

**FLUVANNA COUNTY BOARD OF SUPERVISORS
ACTIONS TAKEN ON SEPTEMBER 21, 2016**

Mr. O'Brien arrived at 4:04pm

No.	Item- 4:00 pm Work Session	Action
1	Work Session: Revenue Enhancement and Expense Reduction Options;	<u>NO ACTION</u>
2	Closed Session: Personnel, Real Estate, and Legal Matters.	<u>NO ACTION</u>
No.	Item- 7:00 pm Regular Meeting	Action
3	Adoption of Agenda: as presented;	<u>BOARD APPROVED</u> 5-0
4	Ordinance Amendment – Vehicle License Fees: approved “AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 2, SEC. 15-2-2 OF THE FLUVANNA COUNTY CODE TO CLARIFY THAT VEHICLE LICENSE FEES ARE ONLY REQUIRED FOR VEHICLES THAT ARE REGISTERED BY THE DEPARTMENT OF MOTOR VEHICLES;”	<u>BOARD APPROVED</u> 5-0
5	FY17 Staff Pay Plan: approved an updated FY17 Pay Plan, Option A, with a transfer of \$13,740 in additional funding to come from FY17 BOS Contingency;	<u>BOARD APPROVED</u> 3-2 (Eager & Weaver)
6	Position Description Changes for Commonwealth’s Attorney Office: approved the following position description revisions and pay band changes: <ul style="list-style-type: none"> • FROM: Legal Secretary – Position 1071, band 12, \$34,736 • TO: Receptionist/Secretary – Position 1023, band 10, \$31,200 • FROM: Assistant Commonwealth Attorney – Position 1750, band 22, \$64,705 • TO: Assistant Commonwealth Attorney – Position 1750, band 25, \$74,605 • FROM: Victims Witness Coordinator - Position 1711, band 13, 37,440 • TO: Victims Witness Coordinator - Position 1711, band 15, \$41,642 With the potential funding increase of \$1,000 to come from the FY17 Personnel Contingency fund;	<u>BOARD APPROVED</u> 5-0
7	FUSD FY16 End-of-Year Report:	<u>BOARD PRESENTATION</u>
8	FY16 4th Quarter Budget Report:	<u>BOARD PRESENTATION</u>
9	Timber Management Plan: approved the Timber Management Plan for the Community Center and Fork Union Fire House property and for the Convenience Center property owned by the County of Fluvanna, as presented;	<u>BOARD APPROVED</u> 5-0
10	Minutes of September 7, 2016 Board of Supervisors Meeting: As presented;	<u>BOARD APPROVED</u> 5-0
11	FY17 County Administrator Pay Increase: approved a base salary increase of \$3,000 for Mr. Steven M. Nichols, the County Administrator, effective November 13, 2016, with the total salary and	<u>BOARD APPROVED</u> 5-0

	benefits amount of \$3,526.10 to be transferred from FY17 BOS Contingency to the FY17 County Administration budget;	
12	<p>Fire And Rescue Vehicle Maintenance Contract:</p> <p>approved an agreement between Atlantic Emergency Solutions, Inc. and County of Fluvanna for the Maintenance contract for all Fire and Rescue vehicles, and further authorize the County Administrator to execute the agreement subject to approval as to form by the County Attorney;</p>	<p><u>BOARD APPROVED</u></p> <p>5-0</p>
13	<p>Open Space Contract for Steve B. & Shirley Austin:</p> <p>approved the open space contract for Mr. & Mrs. Austin for tax map parcel 19-A-19A; agreement shall remain in effect for a term of fifteen (15) consecutive years;</p>	<p><u>BOARD APPROVED</u></p> <p>5-0</p>
14	<p>Open Space Contract for Breomo Excess, Ltd.:</p> <p>approved the open space contract for Breomo Excess, Ltd. for tax map parcel 58-A-7A; agreement shall remain in effect for a term of fifteen (15) consecutive years;</p>	<p><u>BOARD APPROVED</u></p> <p>5-0</p>
15	<p>Open Space Contract for Michael & Ann Nalvaeiko:</p> <p>approved the open space contract for Mr. & Mrs. Nalvaeiko for tax map parcel 27-1-3B; agreement shall remain in effect for a term of fifteen (15) consecutive years</p>	<p><u>BOARD APPROVED</u></p> <p>5-0</p>
16	<p>Open Space Contract for Manuel V. & Barbara A. Perrotti:</p> <p>open space contract for Mr. & Mrs. Perrotti for tax map parcels 40-A-2, 40-11-1, 40-11-2, 40-11-7 & 40-11-8; agreement shall remain in effect for a term of ten (10) consecutive years</p>	<p><u>BOARD APPROVED</u></p> <p>5-0</p>
17	<p>Unfinished Business- Davenport vs County Attorney:</p> <p>authorized the County Attorney and Douglas M. Palais, and their respective present and prior firms, to waive the attorney-client privilege and attorney work product limitations to the extent of allowing them to answer the 35 attached questions, together with reasonable follow-up questions, as may be appropriate to allow them to defend themselves in the litigation pending in the circuit court of the City of Richmond under style of Davenport & Co., LLC, v. Payne, et al.</p> <p>Summary of Questions to which objection was made:</p> <ol style="list-style-type: none"> 1) Was there some reason the Original Complaint had to be signed while Doug Palais was out of the office, some deadline or time sensitivity? 2) Who drafted the Complaint? 3) What portion of the Complaint did each attorney prepare? 4) What factual investigation did Doug Palais or Fred Payne perform prior to filing the Fluvanna Complaint? 5) Did Fred Payne or Doug Palais interview anyone prior to filing the Complaint? 6) Did Fred Payne or Doug Palais review Board minutes prior to filing the Complaint? 7) What documents did Fred Payne or Doug Palais review? 8) What persons did Fred Payne or Doug Palais interview? 9) What conversations occurred between counsel prior to filing the lawsuit? 10) What research did the attorneys perform prior to filing? 11) Was there any requirement of the County that Fred Payne must sign the lawsuit? 12) Did Payne or Palais ever speak with Cabell Laughton before filing the original 	<p><u>BOARD APPROVED</u></p> <p><u>5-0</u></p>

	<p>Complaint?</p> <p>13) Which attorneys were responsible for investigating the case?</p> <p>14) Did you ever ask Fred Payne if he have authority to speak for the Board of Supervisors?</p> <p>15) Do you know who wrote paragraph 30?</p> <p>16) What have you done to find out who wrote paragraph 30?</p> <p>17) What was done to investigate the allegations in paragraph 30?</p> <p>18) What did Melissa Connor do to prepare Doty for his deposition?</p> <p>19) What is Mr. Palais’ personal knowledge of the factual basis of the lawsuit?</p> <p>20) Similar questions concerning Amended Complaint – who drafted the amendment?</p> <p>21) Did Payne and Palais become aware of misstatement in the Amended Fluvanna lawsuit?</p> <p>22) Was there political motivation behind the filing of the Fluvanna Complaint?</p> <p>23) Did you draft paragraph 30 of the complaint and/or amended complaint?</p> <p>24) What did you do to ensure the accuracy of paragraph 30 of the complaint and amended complaint?</p> <p>25) Do you have independent knowledge of the conversation between Rose and Lawton?</p> <p>26) Did you discuss the allegations of the complaint and/or amended complaint with Mr. Payne?</p> <p>27) Did anyone conduct an investigation in response to the production of Cabell Lawton’s affidavit?</p> <p>28) Did Cabell Lawton’s affidavit cause you concern?</p> <p>29) What are the bases of paragraph 30 in the complaint and/or amended complaint?</p> <p>30) Do you know if Mr. Payne knows the bases of paragraph 30 in the complaint and/or amended complaint?</p> <p>31) Do you know if Krissy Hoffman knows the bases of paragraph 30 in the complaint and/or amended complaint?</p> <p>32) Melissa Connor’s personal knowledge of the preparation of the expert designation?</p> <p>33) Doug’s personal knowledge of the preparation of the expert designation?</p> <p>34) Did Doug review the tapes?</p> <p>35) Corbin Stone’s role or involvement in the drafting of pleadings?</p>	
--	--	--

Board Tasks and Directives:

Board **directed** Staff to gather information about surrounding localities’ Business Personal Property tax rates for Work Session on October 19, 2016.