

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, DINWIDDIE, VIRGINIA, ON THE 13TH DAY OF OCTOBER, 1999, AT 7:00 P.M.

PRESENT: LEENORA V. EVERETT, CHAIRMAN ELECTION DISTRICT #3
HARRISON A. MOODY ELECTION DISTRICT #1
AUBREY S. CLAY, VICE-CHAIRMAN ELECTION DISTRICT #5

ABSENT: DONALD L. HARAWAY ELECTION DISTRICT #2
EDWARD A. BRACEY, JR. ELECTION DISTRICT #4

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

IN RE: CALL TO ORDER

Ms. LeeNora V. Everett, Chairman, called the continuation meeting to order at 7:05 P.M.

IN RE: CLOSED SESSION

Mr. Moody moved that the Board now move into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act:

1. The purpose of the closed meeting is to discuss subject matters identified as Consultation with Legal Counsel. Matters to include Polling Place for Precinct 101.

- **Consultation with legal counsel, § 2.1 – 344 A. 7 of the Code of Virginia,**
(Consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County – OR – consultation with legal counsel regarding specific legal matters that require legal advice.)

Mr. Clay seconded the motion. Mr. Moody, Mr. Clay, Mrs. Everett voting "aye" the Board moved into the Closed Meeting at 7:05 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 7:20 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Consultation with Legal Counsel for the purpose of Polling Place for Precinct 101 in accordance with Section 2.1-344 A.7 of the Virginia Freedom of Information Act;

Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore be it resolved that the Board 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 closed meeting to

which this certification applies; and (2) on such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Mr. Moody, Seconded by Mr. Clay, Mr. Moody, Mr. Clay, and Mrs. Everett voting "Aye". This Certification Resolution was adopted.

IN RE: POLLING PLACE FOR PRECINCT 101

Mrs. Ralph reported the County has had no decision from the Justice Department.

Mr. Long stated he had spoken with Mr. Rick Franklin this morning, who is with Mr. Norman Sisisky's office, and he said he is in contact with the Justice Department each day to check on the status. He stated he indicated this morning close of business on yesterday, Tuesday, and they said they hoped to have something, whether it is a yea or nay, back to the County within 24 to 48 hours. We are hoping by close of business tomorrow, Thursday. As of this date we officially have nothing so he will be asking the Board to continue until 6:00 P.M. on Monday, October 18, 1999 to give time for the Justice Department to take their action so that we will know which way they are going. This way we will know if we will be voting at Bott Memorial Presbyterian Church, as the Board voted to do, or whether the Justice Department is going to overturn that and we have to vote to let it remain at Cut Bank Hunt Club.

Mrs. Everett asked if the voting Precinct does not change would notices still be sent out.

After discussion it was decided that the County would mail out notices if the decision were to remain at Cut Bank Hunt Club so there would be no confusion for the voters.

IN RE: DINWIDDIE VOLUNTEER RESCUE SQUAD – REQUEST TO MEET IN CLOSED SESSION

Mrs. Everett stated Mr. Darrell Hayes had contacted her requesting to meet with the Board at their next meeting in closed session. This meeting would be to discuss their side of the OMD issue and some other concerns that the Dinwiddie Volunteer Rescue Squad had. Administration had advised Mr. Hayes that October 20, 1999 was a full day beginning at 10:00 A.M. with the groundbreaking for the fire departments continuing through 6:30 P.M. with the information session hosted by the Virginia Department of Transportation. Also, Mr. Hayes was asked to submit his request to the Board in writing in order that Administration could determine if the subject matter could legally be discussed in a Closed Session. Mr. Hayes then asked if he could meet with two- (2) Board members.

After a brief discussion, the Board instructed the County Administrator to contact Mr. Hayes and arrange a meeting with him to discuss the issues of concern since then a recommendation could be brought back to the Board for consideration. The Board felt that the process of first communicating with the County Administrator should be followed before an issue is brought to the entire Board.

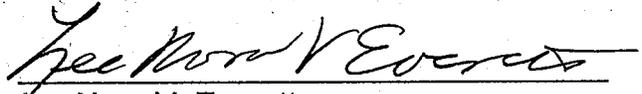
IN RE: POLICY ON BRINGING CAPITAL OUTLAY ITEMS TO THE BOARD FOR APPROVAL

Mrs. Ralph stated she needed some direction on items that are in the budget for the Constitutional Officers, do they need to be brought back to the Board on a case by case basis. She needed to know if after they have gone through the bidding process do they still need to bring this back to the Board for approval. She gave the Board an example.

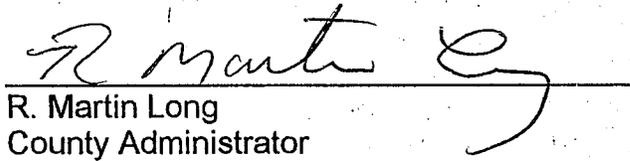
After discussion it was decided that if the item is in the budget, the Department-Head could place an order for the item "subject to Board approval". This would allow the order to take place without delay; however, the vendor understands that any order is still subject to consideration and approval by the Board of Supervisors.

IN RE: ADJOURNMENT

Upon Motion of Mr. Clay, Seconded by Mr. Moody, Mr. Moody, Mr. Clay, Mrs. Everett voting "aye", the meeting adjourned at 7:40 P.M. to be continued on Monday, October 18, 1999 in the Multi-Purpose Room for possible action on the change in Polling Place for Precinct 101, Election District 1.



Lee Nora V. Everett
Chairman



R. Martin Long
County Administrator

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PRESENT:	LEENORA V. EVERETT, CHAIRMAN	ELECTION DISTRICT #3
	AUBREY S. CLAY, VICE-CHAIRMAN	ELECTION DISTRICT #5
	HARRISON A. MOODY	ELECTION DISTRICT #1
	EDWARD A. BRACEY, JR.	ELECTION DISTRICT #4

ABSENT:	DONALD L. HARAWAY	ELECTION DISTRICT #2
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IN RE: CALL TO ORDER

Ms. LeeNora V. Everett, Chairman, called the continuation meeting to order at 6:00 P.M.

IN RE: POLLING PLACE FOR PRECINCT 101

Mr. Long stated he had called the Department of Justice and requested a response by 12:30 to 1:00 P.M. today. This request was made in order to respond according to State law and let the voters of Precinct 101 in Dinwiddie County know about a change in polling place. At 4:50 P.M. this afternoon a gentleman by the name of George Snyder, identifying himself as legal counsel for Section Five – Civil Rights Under the Voting Act, called to inform Dinwiddie County that the Department of Justice still had some serious concerns. Mr. Snyder indicated they were not yet able to render a decision. He continued the core of what he passed along to Mr. Snyder was the biggest disappointment to him. Mr. Long stated because of the Justice Department's lack of action, the Board of Supervisors of Dinwiddie County had to find, or try to find, some way to explain to the voters that were hurt by this action. He stated he wanted to let him know that the current location isn't even physically in the Precinct but the SITE we had proposed to move it to is located in the Precinct. He stated they went over several points but nothing mattered; they still had concerns. That being the case, as the Board is aware from the last meeting, we are past the point now where we can meet the fifteen day requirement to notify the voters. Mrs. Phyllis Katz, County Attorney, has spoken with him and with the State Election Office who has instructed the Registrar to write a letter in the morning indicating to the voters that it will be at Cut Bank Hunt Club, upon the passage of the Emergency Ordinance. The Emergency Ordinance will re-establish the polling place for Precinct Number 101 of District 1 for the general election to be held on November 2, 1999 at the Cut Bank Hunt Club, 16196 Old Cryors Road, McKenney, Virginia 23872. The Emergency Ordinance is as follows:

WHEREAS, the County of Dinwiddie (**the "County"**) received a complaint from a disabled voter declaring that because of his physical disability he was unable to enter the Cut Bank Hunt Club in order to vote in the last election; and

WHEREAS, the County investigated the complaint and determined that the Cut Bank Hunt Club was not easily accessible to registered voters with mobility impairments; and

WHEREAS, the County received a petition signed by approximately one hundred (100) registered voters of Precinct 101 of District 1 requesting the Board of Supervisors of the County (**the "Board"**) to change the location of the polling place from the Cut Bank Hunt Club for accessibility, safety and other reasons; and

WHEREAS, the matter was brought to the attention of the Board and the Board responded to the issue of handicap accessibility and the request of the

registered voters of the precinct to relocate the polling place by holding a public hearing on August 4, 1999 on proposed Ordinance A-99-9 which would relocate the polling place in Precinct 101 to the Bott Memorial Presbyterian Church, 17113 McKenney Avenue, DeWitt, Virginia 23840; and

WHEREAS, there being no citizen comments on the proposed change at that hearing, the Board adopted Ordinance A-99-9 on August 4, 1999; and

WHEREAS, all changes to polling places are required under Section 5 of the United States Voting Rights Act to be approved by the U. S. Department of Justice, Ordinance A-99-9 was duly submitted to the U. S. Department of Justice for approval immediately following its adoption by the Board; and

WHEREAS, as of the date hereof, the U. S. Department Of Justice has not approved the relocation of Precinct 101 despite repeated requests from the County and the Supervisor from District 1 to do so; and

WHEREAS, under § 24.22-306, B of the Code of Virginia, 1950, as amended, notice of any adopted change in polling place must be mailed to all registered voters no later than fifteen days prior to an election, which deadline is October 18, 1999 for the November 2, 1999 election; and

WHEREAS, the delay of the U. S. Department of Justice in granting approval for the relocation of Precinct 101 has left insufficient time for the Registrar of the County to provide the voters with such notice, the precinct cannot be relocated for the general election on November 2, 1999, without violating either the Voting Rights Act or the Code of Virginia:

NOW, THEREFORE, the Board of Supervisors of Dinwiddie County, Virginia, hereby determines that the potential violation of federal and state law described above constitutes an emergency that would be detrimental to the health, safety and general welfare of the residents of Dinwiddie County and, in order to (1) avoid such potential violation of federal and state law, and (2) provide certainty to the registered voters of Precinct 101 as to where their polling place will be located for the election on November 2, 1999, Section 8-3 of the Code of the County of Dinwiddie (**the "County Code"**) pertaining to Precinct 101 will be amended and reordained to re-establish the polling place for Precinct Number 101 of Election District Number 1 as the Cut Bank Hunt Club located at 16196 Cryors Road, McKenney, Virginia, for the November 2, 1999 election only, and the remainder of Section 8.3 of the County Code shall remain unchanged, all as set forth below:

<i>Precinct</i>	<i>Election District No. 1</i>	<i>Polling Place</i>
Number 101, Darvills		Cut Bank Hunt Club

[The remainder of Section 8.3 of the County Code is unchanged.]

This ordinance shall be effective immediately, but shall remain effective only for sixty (60) days from the date of adoption unless readopted following a public hearing in accordance with Section 15.1 - 504 of the Code.

ADOPTED: October 18, 1999

There was discussion about the consequences of not adopting this resolution.

Mr. Long stated that if the Board does not adopt this resolution the Board would have from this evening until Wednesday's meeting to get a legal rendering on what does take place because it is not changing to the location the Board voted on.

Mrs. Everett pointed out if we do not pass this Emergency Ordinance there will be no precinct for this area to vote.

Mr. Long contacted the County Attorney by telephone to obtain a legal opinion on how many members were needed to approve/disapprove the Emergency Ordinance and what options were available to the Board if the Emergency Ordinance was not passed.

He was advised if the Emergency Ordinance is not passed, then the election would be at Bott Memorial Presbyterian Church.

Mr. Long asked the County Attorney to explain to the Board the consequences of not adopting this Emergency Ordinance.

The Board was advised that the consequences of that might be that the Department of Justice could come in and declare the whole election in that precinct illegal because they did not approve it.

The County Attorney further advised the Board that if you vote on the Emergency Ordinance to change it back to Cut Bank Hunt Club, tomorrow the Registrar is going to give you a letter, on her stationary, indicating this is where the polling place will be for this election only. The Board of Supervisors should also write a letter to the voters, saying we had heard complaints concerning access for the handicapped individuals at this location. This is the complaint and we passed it on moving it to Bott Memorial Presbyterian Church. That change could not take place until the U. S. Department of Justice approved it under the Voting Rights Act. We regret that it did not happen in time for this election but we are optimistic that the change will take place by the next election.

Mrs. Everett stated we are going to take a vote now.

Upon Motion of Mr. Clay, Seconded by Mr. Bracey, Mr. Clay, Mr. Bracey, Mrs. Everett voting "Aye", Mr. Moody "Abstaining",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the above Emergency Ordinance is hereby adopted as presented.

IN RE: BOND PURCHASE AGREEMENT

Mrs. Ralph stated Administration received the results of the pricing for the Notes and Bonds today for the Dinwiddie Elementary School project. The Board will be voting on the Pricing Resolution on Wednesday. Mrs. Ralph requested the Board's approval for authorization for the signing of the Bond Purchase Agreement.

Mrs. Everett asked if it was a good rate.

Mrs. Ralph stated they received a 4.75% interest rate on the notes and an average of 5.8% on the bonds.

Mr. Long stated the bonds ranged from 5% to 6.375%. On the \$5.5 million, they received 4.75% that will be refinanced and paid for with the literary money at 2%. The way the market has been shaken during the past few weeks it ended up better than anticipated.

Upon Motion of Mr. Bracey, Seconded by Mr. Moody, Mr. Moody, Mr. Bracey, Mr. Clay, Mrs. Everett voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that authorization is granted for the signing of the Bond Purchase Agreement for the Bonds and Notes for Dinwiddie Elementary School.

IN RE: ADJOURNMENT

Upon Motion of Mr. Bracey, Seconded by Mr. Clay, Mr. Moody, Mr. Bracey, Mr. Clay, Mrs. Everett voting "aye", the meeting adjourned at 6:35 P.M. until 9:40 A.M. October 20, 1999 at the Pamplin Administration Building for the purpose of traveling to McKenney and Dinwiddie for the groundbreaking ceremony of the McKenney and Dinwiddie Fire/EMS Buildings.


LeeNora V. Everett
Chairman


R. Martin Long
County Administrator

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