEL

A. Personnel Agenda for September 16, 2021 (Enclosure 41)

Mrs. Tracy White moved: The Board approve the Revised Personnel Agenda as included in Enclosure 41. Motion was seconded by Mr. Jim J. Crawford and unanimously carried.

NEW BUSINESS

CONSENT

Mrs. Tracy White moved: The Board approve the following CONSENT Items A-C. Motion was seconded by Mr. Jim J. Crawford and unanimously carried.

A. Approval of Bills for August, 2021 (Enclosure 42)

Approval of the payment of bills for the month of August, 2021 in the amounts of \$24,310,310.64 for the Current Expense, Special Revenue and Federal Stimulus Funds; \$141,404.42 for the KCS Public Library Excess Levy Fund; \$5,525,795.17 for the Permanent Improvement Fund; and \$541,747.19 for the Public Library Fund as reflected in Enclosure 42.

B. Budget Supplements & Transfers (Enclosure 43)

Approval of budget supplements and transfers as reflected in Enclosure 43.

C. Out of State Travel Requests (Enclosure 44)

Approval of the Out of State Travel Requests as contained in Enclosure 44.

OTHER NEW BUSINESS

A. Annual Financial Statements (Enclosure 45)

Mrs. Tracy White moved: The Board approve the annual financial statements of Kanawha County Board of Education for the fiscal year ended June 30, 2021 for the purpose of publication in the Charleston Gazette-Mail. The publication of the school system's annual financial statements within ninety days after the beginning of the subsequent fiscal year is required by West Virginia Code Section 18-9-3a. Motion was seconded by Mr. Jim J. Crawford and unanimously carried.

B. Smart TV's (Enclosure 46)

Mrs. Tracy White moved: The Board approve a purchase from CDW-G in the amount of \$504,096.10 for 310 Smart TV's, installed, per Sourcewell Contract 081419-CDW as shown in Enclosure 46. Motion was seconded by Mr. Jim J. Crawford and unanimously carried.

C. Architectural/Engineering Design Services for HVAC Improvements (Enclosures 47 & 48)

Mrs. Tracy White moved: The Board enter into contract with the highest scoring firm, CMTA, to provide ESSERF funded architectural and engineering design services for HVAC improvements at : Sharon Dawes Elementary, Ruthlawn Elementary, Elkview Middle, Sissonville Elementary, Chamberlain Elementary, South Charleston Middle, Pratt Elementary, Bridgeview Elementary, Shoals Elementary, Central Office, Montrose Elementary, Regulatory Training Center and Edison per EOI#22-101 as shown in Enclosures 47 and 48. Motion was seconded by Mr. Jim J. Crawford.

Chuck Smith-This is the contract for the architectural services and engineering services for the ESSERF-funded HVAC projects that we have. There are approximately 13 of those coming up in the next 3 years. The project was submitted for an EOI, or expression of interest, per code. We had seven responses and those seven responses were reviewed by a committee. That committee scored those 7 responses and the top 3 candidates were interviewed and those responses for those interview questions are there for you to see. CMTA was the highest performing company out of those top 3 that were interviewed and we are very confident with their work in the past and we look forward to a good project.

OTHER NEW BUSINESS (continued)

Mr. Cavender-I have some questions. First of all, thank you Mr. Cummings and Dr. Williams. I emailed Dr. Williams a series of questions regarding this bid. I just wanted to make sure I had the right information. It's just one of those things as Board Members we usually get these and we look at them a little bit and we make sure it all jives and we approve it. What stuck out to me was the video that we saw last week that CMTA produced, it looked great and it looks like things are coming along there, but I left the meeting thinking I've never really heard of these folks. Are they local? I know we have been told that they have some local employees for the duration of these jobs it seems like, but what stuck out to me was, it seems their principal office is in Kentucky, and the other 2 companies that came in at 2nd and 3rd I know for a fact employee range of 40-70 people that all have families here, that live here and invest here and own homes and send their kids to the schools here. Actually Dr. Williams and I were just in a meeting with Charleston Area Alliance yesterday morning discussing some other federal funds that are coming down the pike and what all of our different entities need to do to promote folks staying here and employing people that are here already, not necessarily that grew up here, but their families are here, and so that resonated in my head when I started looking through all of this. I looked at the Secretary of State's Website and their principal office is in Kentucky and I understand they have an office in Cross Lanes on West Washington Street is what the listing says. It seems that it is a small office. How many professional engineers do they actually have here locally here in Charleston? Chuck Smith-At any given time? Mainly they have a staff of 4 here. Mr. Cavender-So what if you are in the middle of a job and you need them to come out and take a look at something that is going on? Chuck Smith-They will actually employ construction superintendents onsite for every project that we have done in the levy projects. Mr. Cavender-So these are folks that they are probably only going to keep on their payroll during the duration of these projects right? Chuck Smith-It is my understanding that the superintendents have been on there quite a while in various places located in the State.

Mr. Cavender- That brings me to a question about our scoring process. Again, thank you Mr. Cummings for providing some information. The ad we put out was pursuant to Section 5G right? Mr. Cummings-Yes. Mr. Cavender-I looked through that code and before I asked the question I looked through that code and one question I had was in regard to how far we can go when we are listing qualifications and what I found interesting, and I also looked at Policy 8200 and all it did was refer to Section 5G. Policy 8200, that is Department of Education by the way for those who may not know, and it doesn't list any qualifications. It doesn't list anything we can put in. Dr. Williams sent me a copy of the RFQ that we had put out. I looked through this and it looks like we made our own qualifications. We set the bar for what we wanted this company to bring

OTHER NEW BUSINESS (continued)

to the table and to offer so I guess what I am trying to understand is if the Department of Education in Section 5G code doesn't outline qualifications that we can list in the solicitation and we get to provide those ourselves what would preclude us from including either the proximity of employees, full-time employees that are here locally that have families here and their actual principal office, and I understand that only 2 out of 3 have to meet that requirement and we've discussed at least 5 times now since I've been elected the importance of selecting not only a local firm that has a shingle put up in an office somewhere but one that has been here and has invested in their community for quite some time. Alan Cummings-I will elaborate on that a little bit. Two things really, the State Code doesn't give us any kind of statutory authority to actually enter in to any kind of local preference so we can't just automatically apply that, however, the Department of Education Policy 8200 does give us the ability to provide local preferences to two areas. That's commodities and printing services only. It specifically says that Policy 8200 is relevant to any county and local funding so we have to follow that, we don't have a choice. The second thing...Mr. Cavender- Just real quick, sorry, to that point that is correct, but do I understand correctly that there is nowhere in the policy that states that we can't give any type of local preference is that correct? I'm looking and there is nowhere that states that we can't include that as a qualification in our solicitation. Alan Cummings-We can for those 2 commodities. Dr. Williams-If we are not given, and correct me Melanie if I am wrong, statue authority to do something then we can't. It's opposite of what I would think. If they don't say you can't then you can do it, but here it's if they don't say it then you can't do it. Mr. Cavender-But they don't say anywhere in Policy 8200 if they don't say qualifications include design experience we included K-12 design experience in our RFQ, we included experience of key personnel to be assigned, these aren't things that are specifically listed in Policy 8200. Alan Cummings-We are establishing a list of qualifications. Mr. Cavender-Back to my point you did the right thing and established your list of qualifications, but nowhere in this policy does it say that you can't also include proximity of employees right? Dr. Williams-If it doesn't say it we can't do it. Alan Cummings- There is nowhere in the statue that allows us to do a geographical preference. Dr. Williams-It has to give us permission in the statue to do that. Ric Cavender-I totally understand what you are saying but back to my question the statute doesn't let you list design experience does it? If we are talking details here, that's where I've been confused. Alan Cummings-Well, we have to establish qualifications and to further prove our point, if you look at 2CFR200 it says specifically in there as well that we can't do any kind of geographical preference. This is a federally-funded project so if we were to do that we would jeopardize funding. Mr. Cavender-I saw your email on that, but where is that stated cause I couldn't find anywhere that said we would jeopardize our funding? I

OTHER NEW BUSINESS (continued)

guess, and the reason I ask, is because I've looked and the city of Huntington, Beckley, Morgantown they've all included in different solicitations they've put out. Melanie Meadows-The rules with the federal funding are different for a County Board of Education versus any type of city or municipality. Mr. Cavender-Per the Department of Education policy? Melanie Meadows-The 2CFR200 that Alan is referencing is a federal purchasing rule that says we cannot give any sort of geographical preference, if we violate that policy and we are reviewed, after the end of our grant period they will come in and make us pay that money back. Mr. Cavender-I did not see that anywhere. I'm not questioning your all's ability to do this, you've been doing it forever, please know that I'm just saying that we have been talking a long time the importance of this. A firm that we have already given how many millions of dollars to thus far? Chuck Smith-The current contract is roughly \$96 million for the whole project. That is not their fee. That's our energy management contract. Mr. Cavender-So what is the cost of this project? Chuck Smith-\$32 million is the estimated cost of the project, 7% of that is the fee which is roughly \$2.2 million for design services.

Mr. Crawford-Looking at the matrix and the study that when you interview people, I didn't see much difference in the top 2. Mr. Cavender-I didn't either. Mr. Crawford-We have worked with both companies right? Chuck Smith-Yes sir. Mr. Crawford-Haven't they performed well for us? Chuck Smith-Yes, sir. Mr. Crawford-Is there any way that we can give it to a local group? Chuck Smith-CMTA scored the best on the project. Mr. Cavender-I'm sorry just real quick, before the meeting I had asked Dr. Williams to provide I wanted to see the correspondence that KCS had given to the two firms that are on this list that weren't selected that was in this packet and the letter already told them that they haven't been selected and our Board is here to vote tonight on the approval of that selection, so again, I'm not accusing anyone, please know that, I was a little taken aback by the fact that they were already told they haven't been selected when we haven't had an opportunity to have that discussion or vote. We are provided thousands of things a year to vote on and this is an important one in my eyes this is why we exist. I was little shocked that that was the messaging given to the two firms, as you can tell I have a lot of questions. Mr. White-I think we have a contract with CMTA for \$90 million and we have a bunch of those projects that aren't even going to be started until the next year or two, so I don't see how it is reasonable to assume a company that we already have a \$90 million dollar contract and we have several contracts that won't even start until next year, will be able to complete these 13 new contracts in an expedited manner that will be able to be done quicker than the other two and I'm not sure why was that not emphasized in the interview because you have the ability to ask those questions in the interview and there was no question about that. Mr. Cavender-Especially when there are just 4 engineers that are available. Mr. White-I think we

OTHER NEW BUSINESS (continued)

should award it to other companies in order to make it fair and also that we get them done quicker. Mr. Cavender-I agree and I have a policy question. I understand from the SBA we use up a boiler plate form that we use for our solicitation right? Alan Cummings-That is one of many, the one in your hand has been modified but came from the SBA. They help us establish criteria and develop what is a qualified architect to help us in the selection process. Mr. Cavender-If I understand correctly as far as the state is concerned, if it's a SBA-funded project, obviously we have different guidelines that we have to follow. I understand that this isn't SBA money but I also understand when it comes to federal projects, SBA projects, whatever let me just speak to SBA first, if there has been a history or a pattern of a Board approving projects that are awarded to local firms then they do have the ability to create a policy that states that we must consider a local firm before we consider out of state firms. Is it possible for us as a county board to create a policy that whenever we are going out for bid, unless our funder tells us we can't, I understand that, is there a way that we could actually put a policy together that would state that in the future that we are going to consider local bidders before we consider out of state bidders? Lindsey McIntosh-I don't have the answer for that but Melanie might. Melanie Meadows-I don't think we can have a policy that would override the federal rule that is in 2CFR200. You also have to remember that when we are audited, our auditors will review the minutes, and even the fact that we are having a conversation of you not approving CMTA simply because of geographical preference, puts us in jeopardy of having us to pay this money back to the feds.

Mrs. White-I would agree with Mr. White, obviously shop local, eat local, we all say that 20 million times a day, but my concern is because they have these huge projects currently, when are they going to be able to get to these 13 projects? It's more of timeline as well, not just where they are located. I just don't see how they can take on more when they have huge projects as it is. Mr. Cavender-At the very least split these up and give each of these firms 3 or 4 a piece. Mr. White-Another concern I have is that none of us was on this interview so we don't what was asked. Mrs. Jordon-We never have been. Mr. White-Maybe we should be. Mr. Cavender-I do know that there are other county boards of education that do ask their board president to sit in on the interviews and score. Mr. White-I think it is clear in the minutes that we are not doing it for local preference, if we do not approve this, it was because we were not in that interview and we were concerned that this won't be done in a timely fashion. Chuck Smith-May I speak please? Mr. Cavender-Sure. Mr. Crawford-From the information that I have, CMTA has done an excellent job and when we've had emergencies they have jumped in and helped us get that taken care of. They have brought engineers from out of West Virginia in here to get that taken care of is that correct? Chuck Smith-Yes sir. During the last two week crunch of the summer period, everything is hectic and

OTHER NEW BUSINESS (continued)

timelines get tight to get schools open, that's the number one goal. CMTA acted on their own behalf and brought in engineers, from their own company. I've never seen this before in 40 years, registered professional civil engineers from as far away as Louisiana, came into our schools to help us clean our schools and get them ready for occupancy. We had civil engineers scrubbing toilets, that's how dedicated these people are. As for their ability to get the job done they haven't missed a deadline yet. They have a staff of over 200 engineers located in their facilities to crank these out. Yes, they only have a staff of 4 people here, but that's all they need at this point managing these projects. I won't disagree with that. I'm like you, I like to see local people employed. We have local people employed doing the construction services, as many as humanly possible and that's the only caveat that's going to be holding us up in getting these projects done ahead of schedule is our work force. There's not enough people here to get them done in a time frame that I would like to see. I would like to have them all done at one time but we don't have that number of personnel in Charleston in the Kanawha Valley area. Realistically these projects have until August, 2024 to be completed. In our discussions with CMTA, their plan is to have these completed long prior to that in conjunction with the remaining projects that they have on the existing levy projects. Those projects are already designed. They are just waiting to go into construction. We are in the design phase on this one. That's two completely different realms. I feel that CMTA can handle this, my concern on this project mainly has to do with continuity and the availability of being able to say that these projects are all built in a similar fashion that keeps our standardization going and everything flows smooth on the engineering standpoint. From our perspective in Facilities, it's a much smoother transition and everything flows better. It's just a much cleaner way of doing things rather than having multiple firms designing putting in different designs. It's much harder to control. There are a lot of projects going on at one time and we need to be able to keep a handle on it and make sure they are operating in the way they need to. That was my concern. Mr. Crawford-They understand that they are not to put in close-out units, that they are supposed to be able to get parts for them correct? Chuck Smith- Yes, these are all top notch top-of-the line quality units.

Dr. Williams-I think we need to be very cognizant of what Melanie just said. When the auditors come through and you all may not think it will be in the minutes and Mrs. Lewis I want it to be very clear that I am recommending CMTA and it will be in the minutes, that the discussion of local and giving it to local folks that the Board has been told that that is against federal regulations and we cannot do that, so in 3 years or 4 years I'm not going to be here but some of you all still may be here. I don't want to be the one blamed for having to pay back \$32 million to the federal government and I don't know where that money would come from in our budget. Mr. Crawford-Dr. Williams I agree

OTHER NEW BUSINESS (continued)

with you on that. Dr. Williams-CMTA as Mr. Smith said, has done an outstanding job for us and pulled us out of the fire at Riverside and we were able to get our kids back in class at no extra charge. They hired Bastian and Harris, which is a local architectural firm, they've employed numerous firms, 19 at least from the Kanawha Valley and others from Putnam and Jackson County to work on the projects that we have had and this is federal money. It's not State money and we are not allowed to geographically give preference and that discussion has already been had here publically. Mr. White-I understand that. Is there anything in 5G that prohibits us from awarding it to the top 3 and divide it evenly? Alan Cummings-The issue is simply this, as we've developed the solicitation it's already been properly evaluated and designed under the impression that we were going to have one firm to take this. The criteria has been established how we would split up the remaining schools and how it's to be divided between the architects. It would not be in an objective manner and in order to be fair and objective to the remaining architects and engineers, we would have to establish a criteria to justify the selection for the given area.

Mr. White-I think that we should just reject all bids and have it rebid so that we can give it to the top 3. Mr. Cavender-I agree. Dr. Williams-Again, I think you are showing local preference and you may not think that you are. Mr. White-We are allowed to reject all bids and we aren't showing local preference, we are saying the Board is not happy with the way this was bid and we want it rebid that's all that we are doing we are not showing local preference. Dr. Williams-The discussion here says otherwise. Mr. Crawford-It doesn't matter, it's how the vote ends up. Dr. Williams-That's right. Chuck Smith-Based upon standard contracting rates according to guidelines, if we do multiple contracts there will be smaller amounts and the percentage of fees will increase. Mrs. Jordon-I definitely agree with what you all are saying, but we have to listen right now to Dr. Williams and Mrs. Meadows. I'm really worried that later we would have to pay them back. We can't be reckless either. This is how I feel, I'd like to approve this and let Lindsey look into a policy for us that we are allowed to do but we know we can't do it on federal. Mr. White-We can rebid this. Ms. McIntosh, can we rebid this? Lindsey McIntosh-Based on what has been said here, that would not be advisable. Mrs. White-My only issue is the fact that this is a public meeting and people at CMTA are probably listening to this meeting. Chuck Smith-They are here. Mrs. White-They are going to go and everything that's been said if they push it then we could be liable. Mrs. Jordon-We didn't say anything bad about them. Mrs. White-I'm just saying if they push the fact that the conversation that we had was about wanting local. Lindsey McIntosh-The fact is that you put out something for bid, it was put out in a way that was not inconsistent with past practice, there was a successful bidder in the sense that that person met all of the qualifications of that bid and now we are talking about changing our minds on how

OTHER NEW BUSINESS (continued)

that would be rebid. Mr. Cavender-We didn't put it out. Lindsey McIntosh-That's their responsibility to do and they did it and it was consistent with previous practice and it's consistent with the law and if you decide not to give that person the bid for no particularized reason that was not considered in the bid you know you are opening yourself up for liability from the successful bidder. They put forth something that was reasonable and asked for so that's why I previously stated that anything to the contrary in denying these bids at this point, even though you have one that meets the qualifications would not be advisable.

Mrs. White-I also feel like Mr. Cavender that we shouldn't be sending letters to the folks that did not receive the bid until we have voted on that. Dr. Williams-I agree with that. Mr. Cavender-Honestly, I feel like the issue has been pushed on me as a Board Member. It feels like everything was pushed on us and we are here to rubber stamp it. We are here to represent our constituents in the whole community, not just parents and students, that's why we were elected and that's one reason that I do think that there should be a Board Member to help score and work on these committees. Dr. Williams-That's something we can look at, we've never done that before. We had the ESSERF money, we told you all what we were going to spend the ESSERF money on and that we were going to be able to do additional HVAC and we proceeded as we normally have. Mr. Cavender-Just for clarification Mrs. Meadows, you are saying that that section of code specifically says that we cannot consider geographical locations? Melanie Meadows-Yes absolutely in 2CFR200. Laura Pauley- Our grant that we get states that we have to do everything in compliance with that and that would be any federal dollar that we get here. Mr. Cavender-The state policy doesn't say that we cannot do anything. There's nothing here that says we can't do anything. Dr. Williams-Mrs. Pauley was at the State Department level with federal funds and federal grants. Melanie Meadows-She also submitted our ESSERF grant application and we actually have to attest to that we will follow 2CFR200. Lindsey McIntosh-Mr. Cavender if you need that citation it's 2CFR200 section 200.319. Mr. Cavender-Thank you. Mrs. Jordon, if there aren't any more questions, we will call for the question.

The above motion failed 2-3 with Mr. White, Mr. Cavender and Mr. Crawford voting No.

DELEGATIONS

Dinah Adkins, KCEA-I am here primarily this evening to thank you for providing the opportunity to choose a later start date in August for the school calendar. Most of our members are strongly in favor of that and we appreciate the fact that that has been a consideration for you too and we hope that you will move on that. We would also like

DELEGATIONS (continued)

to thank you for working with KCEA where one teacher was being asked to teach in-person and remotely. We really appreciate Dr. Williams communicating with us and meeting with us tomorrow morning to try and resolve this. The precedent was set last year when one person taught in the school and another person taught remote lessons. You can't ask a teacher to do both of those and to do them well. The technology issues are a problem if nothing else is. We would also like for you to concentrate on the well-being of your employees as you always do, but if there is any way to suggest to administrators or anyone involved that if they can put it in a memo instead of having a meeting, then please put it in a memo instead of taking a teacher's planning time or having meetings before or after school unless they are absolutely necessary. We know that you normally try to do that. Your teachers and service personnel are stretched to the ultimate limit. I'm hearing that teachers don't even want to stay until the end of the semester. Thank you.

Jake Fertig, AFT-I have two points that I want to hit on this evening. The first thing I want to address is compensation for supplemental positions. I'm at Riverside High School and we are at the point where we have 8-10 people that are doing all the supplemental positions. We are a CSI school so we have the State Department involved and we have all of these other positions that have come open and a lot of people are maxed out with the stuff they are going to do and some of the times it's not even about the money, it's that they physically can't do anymore. One of the things that I have talked about for a few years is the supplemental rate for the county is \$22 an hour and this is below the beginning salary of a teacher with a Bachelor's Degree and zero years of experience in terms of hourly rate. My argument, and AFT Kanawha, is that they should be paid at their hourly rate. It's one of the only positions where they are being paid less money for what is considered overtime. Some things are compensated already at the hourly rate but it's because state code requires it to be, like working for the hiring Committee, but if I give up my planning because I'm needed, I'm only paid \$22 an hour. We would ask that you look at that and see if we can pay everyone their hourly rate which I don't think is an unfair request.

Mrs. Jordon-Can I just ask a question for clarification? Are you asking for everyone to get what their hourly rate or would it just be a higher standard rate? Dr. Williams-Their hourly rate. Jake Fertig-I would argue for their hourly rate. I think it's fair. For some people with a lot of experience that's considerably more. The second thing I want to address is that we are aware that the Legislature has put together a task force to disassemble Chapter 18. Chapter 18 is basically all the law in State about education. So I would like to ask the Kanawha County Board to work with educators over the next couple of months to draft and adopt a resolution that would codify various parts of

DELEGATIONS (continued)

Chapter 18 into county policy so that if these are removed from State Code, that they are preserved at least in the county level. This could include, but is not limited to, the use of seniority in the RIFS and transfers process and the preservation of a planning period. The big thing for me is that I think that would be a great way also to create an incentive for people to work here because things like that mean all the world. I would like to work with Board Members to see what that the wording would look like to draft and maybe pass that resolution by December or January.

Mrs. Jordon-Dr. Williams, at your convenience could you update us on some of the issues that he has discussed? I have never heard about some of these issues. I think it would be good if you could respond how some of these could be resolved.

Dennis Westover-You were talking about a PCR test. Are you folks aware that they are discontinuing PCRs on December 31st? I'm here to speak in opposition to masks, but I actually have a greater concern and that is in our nation we've lost something about freedom here. I'm here representing people that want the freedom to choose. The Government of India has virtually eliminated COVID by using one of the things that our Government told us from the beginning was inappropriate and that is Ivermectin. This is documented. We weren't told the truth at the beginning. The one thing that I want to talk about is that masks aren't good for the kids. What they do filter is bacteria and the masks become toxic. There are mental health issues with children wearing masks. I don't want you to be on the wrong side of history when this all winds down. Let parents choose with the masks.

Donna Caruthers-Are you aware of the WV Open Governmental Proceedings Act? It says that your minutes are supposed to be posted within 3 days of a meeting after they have been approved. The only minutes that are posted are July 28th. As Denny said, masks are dangerous. We are all going to be here until you take these masks off of our kids. I would like to know what scientific study you all used to decide to put masks on our kids. You made the motion Mr. White do you have a scientific study? Mr. White-It's not on the agenda so I can't talk about it. Am I aggravating you Mr. Cavender? Mr. Cavender, No, go ahead. We are looking at this like it's something terrible because the news is telling us it is. We cannot live in fear because of something that has attacked 9% of our population. Things need to be looked at again. We aren't going to stop with this. I know that Mr. White and Mrs. Jordon, your terms are up in May and I'm going to do everything in my power to make sure that you all aren't reelected if you do not go back and change this. Mr. Cavender, yours is 2024 and I promise you that we aren't going to forget this.

DELEGATIONS (continued)

Petra Monroe-When it comes to those COVID jabs, you can't call them a vaccine because none of the required tests that qualifies vaccines were performed, but when it comes to this we are told by Dr. Fauci and his so-called experts to follow the science. What science are they following? Not the same science as Dr. Malone the inventor of the MRNA vaccine technology. Dr. Malone who is definitely not anti-vax explained that to conduct any vaccine drive during an ongoing pandemic is the worst case scenario because it actually creates vaccine resistant mutants in vaccinated people. Vaccines are not preventing infection but are causing more contagious variants. The WV DHHR has initiated mandates for masks and tests and the experimental vaccine without any confirmation of the actual existence of the COVID 19 as a viral entity. This thing doesn't exist. It hasn't been isolated. We have vaccines and masks forced on us that hasn't been identified and proven to exist.

Mila Knoll-I have been here several times and I feel like you all look at me like I'm a wall. I know I'm being recorded right now and I'm going to post this for other parents to see and I'm going to say your names because elections are coming May 10th so people need to know who they want to vote for and who they want to vote out. I'm sure when you were elected you knew that you were going to represent parents and their kids, that's your number one concern. I understand COVID has been a serious concern, but at the same time if you going to have permission slips for parents to do testing on their kids which is a medical procedure and if it is done in school without parental consent I'm sure you all are all aware that that is a lawsuit. Why can't you have permission slips for parents who aren't concerned about COVID and let them sign it saying I vouch for my kids to be in school and I'm not worried and I want the masks off. I'm just going to name these people, Ryan White, Tracy White, Becky Jordon, Jim Crawford, Ric Cavender and Tom Williams. I want you to remember these names. What happens if I do have COVID, I will just stay at home. If it is so dangerous and I'm dying I will just stay at home and drink some hot tea then it's not so dangerous. If you aren't sick they can stay at school. I mean you (Dr. Williams) are a Doctor why is this such a backwards system? Mr. Cavender-He's not a medical doctor. He's a Doctor of Education, let the minutes reflect that Mrs. Lewis.

Mrs. Jordon-I would like to make a statement for people that don't know. We are not allowed by policy to have a conversation with Delegations we can later discuss it with Dr. Williams.

DELEGATIONS (continued)

Nathan Jones-I only have two things that I want to share. I wanted to come here and lend my voice to those who support safety measures including masks in schools. I appreciate the Board for instituting some of those safety measures. I also want to mention that I have a friend who is a teacher and her partner tested positive for COVID and she reported that to her supervisor and she was still asked to come into work the next day because she had not received a positive test herself. I just want to ask that we increase safety measures for those who have come in contact with COVID positive folks.

Vic Sprouse-It does sound like you are close to an agreement of getting that later start date in August. Parents universally hate that earlier state date. I just wanted to thank you if that is the direction that you guys are going. People are still going to complain, but I know they want to see that later start date. Thank you and good luck to you all.

PUBLIC HEARING

A. 2022-23 School Calendar (Enclosures 32 & 33)

Mrs. Tracy White moved: The Board approve Enclosure 33 as the calendar for the 2022-23 school year. Motion was seconded by Mr. Jim J. Crawford.

Dr. Williams-The one that has been recommended school would start on Monday, August 22nd. You would have two days at Thanksgiving, and the semester would end on December 23rd and they would have the following week and the following Monday after that for Christmas. The Parent/Teacher Conference is on February 14th, Spring Break is at the end of 3rd 9 weeks, which is March 13-17 and then school would end on Thursday, May 25th.

Mrs. Jordon-You and Dr. Gayton and your team have done a great job with this.

The above motion unanimously carried.

QUESTIONS/ANSWERS

Mr. Cavender-I just want to say that we always appreciate the public when they come in as a Delegation and that's why we are here to listen to their input, but respect does go both ways and just because we are elected officials up here it doesn't mean that anyone has to right to display pictures of our kids and yell at us. Respect is a two-way street.

QUESTIONS/ANSWERS (continued)

Mr. Crawford-Criticism comes with this job and one of things that you need to remember is that these people need to be listened to and as long as they don't get nasty I'm okay with it and I'll listen to what they say.

Mrs. Jordon-I'd like to make a comment. I just want to ask again that at all of our Board Meetings that no one is allowed in here unless they have a mask. Since we are mandating it for our staff and our students we all need all of our people here to wear masks also. Mrs. White-What if they have a medical reason? Mrs. Jordon-We will let Mr. Vitoe and the police officer handle that.

Mrs. White-I have received several inquiries about us having vaccination clinics and vaccinating students without parent's permission. Can we reiterate our policy on that? Dr. Williams-Absolutely, not under any circumstance do we vaccinate children without parent's consent. We never have, have never thought about it and never plan to do it. We are not doing it. Mrs. White-Once again my family has gone through a catastrophe and my Kanawha County family has stepped up and I would like to thank all of you for the love you have put out for my family.

ESTABLISHMENT OF MEETING DATES

- A. Thursday, September 16, 2021, 6:00 p.m.-Regular Session
- B. Monday, October 4, 2021, 6:00 p.m.-Special Session at Piedmont Elementary
- C. Thursday, October 21, 2021, 6:00 p.m.-Regular Session
- D. Monday, November 1, 2021, 6:00 p.m.-Special Session at Mary C. Snow West Side Elementary
- E. Thursday, November 18, 2021, 6:00 p.m.-Regular Session
- F. Monday, December 6, 2021, 6:00 p.m.-Special Session at Riverside High School
- G. Thursday, December 16, 2021, 6:00 p.m.-Regular Session

NOTE: The above meetings of the Kanawha County Board of Education, unless otherwise indicated, will be held in the Board of Education Building, 200 Elizabeth Street, Charleston, WV.

ADJOURNMENT

Mr. Ryan White moved: That the Regular Session of the Board be adjourned. Motion was seconded by Mrs. Tracy White and unanimously carried. The Regular Session was declared adjourned by Board President Becky J. Jordon at 7:30 p.m.

President

djl
9/21/2021

Secretary