



# VIRGINIA BEACH CITY PUBLIC SCHOOLS CHARTING THE COURSE

## School Board Services

**Carolyn T. Rye, Chair**  
District 5 - Lynnhaven

**Kimberly A. Melnyk, Vice Chair**  
District 7 – Princess Anne

**Beverly M. Anderson**  
At-Large

**Sharon R. Felton**  
District 6 – Beach

**Jennifer S. Franklin**  
District 2 – Kempsville

**Dorothy M. Holtz**  
At-Large

**Laura K. Hughes**  
At-Large

**Victoria C. Manning**  
At-Large

**Jessica L. Owens**  
District 3 – Rose Hall

**Trenace B. Riggs**  
District 1 – Centerville

**Carolyn D. Weems**  
District 4 - Bayside

**Aaron C. Spence, Ed.D., Superintendent**

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## School Board Special Meeting MINUTES

Tuesday, February 1, 2022

School Administration Building #6, Municipal Center  
2512 George Mason Drive  
P.O. Box 6038  
Virginia Beach, VA 23456  
(757) 263-1000

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- 1. Call to Order and Verbal Roll Call:** Chairwoman Rye convened the special meeting of the School Board in the School Board chamber at 3:00 p.m. on the 1<sup>st</sup> day of February 2022 and announced in accordance with the Schedule of School Board Meetings amended and approved by the School Board at their January 25, 2021 Regular Meeting, and pursuant to Bylaw 1-46, and Virginia Code § 2.2-3707, the School Board will hold a special meeting on Tuesday, February 1, 2022, at 3:00 p.m., in the School Board Chambers in the School Administration Building #6 at the Municipal Center, 2512 George Mason Dr., Virginia Beach, VA 23456 for a Closed Session and then will hold an Open Session beginning at 5:00 p.m.. The purpose of this special meeting is for consultation with legal counsel regarding new election districts and election cycle; and discussion and action on the new election districts and election cycles for the School Board.

The following School Board members were present in the School Board chamber: Chairwoman Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems.

- 2. Adoption of the Agenda:** Chairwoman Rye called for any modification to the agenda. Ms. Weems made a motion to amend the agenda by striking #5 – Action by School Board regarding School Board’s position on new election districts and cycles; seconded by Ms. Manning. A discussion followed regarding discussion of topic with public; receiving public input; discussing in open session; order of agenda; getting public input before voting on items; defer the resolution to another meeting after receiving public input; meeting with outside counsel during closed session to determine if further action is needed. Ms. Anderson made a second motion instead of removing item #5 but to amend item #5 to state – possible action by School Board regarding School Board’s position on new election districts and cycles; seconded by Ms. Riggs.

A discussion followed regarding concerns topic not discussed in open session with public; should not vote without public input; lack of transparency; topic to be discussed in open session later in the meeting; chance for public to weight in; move vote to upcoming meeting on February 8; discussion should be focused on the addition of the word possible to agenda item #5; topic has been discussed – no need to vote on tonight; City’s January 11 presentation, public hearings on election districts, and information on City website. Chairwoman Rye called for a vote on the second motion – amend the agenda with item #5 reading possible action by School Board regarding new election districts and election cycles. The School Board Clerk announced there were eight (8) ayes in favor of the second motion: Chairwoman Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms.

Franklin, Ms. Holtz, Ms. Owens, and Ms. Riggs. There were three (3) nays opposed to the second motion: Ms. Hughes, Ms. Manning, and Ms. Weems. The motion passed 8-3-0.

Agenda item #5 is noted as being Possible Action by School Board regarding School Board's position on new election districts and cycles.

- 3. Closed Session:** Vice Chair Melnyk made a motion, seconded by Ms. Anderson that the School Board recess into Closed Session in accordance with the exemptions to open meetings law set forth in Code of Virginia §2.2-3711 Part A, Paragraphs 7 and 8, as amended,

A. 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter and

A.8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Namely to discuss

1. pending or probable litigation matters and developments in the election districts;
2. new election districts and election cycles

A brief discussion followed regarding the second part of the motion – new election districts and election cycles; should be discussed in open session; advice from legal counsel on new election districts and election cycles; reasons for closed sessions. After discussion, Chairwoman Rye called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the motion to recess into Closed Session: Chairwoman Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Owens, and Ms. Riggs. There were three (3) nays opposed to the motion to recess into Closed Session: Ms. Hughes, Ms. Manning, and Ms. Weems. The motion passed 8-3-0.

The closed session began at 3:28 p.m. in the Einstein Lab.

Individuals present for discussion in the order in which matters were discussed:

**A.7. and A.8 CONSULTATION WITH LEGAL COUNSEL:**

School Board members: Chairwoman Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems; Mr. Cullen D. Seltzer, Attorney, Sands Anderson PC; Donald E. Robertson, Ph.D., Chief of Staff; John Sutton III, Coordinator, Policy and Intergovernmental Affairs; School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney; Regina M. Toneatto, Clerk of the Board.

The School Board members departed the Einstein Lab at 4:24 p.m. and reconvened in the School Board chamber at 4:30 p.m.

Certification of Closed Session: Vice Chair Melnyk read the Certification of Closed Meeting:

**WHEREAS**, the School Board of the City of Virginia Beach has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this School Board that such closed meeting was conducted in conformity with Virginia law.

**NOW, THEREFORE, BE IT RESOLVED** that the School Board of the City of Virginia Beach hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, 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.

Ms. Anderson made a motion, seconded by Ms. Franklin. Chairwoman Rye called for a vote. The School Board Clerk announced there were eight (8) ayes in favor of the certification of closed session: Chairwoman Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Owens, and Ms. Riggs. There were three (3) nays opposed to the certification of closed session: Ms. Hughes, Ms. Manning, and Ms. Weems. The motion passed 8-3-0.

Chairwoman Rye adjourned the closed session portion of the meeting at 4:31 p.m.

Chairwoman Rye called the special meeting to order at 5:01 p.m. on the 1<sup>st</sup> day of February 2022 and announced in accordance with the schedule of School Board meetings amended and approved by the School Board at their January 25, 2021 regular meeting and pursuant to Bylaw 1-46 and Virginia Code § 2.2-3707, the School Board will hold a special meeting on Tuesday, February 1, 2022 at in the School Board Chambers in the School Administration Building #6 at the Municipal Center, 2512 George Mason Dr., Virginia Beach, VA 23456. The purpose of this special meeting is for discussion and action on the new election districts and election cycles for the School Board.

Pursuant to the School Board's 2021-2022 Reopening Plan adopted August 10, 2021, and the School Board vote on August 24, 2021 regarding health protocols for School Board meetings, physical distancing will be used in chambers as a health mitigation strategy. Members of the public will also be able to observe the Special School Board Meeting through livestreaming on [www.vbschools.com](http://www.vbschools.com), broadcast on VBTV Channel 47, and on Zoom.

The following School Board members were present in the School Board chamber: Chairwoman Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Franklin, Ms. Holtz, Ms. Hughes, Ms. Manning, Ms. Owens, Ms. Riggs, and Ms. Weems.

Chairwoman Rye noted the agenda was previously adopted earlier in the meeting; see agenda item #2.

- 4. *Open Session discussion regarding new election districts and election cycles:*** Chairwoman Rye introduced School Board Legal Counsel, Kamala Lannetti; Ms. Lannetti presented information regarding new election districts and election cycles for Virginia Beach; review highlights of *Holloway v. City of Virginia Beach*; court ordered election districts: 1 At-Large Mayor position, 10 district City Council positions, districts also drawn to use 2020 Census data, districts has approximately 46,000 residents and 36,000 voting age population; reviewed map of districts; information on [vbgov.com](http://vbgov.com) website, including a video of January 11, 2022 presentation to City Council on the matter; School Board to follow same as City Council; reviewed election cycles for districts for City Council members for 2022 elections and 2024 elections; reviewed School Board members by new districts, 2022 elections and 2024 elections.

Overview of law regarding Governing Bodies Elections: Constitution of Virginia Article VII Section 5, Code of Virginia § 24.2-304.1, Code of Virginia § 24.2-304.6, Code of Virginia § 24.2-311 (B); laws for School Board elections: Code of Virginia § 24.2-223, Code of Virginia § 22.1-57.3 (A) (B) (C); Charter of the City of Virginia

Beach, Virginia Chapter § 16.04; candidates for City Council and School Board timeline – City is presuming that School Board will follow same election cycles, January 3, 2022 – petitions were made available for City Council and School Board, Registrar of Voters will accept but will not process petitions until authorized, June 21 Primary and deadline for non-primary and independent candidates, September 23 early voting begins, and November 8 election.

The discussion continued with comments and questions regarding names of districts; districts with multiple School Board members and districts with no School Board members; General Assembly; no authority how elections are elected; need for law to be clarified; City Council and districts; need to mirror City Council – 11 members; examples of members running in same district; resolution; pending bill in General Assembly; input from public; completing term of office; voting rights act; federal law; need a voice; mentioned HB 1031 introduced but may have changes; crossover date February 15; important to hear from the public; reach out to delegate and give opinion; need public input.

Chairwoman Rye asked School Board Legal Counsel, Kamala Lannetti to read the following resolution:

**RESOLUTION  
REGARDING ELECTION DISTRICTS AND ELECTION SCHEDULE FOR  
SCHOOL BOARD OF THE CITY OF VIRGINIA BEACH, VIRGINIA**

**WHEREAS**, on December 22, 2021, the United States District Court for Eastern District of Virginia issued a final order setting forth new election districts and election cycles for the City Council of the City of Virginia Beach, Virginia but the Order did not specifically address the School Board; and

**WHEREAS**, the Court ordered election districts and election cycle result in some ambiguity regarding the election districts and election cycle for currently elected School Board Members; and

**WHEREAS**, the Charter of the City of Virginia Beach, Virginia §16.04 (A) Election of the school board states “All board members shall be elected in the same manner and according to the same schedule that council members are elected for terms of four years.”; and

**WHEREAS**, Code of Virginia §22.1-57.3 (A) states “Elections of school board members in a county, city, or town shall be held to coincide with the elections for the members of the governing body of the county, city, or town at the regular general election in November or the regular general election in May, as the case may be.”; and

**WHEREAS**, Code of Virginia §22.1-57.3 (B) states “The terms of the members of the elected school board for any county, city, or town shall be the same as the terms of the members of the governing body for the county, city, or town. In any locality in which both school board and the governing body are elected from election districts, as opposed to being elected wholly on an at-large basis, the elections of the school board member and governing body member from each specific district shall be held simultaneously...”; and

**WHEREAS**, Code of Virginia §22.1-57.3 (B) further states that “In any case in which school board members are elected from election districts, as opposed to being elected from the county, city, or town at large, the election districts for the school board shall be coterminous with the election districts for the county, city, or town governing body, except as may be specifically provide for the election of school board members in a county, city, or town in which the governing body is elected at large.”; and

**WHEREAS**, Code of Virginia §22.1-76 (A) states "...at its annual meeting the each school board shall elect one of its members as chairman,..." Accordingly, the Code of Virginia sets forth the procedure for electing a chairman for the School Board and the School Board will comply with this law.

**NOW, THEREFORE BE IT RESOLVED**

1. That the School Board intends to comply with the Court Order and applicable law and follow the same election districts and election cycle as the City Council.
2. That the School Board determines that it should have an at large eleventh member as the City Council has.
3. That the School Board elections in 2022 and 2024 will be for the same election districts or at large position as the City Council.
4. That School Board Members whose terms expire in 2024 will continue on the School Board until the conclusion of their terms or until such time as they resign or are removed from office.
5. That the School Board shall have the same number of elected members as the City Council.

The discussion continued regarding the resolution; aligns what the School Board would be doing with what City Council is going to be doing; convey to the General Assembly; emails regarding closed sessions; resolution will follow the law. Ms. Anderson made a motion to accept the resolution, seconded by Ms. Riggs.

Chairwoman Rye opened the floor for discussion on the resolution; discussion continued regarding public input; closed session topics; transparency; inappropriate to vote on tonight; November elections; timeline getting information; nine days before crossover; can follow the law without resolution; suggestion of a special meeting on Friday for public input; logistical challenges of special meeting; reminder of resolution on the floor; feedback on suggestion of special meeting; distribution of the resolution.

- 5. Possible Action by School Board regarding School Board's position on new election districts and cycles:** Note the agenda title for item #5 was changed during the Adoption of the Agenda. (See agenda item #2)

Chairwoman Rye called for a vote on the proposed resolution. The School Board Clerk announced there were seven (7) ayes in favor of the motion: Chairwoman Rye, Vice Chair Melnyk, Ms. Anderson, Ms. Felton, Ms. Holtz, Ms. Owens, and Ms. Riggs. There were four (4) abstentions to the vote on the motion: Ms. Franklin (agrees with resolution but wanted to vote on Tuesday), Ms. Weems (as per policy, get input before vote and not doing it in this case), Ms. Manning (does not have enough information to make a decision because haven't heard from the public on this topic), and Ms. Hughes (inappropriate to vote on a resolution without public input.) The motion passed 7-0-4.

- 6. Adjournment:** Chairwoman Rye adjourned the meeting at 7:13 p.m.

Respectfully submitted:

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Regina M. Toneatto, Clerk of the School Board

Approved:

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Carolyn T. Rye, School Board Chair