

**WAIVER OF NOTICE FOR SPECIAL MEETING OF THE BOARD OF SUPERVISOR
OF THE COUNTY OF DINWIDDIE, VIRGINIA**

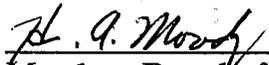
To: Clerk of the Board of Supervisors of the County of Dinwiddie

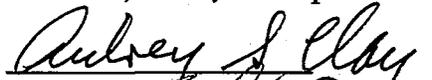
Re: Waiver of Notice of special meeting of the Board of Supervisors at 4:00 p.m. on
Thursday, October 30, 1997

Place: 1964 Wakefield Street, Petersburg, Virginia, 2nd floor Conference Room, offices
of Crater Planning District Commission/ABIDCO

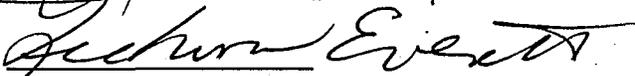
Subject: An Executive Session pursuant to *Code of Virginia* § 2.1-344(A)(7) for
consultation with legal counsel and briefings by staff, consultants or
attorneys, pertaining to actual or probable litigation, or other specific
matters requiring the provision of legal advise by counsel regarding
(*Inducement Agreement with Chaparral Steel Company*).

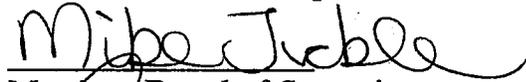
We, the undersigned members of the Board of Supervisors of the County of
Dinwiddie and the County Attorney, hereby waive notice of Special Meeting of the
Board of Supervisors pursuant to Section 15.1-538 of the Code of Virginia to attend the
above special meeting at the time and place mentioned above for discussion of the above
subjects.


Member, Board of Supervisors


Member, Board of Supervisors


Member, Board of Supervisors


Member, Board of Supervisors


Member, Board of Supervisors


County Attorney



County of Dinwiddie

Date: October 30, 1997

To: Clerk of the Board of Supervisors of the County of Dinwiddie

Re: Request for special meeting of the Board of Supervisors at 4:00 P.M. on Thursday, October 30, 1997

Place: ABIDCO
Monument Professional Building
1964 Wakefield Street
Petersburg, Virginia

Subject: An Executive Session pursuant to the Code of Virginia Section 2.1-344 (A) - 7 for consultation with legal counsel and briefings by staff, consultants or attorneys, pertaining to actual or probable litigation, or other specific matters requiring the provision of legal advice by counsel regarding (Inducement Agreement with Chaparral Steel Company).

We, the undersigned members of the Board of Supervisors of the County of Dinwiddie, request that the Clerk of this Board notify each member of the Board of Supervisors and the County Attorney to attend the above special meeting at the time and place mentioned above for the discussion of the above subjects.

H. Q. Moody

Member of Board of Supervisors

Aubrey S. Clay

Member of Board of Supervisors

Edward H. Walcott

Member of Board of Supervisors

Jackson Everett

Member of Board of Supervisors

Mike Tible

Member of Board of Supervisors

Daniel M. Kelly

County Attorney

/pam

CERTIFICATION RESOLUTION OF EXECUTIVE SESSION

WHEREAS, THE BOARD OF SUPERVISORS CONVENED AN EXECUTIVE 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 2.1-344.1 OF THE CODE OF VIRGINIA REQUIRES A CERTIFICATION BY THE BOARD OF SUPERVISORS THAT SUCH EXECUTIVE MEETING WAS CONDUCTED IN CONFORMITY WITH VIRGINIA LAW;

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF SUPERVISORS, HEREBY CERTIFIES THAT, TO THE BEST OF EACH MEMBER'S KNOWLEDGE, (1) ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT WERE HEARD, DISCUSSED OR CONSIDERED IN THE EXECUTIVE MEETING TO WHICH THIS CERTIFICATION APPLIES; AND (2) ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION BY WHICH THE EXECUTIVE MEETING WAS CONVENED WERE HEARD, DISCUSSED OR CONSIDERED IN THE MEETING TO WHICH THIS CERTIFICATION APPLIES

UPON MOTION OF Bracey, SECONDED BY Clay,

_____, _____, _____, _____,

_____ VOTING "AYE," _____,

_____ VOTING

"NAY," THIS CERTIFICATION RESOLUTION WAS ADOPTED.

MOTION TO GO INTO EXECUTIVE SESSION

I MOVE THAT THIS BOARD NOW MEET IN EXECUTIVE SESSION TO DISCUSS MATTERS EXEMPT FROM THE OPEN MEETING REQUIREMENTS OF THE VIRGINIA FREEDOM OF INFORMATION ACT AS:

_____ PERSONNEL MATTERS UNDER VA. CODE SECTION 2.1-344 A. 1;

_____ REAL PROPERTY USE, ACQUISITION, DISPOSITION OR CONDITION UNDER VA. CODE SECTION 2.1-344 A. 3;

_____ PROTECTION OF THE PRIVACY OF INDIVIDUALS IN PERSONAL MATTERS NOT RELATED TO PUBLIC BUSINESS UNDER VA. CODE SECTION 2.1-344 A. 4;

_____ PROSPECTIVE BUSINESS OR INDUSTRY MATTERS OR EXPANSION OF EXISTING BUSINESS OR INDUSTRY WHERE NO PREVIOUS PUBLIC ANNOUNCEMENT HAS BEEN MADE UNDER VA. CODE SECTION 2.1-344 A. 5;

_____ INVESTING OF PUBLIC FUNDS WHERE COMPETITION OR BARGAINING IS INVOLVED WHERE, IF MADE PUBLIC INITIALLY, THE FINANCIAL INTEREST OF THE COUNTY WOULD BE ADVERSELY AFFECTED UNDER VA. CODE SECTION 2.1-344 A. 6;

CONSULTATION WITH LEGAL COUNSEL AND BRIEFINGS BY STAFF MEMBERS, CONSULTANTS OR ATTORNEYS, PERTAINING TO ACTUAL OR PROBABLE LITIGATION, OR OTHER SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY COUNSEL UNDER VA. CODE SECTION 2.1-344 A. 7;

THE SUBSTANCE OF THE MATTERS TO BE DISCUSSED INVOLVES:

Inducement Agreement

with Chaparral Steel

The Ross Building
801 East Main Street, Suite 1400
Post Office Box 1998
Richmond, Virginia 23218-1998
Tel: (804) 646-1836
Fax: (804) 783-7291/783-2926

LAW OFFICES
**SANDS ANDERSON
MARKS & MILLER**
A PROFESSIONAL CORPORATION

1206 Norwood Street
Post Office Box 1052
Radford, Virginia 24141-0052
Tel: (540) 639-1601
Fax: (540) 639-6802

Reply to Richmond Office

FACSIMILE TRANSMISSION

DATE: 10/27/97 TIME: 12:00 pm

TOTAL NUMBER OF PAGES (including cover sheet): 3

TO: NAME: Mr. Marty Long

CO: Dinwiddie County

FACSIMILE NUMBER: 804/469-4503

FROM: Daniel M. Siegel, Esquire

OUR FILE NUMBER: 2607/35394

FOR PROBLEMS OR CONFIRMATION, PLEASE CALL:

Dena Roberts AT (804) 783-6772

MESSAGE

The information contained in this facsimile transmission is attorney/client privileged and confidential information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original transmission to us at the above address via the U.S. Postal Service.

Thank you, SANDS, ANDERSON, MARKS & MILLER

**REQUEST FOR SPECIAL MEETING OF THE BOARD OF SUPERVISOR
OF THE COUNTY OF DINWIDDIE, VIRGINIA**

To: Clerk of the Board of Supervisors of the County of Dinwiddie

Re: Request for special meeting of the Board of Supervisors on ___ p.m. on
Wednesday, November 5, 1997

Place: _____, Dinwiddie, Virginia

Subject: An Executive Session pursuant to *Code of Virginia* § 2.1-344(A)(7) for
consultation with legal counsel and briefings by staff, consultants or
attorneys, pertaining to actual or probable litigation, or other specific
matters requiring the provision of legal advise by counsel regarding (*Zoning
issues and Inducement Agreement with Chaparral Steel Company*) and 2.1-
344(A)() for _____.

We, the undersigned members of the Board of Supervisors of the County of
Dinwiddie, request that the Clerk of this Board notify each member of the Board of
Supervisors and the County Attorney to attend the above special meeting at the time and
place mentioned above for discussion of the above subjects.

Member of Board of Supervisors

Member of Board of Supervisors

The Ross Building
801 East Main Street, Suite 1400
Post Office Box 1998
Richmond, Virginia 23218-1998
Tel: (804) 648-1836
Fax: (804) 783-7291/783-2926

LAW OFFICES
**SANDS ANDERSON
MARKS & MILLER**
A PROFESSIONAL CORPORATION

1206 Norwood Street
Post Office Box 1052
Radford, Virginia 24141-0052
Tel: (540) 639-1601
Fax: (540) 639-6802

Reply to Richmond Office
P.O. Box 1998
Richmond, Virginia 23218-1998

Direct Dial: (804) 783-7219

October 27, 1997

VIA TELECOPIER 1-469-4503 and U.S. MAIL

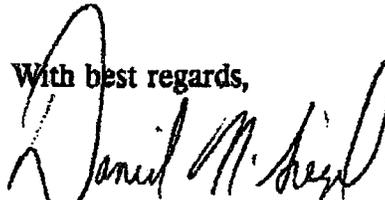
Mr. R. Martin Long
County Administrator
Dinwiddie County
P. O. Drawer 70
Dinwiddie, VA 23841

RE: Board of Supervisors' Special Meeting -- November 5, 1997

Dear Marty:

Enclosed is a form of notice for the calling of a special meeting on November 5, 1997 (prior to the regularly scheduled meeting). Pursuant to *Code of Virginia* § 15.1-538, a special meeting of the Board of Supervisors is to be held on request of two or more members of the Board. Also *Code of Virginia* § 15.1-538 requires that you, as Clerk of the Board of Supervisors, send a notice to each member of the Board and the County Attorney by certified mail, not less than five (5) days before the day of the special meeting. This notice has blank spaces for the time and place of meeting. I have also left blanks for additional items for discussion which need to be completed or deleted, although I've assumed some of the discussion would involve the Chaparral Steel rezoning issues and inducement agreement issues. If you have any questions, please give me a call.

With best regards,



Daniel M. Siegel

Enclosure

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meeting must be held whenever it is requested by two or more board members, who must submit a written request to the clerk of the board, specifying the time and place and the matters to be considered. The clerk then must notify each member of the board of supervisors and the commonwealth's attorney (or the county attorney, if one is employed) of the time, place, and matters to be considered, either by certified mail not fewer than five days before the scheduled meeting date, or by notice served by the county sheriff. In order for a special meeting to be valid without the official notice, each member of the board and the commonwealth's attorney must attend the meeting and sign a waiver of notice.¹³⁸ Only matters specified in the notice may be considered in a special meeting unless all members of the board are present, in which case, other issues may be discussed subject to the requirements of the Virginia Freedom of Information Act.¹³⁹

Requirements for Open Meetings

It is desirable for the general public to make known its views to the board of supervisors on proposed legislation, county administration, and other matters. This may be done in a variety of ways, including personal contact, telephone calls, letters, public hearings, and open meetings.¹⁴⁰ In furtherance of this objective, state law requires that each board of supervisors "shall sit with open doors and all persons conducting themselves in an orderly manner may attend its meetings."¹⁴¹ The constitution contains fundamental guarantees protecting freedom of the press and the right of the people to petition the government for the redress of grievances.¹⁴² The board of supervisors may require the presence of the sheriff or his deputy at its meetings to maintain order.¹⁴³ The board of supervisors should be prepared to conduct its meetings through the proper use of parliamentary procedure and techniques for handling open meetings.¹⁴⁴

The Virginia Freedom of Information Act provides explicit directions for implementing the open-meeting rule.¹⁴⁵ A meeting is defined in the act as any

¹³⁸Code, secs. 15.1-537, 15.1-538.

¹³⁹Ibid. Under certain optional and special forms, the sheriff, county executive or county manager, and department heads are entitled to be present at all meetings of the board; see Code, secs. 15.1-601, 15.1-636, and 15.1-737.

¹⁴⁰Steps that can be taken by the board of supervisors to encourage orderly participation in board meetings and build citizen support for county government are suggested in Virginia Municipal League, Virginia Association of Counties, and the Institute of Government, *The Virginia Local Legislator: A Guide for Municipal Mayors and Council-*

men and County Supervisors (Charlottesville: Institute of Government, University of Virginia, 1972), pp. 41-46, 56-72.

¹⁴¹Code, sec. 15.1-539.

¹⁴²Con., Art. I, Sec. 12.

¹⁴³Code, sec. 15.1-539.

¹⁴⁴See *The Virginia Local Legislator*, pp. 41-46, 56-72.

¹⁴⁵Code, secs. 2.1-340 through 2.1-346.1. See Clifton McCleskey and Mary Jo Fields, "Freedom of Information in Virginia," *University of Virginia News Letter* (Charlottesville: Institute of Government, University of Virginia), June 1979, for a review of the act, its amendments, and related issues.

Sheriff's
Office Det.
MEMO
for to Dan