

EXHIBIT A

VIRGINIA PETITION FOR THE REMOVAL OF OFFICER HENRY BUDZINSKI

1. **Code of Virginia 24.2-233** states “a circuit court may remove from office any elected officer...residing within the jurisdiction of the court...for neglect of a clear, ministerial duty of the office, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office.” (Va. Code Ann. §24.2-233).
2. The current Highland County Board of Supervisors (“Board”) has three members: Mr. Henry Budzinski (“Mr. Budzinski”), Mr. Harry Sponaule (“Mr. Sponaule”), and Mr. Paul Tribble (“Mr. Tribble”).
3. At the request of Mr. Sponaule, the Highland County Volunteer Rescue Squad (“HCVRS”) presented an EMS proposal (“EMS Proposal”) to the Board on April 2, 2024.
4. On April 2, 2024, the Board voted to send the EMS Proposal to the EMS Comprehensive Committee (“EMS Committee”) for review. The EMS Committee was formed by the Board to develop a County EMS plan.
5. The EMS Committee did not meet between April 2, 2024 and April 11, 2024.
6. Prior to April 11, 2024, Mr. Budzinski created a new, unreviewed, plan (“Unreviewed Plan”) with Melissa Dowd (“Ms. Dowd”) and Mr. Sponaule. (Per public statement by Mr. Budzinski at the Board meeting on April 11, 2024).
7. Mr. Tribble was not informed, consulted, or even notified about the formation of a new plan until an e-mail sent on April 10, 2024 at 7:11 pm.
8. **Va. Code 2.2-3707(D)** requires that notice of a meeting “shall be posted at least three working days prior to the meeting” and that “[a]t least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to members of the public body.” (Va. Code Ann. §24.2-233). Notice was posted on March 28, 2024, for a meeting to discuss an increase in county fees; however, the agenda for the Board meeting on April 11, 2024 was only provided to select individuals at approximately 10:00 am on April 11, 2024 and was not presented to citizens of Highland County until the actual Board meeting on the evening of April 11, 2024.
9. **Va Code 15.2-1427(F)** states “in counties, except as otherwise authorized by law, no ordinance shall be passed until after descriptive notice of an intention to propose the ordinance for passage has been published once a week for two successive weeks, with the first notice appearing no more than 14 days prior to the intended passage of the ordinance, in a newspaper having a general circulation in the county. The second publication shall not be sooner than one calendar week after the first publication. The publication shall include a statement either that the publication contains the full text of the ordinance or that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county board. Even if the publication contains the full text of the ordinance, a complete copy shall be available for public inspection in the offices named herein.” (Va. Code Ann. § 15.2-1427). The unreviewed Plan was not published except to select individuals at approximately 10:00 am on April 11, 2024, and was not presented to the public until the actual Board meeting on the evening of April 11, 2024.
10. **Va Code 2.2-3707.2(2)** states that meetings “[m]ay provide the public with the opportunity to comment through the use of such electronic communication means at such meetings at the point when public comment is customarily received;” (Va. Code Ann. § 2.2-3707.2). Only select members of the public were notified of the Unreviewed Plan on April 11, 2023. The only public comment period allowed was at the Board meeting on April 11, 2024.

11. **Va. Code 2.2-3700** (FOIA) states as follows:

A. This chapter may be cited as “The Virginia Freedom of Information Act.”

B. By enacting this chapter, the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request. All public records and meetings shall be presumed open, unless an exemption is properly invoked.

The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government. Any exemption from public access to records or meetings shall be narrowly construed and no record shall be withheld or meeting closed to the public unless specifically made exempt pursuant to this chapter or other specific provision of law. This chapter shall not be construed to discourage the free discussion by government officials or employees of public matters with the citizens of the Commonwealth.

All public bodies and their officers and employees shall make reasonable efforts to reach an agreement with a requester concerning the production of the records requested.

Any ordinance adopted by a local governing body that conflicts with the provisions of this chapter shall be void.

12. The Unreviewed Plan was crafted by only two of the three members of the Board in an “atmosphere of secrecy” (Va. Code Ann. § 2.2-3700), was not previewed to the public timely, was voted on before adequate public comment took place, and was incorrectly noted on the agenda as “Old Business.”

13. Despite the procedural deficiencies, the Unreviewed Plan was voted on by the Board at the April 11, 2024 meeting.

14. Mr. Budzinski and Mr. Sponaule voted in favor of the Unreviewed Plan. Mr. Tribble voted against the plan. Mr. Tribble asked for a show of hands from those who opposed the Unreviewed Plan. Most individuals at the meeting demonstrated that they opposed the passing of the Unreviewed Plan.

15. This Unreviewed Plan stopped the HCVRs from operating in the county and removed their liability protection.

16. Prior to the April 11, 2024 Board meeting the EMS capabilities were:

- 1.) 2 Quick Response Vehicles (Doe Hill and Blue Grass)
- 2.) 1 Volunteer Squad in Bolar
- 3.) 3 Volunteer Squads in Monterey
- 4.) 1 Paid Squad in Monterey

17. Following the April 11, 2024 Board meeting, The EMS county capabilities are reduced to:

- 1.) 1 Volunteer Squad in Bolar (with no advanced life support capability)
- 2.) 1 Paid Squad in Monterey

18. Additionally, under the Unreviewed Plan, the paid staff only has the ability to run one call at a time.

19. Mr. Budzinski and Mr. Sponaule should be removed from office because their actions violated Article 1 Section 2 of the Virginia Constitution. The Unreviewed Plan was crafted in secret, was not previewed to the public, was not accurately noted on the Board agenda, was voted on before adequate public comment took place, and harmed the county for the reasons stated above in paragraphs 15-18.

Exhibit A continued

20. Code of Virginia 24.2-233 states that the court can remove any elected official “For neglect of a clear ministerial duty of the office, misuse of office, or incompetence in the performance of the duties of the office when that neglect of duty, misuse of office, or incompetence of duties has a material adverse effect upon the conduct of the office.”
- A. At the April 11, 2024 BOS meeting Mr. Budzinski and Mr. Sponsaugle each stated that the reason they drafted the “new Unreviewed EMS plan” was because Mrs. Debbie Tribble had reported a stolen ambulance to the sheriff's office.
 - B. It was stated clearly in the following discussion by Mr. Tribble and audience members that was not what took place.
 - C. In the April 18, 2024 Recorder article, reference was made to a signed letter from the Highland County Sheriff's Office stating that Mrs. Tribble did not report an ambulance stolen.
 - D. This accusation was repeated by Mr. Sponsaugle in several subsequent BOS meetings that Mrs. Tribble did report it stolen and that was his justification for the “new Unreviewed EMS plan” even though he had been made aware of his mistake.
21. Code of Virginia 24.2-233 states that “...incompetence in the performance of the duties of the office” is a reason for removal of elected officials.
- A. Mr. Budzinski and Mr. Sponsaugle demonstrated incompetence managing taxpayer money with the purchase and continued repairs on the used ambulance #701.
 - 1. Used ambulance purchased for \$15,000.00 May 2021 by previous Board of Supervisors which included Mr. Sponsaugle.
 - 2. Over \$35,000.00 has been spent on maintenance and repairs.
 - 3. #701 ambulance has been out of commission often and is right now at the mechanics.
 - B. A new ambulance was ordered by the previous board in late 2023 at the purchase price of \$119,980.00.
 - 1. After November 2023 election, Supervisor elect, Mr. Paul Tribble, inquired with the manufacturer about the purchase.
 - 2. The supervisors drafted a letter to Mr. Tribble criticizing his actions and threatening him with censure.
 - 3. The new ambulance arrived March 2024 and is unusable.
 - 4. At the Board of Supervisors meeting May 20, 2024, Mr. Tribble stated that the ambulance can't be used because of several issues.
 - 5. At that same meeting both Mr. Budzinski and Mr. Sponsaugle admitted publicly that they agree and they don't know what they will do with it.
 - 6. The ambulance sits in the county building and hasn't been used once.
22. Mr. Budzinski and Mr. Sponsaugle have demonstrated their incompetence to manage county business.
- A. At the May 7, 2024 BOS meeting Mr. Budzinski read a statement reporting the suspension of a county employee. Later it became known that the employee was the Chief, Nick Fialo.
 - B. Before the suspension became public Mr. Budzinski instructed the interim county administrator, Jerri Botkin, NOT to inform supervisor, Mr. Tribble, of the suspension.
 - C. May 10, 2024 Mr. Nick Fialo resigned as paid EMS Chief. An interview team was appointed.
 - D. At the June 4, 2024 meeting Mr. Budzinski called for the Board to go into closed session to discuss hiring a new chief.
 - E. Ronald Wimer, and Letitia Amirault each stated that they were on the interview committee and neither had submitted a report and questioned how the board could hire someone.
23. Mr. Budzinski and Mr. Sponsaugle have demonstrated their incompetence by voting in favor of an action or policy and then reversing that decision at subsequent meetings.
- A. April 11, 2024 Mr. Budzinski and Mr. Sponsaugle voted to adopt the new “unreviewed” EMS plan which stopped HCVRS from operating in the county. The Recorder reported on April 25, 2024 that the HCVRS had filed a lawsuit against the county. Then on May 7, 2024 the evening before the HCVRS lawsuit was to be heard in court they voted to remove the paragraphs in the plan that stopped HCVRS and gave them back their liability insurance to operate temporarily. It should be noted that soon after reinstating the HCVRS there were 7 rescue calls in a 24 hour period with 2 calls answered by the paid staff and 5 calls answered by the volunteers. A couple of the patients were critical and there could have been fatalities if the volunteers hadn't been authorized to respond to the calls.

- B. DERA (Administrative Code 12VAC5-31.610. Designated Emergency Response Agency) At promises and recommendations made by Mr. Budzinski and delivered to Bolar Rescue Squad's Matt Ratcliff by Chief Nick Fialo, Bolar dropped their DERA designation. The promises were not delivered causing the Bolar Rescue Squad legal difficulties responding to calls in Highland. At the August 6, 2024 BOS meeting Matt Ratcliff requested their DERA designation be reinstated. Mr. Budzinski and Mr. Sponaugle voted no and Mr. Tribble voted yet. At the August 21, 2024 meeting Matt Ratcliff requested their DERA designation again and Mr. Budzinski voted yes, Mr. Sponaugle voted no, and Mr. Tribble voted yes. Bolar's DERA was reinstated.
 - C. The 2024 proposed tax levy was published in The Recorder for \$0.45 on \$100.00 of assessed value. At the April 23, 2024 BOS meeting it was voted on by Mr. Budzinski and Mr. Sponaugle to increase the tax levy to \$0.46. Mr. Tribble opposed. At the May 20, 2024 BOS meeting the tax levy for 2024 was changed again to \$0.44.
 - D. All three supervisors Voted unanimously to seek estimates to repair EMS 1 and ambulance #701. At the next meeting August 6, 2024 it was discussed that repairs of an unspecified amount had been done on ambulance #701. Mr. Tribble reminded them that only "obtaining estimates" was voted on at the last meeting and they should honor how they voted at the last meeting. Then Mr. Budzinski moved to spend up to \$2,000. on repairs. Mr. Sponaugle voted in agreement. This ambulance has already cost over \$50,000. and is out of service often and at the time of this writing.
24. Mr. Budzinski and Mr. Sponaugle have demonstrated their incompetence when overreaching their duties as Supervisors and trying to manage Highland County Public School's business.
- A. At the June 4, 2024 BOS meeting it was placed on the agenda and asked of the School Board Chairman, Mr. Kenny Hodges, why teachers didn't have contracts yet.
 - B. At the July and August meeting the customary end of the school year request to transfer the school's surplus budget into the school's capital improvements fund was tabled. At the September meeting the subject wasn't discussed at all. The surplus amount for the 2023-2024 school year was \$285,286.68. The reason given by Mr. Sponaugle and Mr. Budzinski for not agreeing to do so, as was customary, was because they might have some big legal expenses due to the recall petitions and the HCVRS lawsuit.
 - C. July 25, 2024 Mr. Budzinski instructed Interim County Administrator, Jerri Botkin, to call the Superintendent's office and request a public meeting between the BOS and the School Board to discuss the school's plans for their VTE (vocational programs).
 - D. The Superintendent consulted the school attorney and a letter was sent to Mr. Budzinski.
25. Mr. Budzinski and Mr. Sponaugle have demonstrated on several occasions that they do not possess the self-control to conduct orderly and effective public meetings. As noted in many of The Recorder's articles, often meetings spiral into shouting matches among the supervisors and also between supervisors and the public in attendance.
26. At the July 2, 2024 BOS meeting both Mr. Budzinski and Mr. Sponaugle voiced their feelings about the recall petitions. They each stated that their lives would be easier if they didn't have this job and they could each stay at home and work on their own places.
27. The most important fact in this entire recall statement is that Mr. Budzinski and Mr. Sponaugle through their misuse of office and incompetence put the lives of Highland County residents at great risk by their action on April 11, 2024. They reduced the EMS Rescue capabilities drastically and didn't provide adequately for the safety of Highland County residents.