

January 30, 2007

At a reconvened meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 30th day of January, 2007, at 5:00 p.m., there were present:

William G. Fore, Jr., Chairman

Howard F. Simpson, Vice-Chairman

Pattie Cooper-Jones

Sally W. Gilfillan

Robert M. Jones

Charles W. McKay

James C. Moore

Lacy B. Ward

Also present: Sarah Puckett, Acting County Administrator; Sharon Carney, Director of Economic Development and Tourism; and James R. Ennis, Interim County Attorney.

Chairman Fore called the meeting to order as a reconvened meeting from Monday, January 29, 2007; and stated that its purpose was to hear from a prospective business.

In Re: Closed Meeting

Mr. McKay moved that the Board convene in closed session to discuss a prospective business where no previous mention has been made, pursuant to the exemptions provided for in Section 2.2-3711(A)(5) of the *Code of Virginia, 1950 as amended*. The motion carried:

Aye:	Pattie Cooper-Jones	Nay: None
	William G. Fore, Jr.	
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Howard F. Simpson	
	Lacy B. Ward	

The Board returned to regular session by motion of Mr. Moore and adopted as follows:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

On motion of Mr. Simpson, seconded by Mrs. Gilfillan, and carried by the following roll call vote:

Aye: Pattie Cooper-Jones
William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Lacy B. Ward

Nay: None

the following Certification of Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act:

WHEREAS, the Prince Edward County Board of Supervisors 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 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Prince Edward County Board of Supervisors 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 resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Prince Edward County Board of Supervisors.

In Re: County Administrator's Position

Advertisement - The Board reviewed and discussed a draft advertisement for the County Administrator's position prepared by the Chairman and Acting Administrator, as well as rates for publishing the ad in various newspapers throughout Virginia and North Carolina.

Following discussion, it was the consensus of the Board that the vacancy be advertised in the publications and on the websites of the professional organizations cited in the ICMA's Recruitment Guidelines Handbook. In addition to ICMA, these include the National Association of County

Administrators, National League of Cities, the National Association of Counties, the National Forum for Black Public Administrators, and the American Society for Public Administration, as well as the Virginia Association of Counties and Virginia Municipal League. Depending upon the number of responses generated within the first two weeks of publication, the Board may later consent to newspaper advertisements. The ad, which will be published the week of February 12th, will read as follows:

COUNTY ADMINISTRATOR

The Board of Supervisors of the County of Prince Edward, Virginia is seeking a County Administrator with a thorough knowledge of the principles of public administration and management, as well as the ability to plan and coordinate the many functions of county government. Minimum qualifications: Master's Degree in Public Administration, Political Science, Business Administration or related field; and five years experience in local government with significant management responsibilities as a Chief Administrative Officer, Deputy or Assistant, or significant management experience in progressively responsible positions in state or federal government or the private sector. County residency is required after appointment. Salary commensurate with experience. A complete community and position profile is available by contacting the Prince Edward County Administrator's Office at 434-392-8837. Interested applicants should send a letter of interest, resume and salary history to: Chairman, Board of Supervisors, P. O. Box 382, Farmville, VA 23901. Application deadline is Friday, March 16, 2007. EOE.

Community Profile - Copies of a Community Profile prepared by Ms. Sharon Carney, Director of Economic Development, were distributed. This document provides a general overview of the County and is intended to be used in the recruitment process for the Administrator's position. Board members were asked to review the document and will be given an opportunity to provide input on its content following the highway work session scheduled for February 13, 2007.

Job Description – The Board instructed the Chairman and Acting Administrator to draft a job description for the Administrator's position modeled after samples included in the information provided by the Virginia Association of Counties. The draft, which must be available when the advertisement is published, will be mailed to each Board member for comment prior to it being finalized.

Reception for Mildred B. Hampton and Jill C. Dickerson – The Board authorized staff to organize a reception to give county employees an opportunity to express appreciation to Mrs. Mildred B. Hampton, who is retiring as County Administrator; and Mrs. Jill C. Dickerson, who is resigning as County Attorney. The reception will be held in the Courthouse Atrium, on February 23, 2007, from 2:00 p.m. to 4:00 p.m.

A catered, "by invitation-only" reception in honor of Mrs. Hampton will be held at a later date to include individuals from all levels of State government.

In Re: Grand Jury Investigation of Sale of County-Owned Property

Mrs. Gilfillan advised that a letter was to be published in the January 31, 2007 edition of THE FARMVILLE HERALD concerning the investigation of the 2003 sale of county-owned property. The letter, written by Mr. Daniel B. Phillips, questions the appropriateness of the County investigating itself, and of Mr. James R. Ennis's role in the investigation as he is the County's Commonwealth's Attorney and is now serving as its interim County Attorney.

Mr. Ennis indicated the Board of Supervisors was indeed investigating itself, as there were current members on the Board who were also serving when the action took place. He went on to explain that the special grand jury would have a designated foreman who would lead the investigation—the results of which would be concluded in a report. Mr. Ennis advised that an order had been signed by the judge impaneling a special grand jury set to convene on February 9th. The order also empowers the jury to return indictments if it feels there is probable cause to believe a criminal law has been violated.

Supervisor Ward read from an article in the Lynchburg newspaper concerning other Commonwealth Attorneys who had removed themselves from investigations where there was a conflict of interest, and questioned Mr. Ennis on whether he had a conflict.

Mr. Ennis advised that when the grand jurors convene, the judge will instruct them that there is to be an organizational meeting. Mr. Ennis will lead the organizational meeting by giving the members of the grand jury the framework of what they are expected to look into and what their powers are. The jury will also determine how often they wish to meet. Mr. Ennis will then assist by coordinating with the court reporter and Clerk for access to space where the meetings can be conducted in private.

Mr. Ennis stated he would not prosecute if an indictment was issued, and told the Board he had been exploring the availability of special counsel. As of yet, none of his contacts have been willing to devote an attorney to the unknown number of meetings, amount of time, and paperwork that will be required.

When asked concerning the composition of the grand jury, Mr. Ennis advised that its members are selected by the Clerk, and the foreman is designated by the judge. Its proceedings "will be secret and you will not know when they are going to meet. You are not going to know how often they will meet. You are

not going to know who they have subpoenaed. You're not going to know what the testimony is. It may take months. It may seem like inactivity until there is a report issued. And then guess what? You don't get to see the report."

When asked concerning the costs, he indicated the Code of Virginia states the expense is to be borne by the Commonwealth, but did not know if that was to be interpreted to mean the State of Virginia or any political subdivision thereof.

Supervisor McKay felt that no matter what the outcome of the investigation, there would still be people with questions. Mr. Ennis indicated it would depend entirely on what individuals "think of the members of the special grand jury and their integrity". If they think members of the jury "are subject to influence, then nobody will ever be satisfied. If they think they have done their job, and that there has been a full hearing and everybody has testified under oath—I can't make that judgment...It's an arbitrary standard. It's whatever somebody thinks on a given day, at a given time, based on the best evidence you can put in front of them."

On motion of Mr. Moore, seconded by Mr. Simpson and adopted by the following vote:

Aye:	William G. Fore, Jr.	Nay:	None
	Pattie Cooper-Jones		
	Sally W. Gilfillan		
	Robert M. Jones		
	Charles W. McKay		
	James C. Moore		
	Howard F. Simpson		
	Lacy B. Ward		

the meeting was recessed at 8:09 p.m., and will reconvene at 5:00 p.m., February 13, 2007.