

January 24, 2019

At the reconvened meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Thursday, the 24th day of January, 2019; at 5:00 p.m., there were present:

Pattie Cooper-Jones

Robert M. Jones

Odessa H. Pride

Gene A. Southall

C. Robert Timmons, Jr.

Jerry R. Townsend

James R. Wilck

Absent: J. David Emert

Also present: Wade Bartlett, County Administrator; Sarah Elam Puckett, Assistant County Administrator; Terri Atkins Wilson, County Attorney.

Chairman Wilck called the reconvened meeting to order.

In Re: Board Vacancy

Mr. Bartlett stated there are several decision points: (1) hold the election as early as possible, before the June 11, 2019 primary; (2) hold the election as soon after the June 11, 2019 primary as possible; or (3) wait for November 12, 2019 General Election. He said having an election will cost approximately an additional \$7,000 if held on any other than the date of the General Election. He provided information concerning the three scenarios.

1. Unlike prior vacancies on the Board, this vacancy is from a written notification prior to the actual date of the vacancy. Per 24.2-226 of the *Code of Virginia*, the Board of Supervisors upon written notification of a resignation MAY immediately petition the Circuit Court to issue a writ of election and the Court MAY immediately issue the writ to call the election. The Officer's resignation shall not be revocable after the date stated for resignation or after the 45th day before the date set for the special election.
2. If the Board does not wish to immediately call for the election the same *Code* section states: "The governing body ... SHALL within 15 days of the occurrence of the vacancy, petition the Circuit Court to issue a writ of election to fill the vacancy."

3. The Board will need to determine if it wishes to petition the Court to hold the election in concert with the elections on November 12, 2019 or request a special election to be held at another time which would cost the County approximately \$7,000.
4. If the Board wishes to hold a special election other than on November 12, 2019, several restrictions come into play. Section 24.2-682 of the *Code of Virginia* lays out the guidelines of when special elections can be held. No special election can be held within 55 days of a general or primary election. No special election can be held on the same day as a primary election. A special election can be held on the same day as a general election.
5. We have been informed there will be a primary on June 11, 2019. Therefore, no special election can be held on that date nor for the 55 days prior to that date. That means a special election could be held as late as April 16, 2019. Section 24.2-507 of the *Code of Virginia* states for special elections, the deadline to submit a declaration of candidacy and file the petitions is “(i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.” *Code* Section 24.2-510 states exactly the same time frames for political parties to nominate by methods other than a primary. What this means is if the order calling for the special election is filed on or before February 14, 2019 to hold the special election on April 16th, the 60-day rule is met. This means candidates would have to declare and file their petitions by February 14. It also means parties would have to nominate their candidates by February 14. If the order calling for the special election is filed after February 14 for April 16, there would be less than 60 days before the special election and candidates would only have five days to decide to run and obtain the necessary petition. Either way there would not be much time for prospective candidates to do what is necessary.
6. If the decision is to request an election after the primary, but before the general election, the special election could be held no later than September 17, 2019. This would allow more time for candidates to file; this would still cost the County \$7,000.

Supervisor Timmons stated that at the previous meeting, the Board voted to not have the judges appoint someone, but to have the Board appoint his successor. He said that because of the time constraints and being fair to everyone, he felt the Board must consider appointing someone. He said he would like the Board to advertise, take applications and then appoint someone, and come the General Election in November, they could run [for office] and take it from there.

Supervisor Timmons made a motion, seconded by Supervisor Townsend, to authorize the County Administrator to advertise the upcoming District 501 vacancy; the motion carried:

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

Mr. Bartlett said that on filling the vacancy, the Code Section 24.2-228 governs the process of an interim appointment. He said the Board, within 45 days of the office becoming vacant, may appoint a qualified voter. That would bring us to March 17. He said the Board needs to decide the process; he said the Board can advertise and take applications, and then interview everyone or narrow it down. Discussion followed.

Chairman Wilck said he feels there is a need to advertise; he added there will be many applicants and there are two potential applicants so far.

Supervisor Timmons said the Board adopted a policy of being open and transparent; he said his motion was to authorize staff to advertise for filling the vacancy.

Mrs. Sarah Elam Puckett, Assistant County Administrator, said the advertisement could run next Wednesday, January 30 and the following Friday, February 1, 2019, with a deadline for applications February 8, 2019 at noon. She said the Board could choose to review them prior to the Board meeting on Tuesday, February 12. Discussion followed.

The Board concurred to meet Tuesday, February 12, 2019 at 5:00 p.m. for a closed session to discuss the potential appointment or announcement of a plan to interview applicants.

Supervisor Emert entered the meeting at 5:25 p.m.

In Re: Closed Session

Supervisor Townsend made a motion, seconded by Supervisor Cooper-Jones, that the Board convene in Closed Session for discussion of the terms and scope of the public contract for the construction of a new Social Services Building, where discussion in open session would adversely affect the bargaining position of the County, pursuant to the exemption provided for in Section 2.2-3711(A)(29) of the *Code of Virginia*; the motion carried:

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

The Board returned to regular session by motion of Supervisor Townsend, seconded by Supervisor Jones, and adopted as follows:

Aye:	Pattie Cooper-Jones J. David Emert Robert M. Jones Odessa H. Pride Gene A. Southall C. Robert Timmons, Jr. Jerry R. Townsend James R. Wilck	Nay: None
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On motion of Supervisor Townsend, and seconded by Supervisor Jones, and carried by the following roll call vote:

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

Supervisor Timmons made a motion, seconded by Supervisor Cooper-Jones, to accept the proposal from Blair Construction, as presented, with the contingencies to do a detailed review to determine the extent of the valued engineering items for final price adjustment, to be completed within the next two weeks; the motion carried:

Aye: Pattie Cooper-Jones
J. David Emert
Robert M. Jones
Odessa H. Pride
Gene A. Southall
C. Robert Timmons, Jr.
Jerry R. Townsend
James R. Wilck

Nay: None

Supervisor Emert made a motion, seconded by Supervisor Townsend, to release the bids for the Courthouse; the motion carried:

Aye: Pattie Cooper-Jones
J. David Emert
Robert M. Jones
Odessa H. Pride
Gene A. Southall
C. Robert Timmons, Jr.
Jerry R. Townsend
James R. Wilck

Nay: None

Supervisor Jones made a motion, seconded by Supervisor Cooper-Jones, 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 12, 2019; the motion carried:

Aye: Pattie Cooper-Jones
J. David Emert
Robert M. Jones
Odessa H. Pride
Gene A. Southall
C. Robert Timmons, Jr.
Jerry R. Townsend
James R. Wilck

Nay: None

Discussion followed regarding a performance contract and a bond issue.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Townsend, to authorize the Board Chair or County Administrator to execute the surety bonds and all other necessary documents involving the lease, performance agreements and incentive funds from VEDP and the Tobacco Commission, once the County Attorney is satisfied; the motion carried:

Aye: Pattie Cooper-Jones
J. David Emert
Robert M. Jones
Odessa H. Pride
Gene A. Southall
C. Robert Timmons, Jr.
Jerry R. Townsend
James R. Wilck

Nay: None

Mrs. Puckett stated the Finance Committee has a joint Finance Committee meeting with the School Board Finance Committee on February 12, 2019 at 5:30 p.m. She said that meeting could be rescheduled so the full Board may convene to review the applications for the vacancy. Discussion followed.

Supervisor Emert said he met with the Prince Edward County Volunteer Rescue Squad; he said they are in need. He said they cover Cumberland County from the Town limits up to Midway Grocery; Cumberland County pays approximately \$450,000 to an outside firm to cover their other two areas. Supervisor Emert said the Rescue Squad will approach the Board to request more funding from Prince Edward County, and said the Rescue Squad is seeking other avenues, as well; they cannot buy anything or fix anything. He said the Rescue Squad feels if they are going to give Prince Edward County the same coverage and services that they have been, they will have to hire some people full time and provide training. Discussion followed.

Supervisor Timmons thanked the Board members for an interesting five years; he said it has been a pleasure and an honor working on the Board, and cherishes the time spent together.

Chairman Wilck stated the County has been turned down again by VDOT for the Third Street ramp down into Route 460. He said that has been going on for approximately 20 years. He said he personally will be trying to fight that; he is receiving letters from those affected by it – those on the economic side and the truckers, Tim Tharpe, Robert Atkinson, and the President of Virginia Truckers Association. He said Senator Mark Peake will take him to visit with Shannon Valentine, the Chairperson of the Commonwealth Transportation Board, who oversees VDOT. He said Bert Dodson is Prince Edward County’s representative on the Commonwealth Transportation Board. Chairman Wilck said he doesn’t expect immediate action but if they can get VDOT thinking about it, it may be done in two or three years.

On motion of Supervisor Timmons, seconded by Supervisor Cooper-Jones, and adopted by the following vote:

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

the meeting was recessed at 6:34 p.m. until February 12, 2019 at 5:00 p.m.