

February 21, 2018

At a special meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 21st day of February, 2018; at 5:30 p.m., there were present:

Pattie Cooper-Jones

J. David Emert

Robert M. Jones

Odessa H. Pride

C. Robert Timmons, Jr.

Jerry R. Townsend

Jim R. Wilck

Also present: Wade Bartlett, County Administrator; and James Ennis, County Attorney.

Chairman Cooper-Jones called the special called meeting to order, stating its purpose is to discuss the Special Election for the vacancy on the Board of Supervisors for Farmville District 101, due to the passing of Supervisor Howard Simpson.

In Re: County Attorney's Report

Mr. James R. Ennis, County Attorney, stated the Code of Virginia requires that if the County is going to fill the vacancy of the seat held by Supervisor Simpson, it requires that a petition for a special election be filed with the Circuit Court within 15 days of the creation of the vacancy, if that is in fact the will of the Board. He said the appointment must be made within 45 days if the Board wishes to consider an appointment in the interim until the special election is held. Supervisor Simpson's term of office would have ended December 31, 2019; a winner of the special election for a replacement for District 101 would serve until December 31, 2019 and would need to run for re-election in the November 2019 election. He said in order to file a petition with the Circuit Court, it requires a motion from the Board to request a special election to fill the vacancy left by the passing of Supervisor Simpson. It additionally requires a motion if the Board wishes to conduct the special election with the general election on November 6, 2018, which is also the date selected for the election of the Circuit Court Clerk who is retiring. Thirdly, an authorization is required for

the County Attorney to prepare and file with the Circuit Court a petition for a special election that sets forth those facts as well as prepare a Writ of Election to be endorsed by the Judge and entered as an Order of the Court. Mr. Ennis said the Order also specifies that the Chairman of the Board of Supervisors, the Secretary of the Electoral Board, and the General Registrar will be notified and receive copies of the Order.

Supervisor Timmons asked if the Board has the option to make the appointment to fill out the balance of the term. Mr. Ennis said the Board does not forfeit that option but the appointee would only serve until the election if a special election is requested.

Supervisor Timmons asked if the Board has an option to make the appointment to serve out the balance of the term and not have a special election. Mr. Ennis said there must be an election held because you can't go more than two general election cycles without filling a local governmental official's position. If the Board does not appoint someone, the Judges can appoint in the interim. Discussion followed.

Supervisor Wilck questioned the need to appoint someone until the special election is held. Mr. Ennis said the Judges would likely appoint, and would be reluctant to leave a seat vacant for seven months.

Mr. Bartlett said there would be a district unrepresented during the budget process.

Mr. Ennis stated if the Board does not file the petition, which is required within 15 days [of the vacancy], then the option will be gone. The Board still has 45 days from the date of the vacancy to appoint someone.

Supervisor Pride asked Supervisor Wilck if he intended for the Board to not appoint someone until 2019 or until the general election this year. Supervisor Wilck stated that someone coming in now doesn't have the experience with what the budget process has been over the past years. He said he meant that maybe it could wait until someone is elected this November.

Mr. Ennis stated Judges have the right to appoint someone to fill the vacancy in the interim. He said his personal experience in talking with the judges, they would not be in favor of leaving a vacancy. There is a concern about a lack of representation for a seven-month period. Discussion followed.

Supervisor Timmons made a motion, seconded by Supervisor Townsend, to request a special election to be held to fill the vacancy on the Board of Supervisors for District 101, and that the special election is to be held in conjunction with the General Election on November 6, 2018, and to authorize the County

Attorney to file the petition and seek a Writ of Election from the Circuit Court for a special election to be held on November 6, 2018; the motion carried:

Aye:	Pattie Cooper-Jones	Nay: None
	J. David Emert	
	Robert M. Jones	
	Odessa H. Pride	
	C. Robert Timmons, Jr.	
	Jerry R. Townsend	
	Jim R. Wilck	

On motion of Supervisor Timmons, seconded by Supervisor Townsend, and adopted by the following vote:

Aye:	Pattie Cooper-Jones	Nay: None
	J. David Emert	
	Robert M. Jones	
	Odessa H. Pride	
	C. Robert Timmons, Jr.	
	Jerry R. Townsend	
	Jim R. Wilck	

the meeting was recessed at 5:44 p.m. until Tuesday, March 6, 2018 at 5:30 p.m. in the Board of Supervisors Room of the Prince Edward County Courthouse, 111 South Street, Third Floor, Farmville, Virginia.