

VIRGINIA: AT THE CONTINUATION MEETING OF THE BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 24TH DAY OF MAY, 1995, AT 7:00 P.M.

PRESENT:	DONALD L. HARAWAY, CHAIR	ELECTION DISTRICT #2
	AUBREY S. CLAY, VICE-CHAIR	ELECTION DISTRICT #5
	HARRISON A. MOODY (ABSENT)	ELECTION DISTRICT #1
	EDWARD A. BRACEY	ELECTION DISTRICT #4
	LEENORA EVERETT	ELECTION DISTRICT #3
	L. LEE BYRD	COUNTY ATTORNEY
	DANIEL M. SIEGEL	COUNTY ATTORNEY

IN RE: EXECUTIVE SESSION

Upon motion of Mrs. Everett, seconded by Mr. Bracey, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) 7-Consultation with legal counsel; the Board moved into a joint Executive Session with the Industrial Development Authority at 7:05 P.M. A vote having been made and approved the meeting reconvened into Open Session at 7:15 P.M.

IN RE: CERTIFICATION

Upon motion Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County 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 of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully excepted from open meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: APPROVAL TO ACCEPT AND SIGN JOINT DEFENSE AGREEMENT

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye", the following agreement is adopted:

JOINT DEFENSE AGREEMENT

Agreement made this 24th day of May, 1995, by and between THE COUNTY OF DINWIDDIE, VIRGINIA; THE BOARD OF SUPERVISORS OF THE COUNTY OF DINWIDDIE, VIRGINIA; THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DINWIDDIE COUNTY, VIRGINIA; CHARLES W. BURGESS, JR.; DEWEY P. CASHWELL; SANDS, ANDERSON, MARKS & MILLER, P.C.; DANIEL M. SIEGEL (hereinafter the "Defendants"); and HEMAN A. MARSHALL, III and the law firm of WOODS, ROGERS & HAZELGROVE, P.L.C.; and J. JONATHAN SCHRAUB and the law firm of ROBINS, KAPLAN, MILLER & CIRESI (hereinafter "Counsel").

WHEREAS, the Defendants are named as co-defendants in civil action number 3:95CV378, styled Gasner, et al. v. The County of Dinwiddie, et al., pending in the United States District Court for the Eastern District of Virginia; and

WHEREAS, the Defendants are represented by the named counsel as set out above; and

Extract

WHEREAS, the Defendants and Counsel desire to expedite and facilitate the preparation of defense in the pending civil action; and

WHEREAS, the Defendants and Counsel may wish to confer together and share confidential and sensitive information; and

WHEREAS, the Defendants and Counsel acknowledge that the named Defendants share a common interest in the pending civil action; and

WHEREAS, the Defendants and Counsel acknowledge that the Defendants share a joint defense privilege also known as the common interest rule as set out in United States v. Under Seal (In re Grand Jury Subpoenas), 902 F.2d 244 (4th Cir. 1990).

NOW, THEREFORE, the Defendants and Counsel in consideration of the foregoing and the mutual covenants contained herein, and intending to be legally bound hereby, agree as follows:

1. Defendants and Counsel need to protect the free flow of information from client to attorney.

2. Defendants and Counsel need to protect the attorney work product doctrine.

3. Defendants, as co-defendants in the pending civil litigation, share a common interest about a legal matter.

4. As a result, Defendants and Counsel agree that it is in the best interest of all parties to this Agreement to share information in the course of devising a joint strategy for defense.

5. Defendants and Counsel agree to treat as private, privileged, and confidential any and all information related to the pending litigation that is shared among them.

6. Defendants and Counsel agree that they share and are protected by a joint defense privilege or common interest rule, and that the sharing of confidential and privileged information does not waive the attorney-client or work-product privilege.

7. Defendants and Counsel agree that the joint defense privilege can be waived only with the consent of all parties who share the privilege.

8. Defendants and Counsel agree to inform their employees, agents, or servants of the terms of this Agreement and of the employee's, agent's, or servant's individual responsibility to abide by its terms.

9. Virginia law shall govern the validity, construction, interpretation, and the affect of this Agreement.

10. This Agreement may be executed in separate counterparts.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) 7-Consultation with legal counsel; the Board moved into Executive Session at 7:25 P.M. A vote having been made and approved the meeting reconvened into Open Session at 8:25 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County 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 of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully excepted from open meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: EXECUTIVE SESSION

Upon motion of Mr. Clay, seconded by Mrs. Everett, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye", pursuant to the Virginia Freedom of Information Act, Section 2.1-344(a) 1-Discussion of employment, salaries, disciplining of public officers, appointees, or employees of any public body; Section 2.1-344(a) 7-Consultation with legal counsel; the Board moved into Executive Session at 8:45 P.M. A vote having been made and approved the meeting reconvened into Open Session at 9:15 P.M.

IN RE: CERTIFICATION

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye", the following resolution was adopted:

WHEREAS, the Board of Supervisors of Dinwiddie County 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 of Dinwiddie County, that such Executive meeting was conducted in conformity with the Virginia law;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully excepted from open meeting to which this certification resolution applies; and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Supervisors of Dinwiddie County, Virginia.

IN RE: COMMISSIONER OF THE REVENUE - STATE COMPENSATION BOARD'S PAY FOR PERFORMANCE PLAN

Upon motion of Mr. Bracey, seconded by Mr. Clay, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the Commissioner of the Revenue is authorized to transfer funds within her existing budget to offer the following scale for her employees as approved by the Compensation Board, retroactive to December 1, 1994:

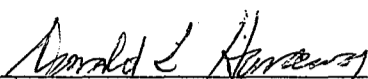
Deputy I--Alston change from \$18,310 to \$18,722
Deputy II--Rogers change from \$19,143 to \$18,722.

IN RE: ADJOURNMENT

Upon motion of Mr. Clay, seconded by Mr. Bracey, Mrs. Everett, Mr. Bracey, Mr. Clay, Mr. Haraway voting "aye", the meeting adjourned at 9:45 P.M. to be continued until June 7, 1995 at 5:00 P.M. at the Homeplace

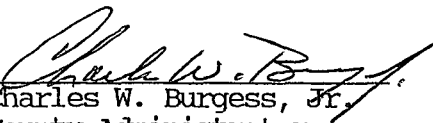
Extract

Restaurant for an Executive Session to discuss personnel issues, acquisition of property, and to consult with legal counsel.



Donald L. Haraway
Chair, Board of Supervisors

ATTEST:


Charles W. Burgess, Jr.
County Administrator

/rle