



## NEW KENT COUNTY BOARD OF SUPERVISORS

July 28, 2021, 9:00 AM

Boardroom, County Administration Building, 12007 Courthouse Circle, New Kent, VA  
23124 - WORK SESSION

### AGENDA

#### CALL TO ORDER AND ROLL CALL

*Times are approximate*

- 9:00 a.m. ITEM 1 **Presentation and Discussion on the Recently Completed Lower Chickahominy Watershed Collaborative Memorandum of Understanding**  
*Sarah Stewart, PlanRVA; Justin Stauder Asst. County Administrator*
- 9:15 a.m. ITEM 2 **Cox Broadband Expansion Plan Discussion**  
*Sarah Buck, Cox Public Affairs Senior Manager*
- 9:35 a.m. ITEM 3 **New Kent County Board of Road Viewers Charter**  
*Rodney Hathaway, County Administrator*
- 9:50 a.m. ITEM 4 **Consideration of Request to Create a Transportation Planner Position**  
*Rodney Hathaway, County Administrator*
- 10:05 a.m. ITEM 5 **Other Business**
- 10:15 a.m. ITEM 6 **Adjournment**

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, August 9, 2021 and the next work session at 9:00 a.m. on Wednesday, September 29, 2021, both in the Boardroom of the County Administration Building. There will be no August work session.

*If a meeting cannot be held because of the closing of State and/or County offices, the meeting will be held on the next business day that the County offices are open.*

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 7/28/2021

Agenda Item

Motion: "Mr.  
Chairman, I move to  
(not required for Consent  
Agenda items)

n/a

Subject

**Presentation and Discussion on the Recently Completed  
Lower Chickahominy Watershed Collaborative  
Memorandum of Understanding**

Issue

The Lower Chickahominy Watershed Project was initiated in 2016 by PlanRVA Regional Commission as a five-year collaborative planning process to study and capture the value of the Lower Chickahominy Watershed (LCW), recognized as the home of some of the most biologically diverse and ecologically significant areas in the Coastal Zone of Virginia.

Through this planning process, the stakeholders worked toward identifying and establishing an overarching vision for land use, land conservation, and economic priorities for the watershed. The effort supported improving coordination between the three local governments located within the LCW (James City County, New Kent County, and Charles City County), the two Planning District Commissions (Plan RVA and the Hampton Roads Planning District Commission), the three sovereign tribes of the LCW (the Chickahominy, Chickahominy Indians Eastern Division, and the Pamunkey), and natural resource agencies.

Recommendation

Fiscal Implications

n/a

Policy Implications

The purpose of the Memorandum of Understanding (MOU) is to facilitate enhanced cooperative and collaborative efforts to increase sustainable ecological and economic activity in the Lower Chickahominy Watershed. It seeks to establish, via formal agreement, a solid foundation among the signatories and the cooperative partners

Legislative History

n/a

Discussion

n/a

Time Needed:

9:00 a.m.

Person Appearing:

Sarah Stewart,  
PlanRVA; Justin  
Stauder Asst.  
County

Request prepared by: Copy provided to:			Administrator
	Justin Stauder	Telephone:	

**ATTACHMENTS:**

Description	Type
Staff Memo to Board	Cover Memo
MOU	Cover Memo
Powerpoint	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	7/21/2021 - 2:31 PM
Administration	Hathaway, Rodney	Approved	7/21/2021 - 2:31 PM
Attorney	Hefty, Brendan	Approved	7/23/2021 - 8:38 AM

## MEMORANDUM

DATE: July 15, 2021

TO: The Board of Supervisors

FROM: Justin Stauder, Assistant County Administrator

SUBJECT: Ordinance to Authorize the Lower Chickahominy Watershed Collaborative Memorandum of Understanding, a Joint Exercise of Powers Agreement

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The Lower Chickahominy Watershed Project was initiated in 2016 by PlanRVA Regional Commission as a five-year collaborative planning process to study and capture the value of the Lower Chickahominy Watershed (LCW), recognized as the home of some of the most biologically diverse and ecologically significant areas in the Coastal Zone of Virginia. The intention was to study the natural resources present in the LCW and work with stakeholders to develop policy and action steps to accomplish a dual goal of natural resource conservation and economic development. The first four years of the project yielded valuable information on the high value of the watershed and the potential for both conservation and sustainable business opportunities through a conservation inventory, an economic study, a stakeholder engagement process, a joint local government/tribal workshop, a LCW summit, and an eco-tourism infrastructure inventory.

Through this planning process, the stakeholders worked toward identifying and establishing an overarching vision for land use, land conservation, and economic priorities for the watershed. The effort supported improving coordination between the three local governments located within the LCW (New Kent County, James City County, and Charles City County), the two Planning District Commissions (Plan RVA and the Hampton Roads Planning District Commission), the three sovereign tribes of the LCW (the Chickahominy, Chickahominy Indians Eastern Division, and the Pamunkey), and natural resource agencies. At the end of the project study period, a need existed for continued collaboration, increased communication, and the pursuit of common solutions for the LCW.

The purpose of the Memorandum of Understanding (MOU) is to facilitate enhanced cooperative and collaborative efforts to increase sustainable ecological and economic activity in the LCW. It seeks to establish, via formal agreement, a solid foundation among the signatories and the cooperative partners. Following establishment of the MOU, representatives from each signatory and state and federal partners will meet to develop priorities and goals for the collaborative, including the following priorities previously identified through the project's work:

- Improving physical recreational infrastructure;
- Supporting sustainable economic development;
- Enhancing river advocacy, education, and marketing;
- Promoting land conservation and landowner education;
- Ensuring protection of sites and traditions that are sacred and historic to the tribes; and
- Increasing ecological restoration and stewardship.

- To allow for seasonal access where appropriate, including policies that promote low-impact activities

Virginia Code § 15.2-1300 provides that any two or more political subdivisions may enter into agreements with one another for joint exercise of any power, privilege or authority.

Staff recommends the Board of Supervisors adopt the attached ordinance to authorizing the Lower Chickahominy Watershed Collaborative Memorandum of Understanding, a joint exercise of powers agreement, and authorizing the County Administrator to sign the agreement.

Attachments:

1. Lower Chickahominy Watershed Collaborative Memorandum of Understanding
2. Presentation
3. Draft Ordinance Approving LCWC MOU

# **Lower Chickahominy Watershed Collaborative**

## **Memorandum of Understanding**

**Between**

**The Counties of New Kent, Charles City and James City**

**and the**

**Chickahominy Indian Tribe**

**Chickahominy Indian Tribe – Eastern Division**

**Pamunkey Indian Tribe**

**and the**

**Richmond Regional Planning District Commission (Plan RVA) and Hampton Roads Planning District Commission**

**To**

**Coordinate and Collaborate on Efforts to Increase Sustainable Ecological and Economic Activity in the Lower Chickahominy Watershed**

### **I. Signatories**

The Signatories to this Memorandum of Understanding (MOU) are as follows:

- New Kent, Charles City and James City counties
- The Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, and the Pamunkey Indian Tribe
- Richmond Regional Planning District Commission (PlanRVA) and the Hampton Roads Planning District Commission

All of the above organizations and agencies are referred to herein as “Signatories.” The Signatories have a common interest in conservation, protection, and the sustainable economic growth of the Lower Chickahominy Watershed (LCW).

## **II. Authority to Enter into the Memorandum of Understanding**

The enabling authority for the County and Planning District Commission Signatories to enter into the Memorandum of Understanding is contained in the following Virginia State Code citations:

### **Counties of Charles City, James City, and New Kent**

Section 15.2-1300 of the Code of Virginia enables local governments to enter into cooperative agreements to exercise those powers that each may be enabled to exercise.

### **Hampton Roads Planning District Commission and Richmond Regional Planning District Commission (PlanRVA)**

Section 15.2-4205 of the Code of Virginia enables Planning District Commissions to enter into contracts or agreements, as they may determine, which are necessary or incidental to the performance of their duties and to the execution of those powers that each may be enabled to exercise.

The Tribes of the Lower Chickahominy Watershed have inherent sovereign powers and the right to self-government. The Tribes of the Lower Chickahominy Watershed are:

### **Chickahominy Indian Tribe**

### **Chickahominy Indian Tribe – Eastern Division**

### **Pamunkey Indian Tribe**

Note: The obligations of all Signatories herein are subject to the availability of funding, and nothing contained herein shall be construed as binding any signatory to expend in any one fiscal year any sum in excess of available private dollars, state or congressional appropriations, or to involve any signatory in any contract or other obligation for further expenditure of money in excess of such appropriations or private allocations.

### **III. Lower Chickahominy Supporting Cooperative Partners**

State agencies, Federal agencies, non-profit organizations, and businesses that wish to support the Signatories and purpose of this MOU may sign a Supporting Cooperative Partner page. These Supporting Cooperative Partners agree to advise, participate as invited, and contribute to the work of the Signatories in carrying out this MOU. A sample Supporting Cooperative Partner statement page is included as an attachment to this MOU.

### **IV. Purpose**

The purpose of this MOU is to facilitate enhanced cooperative and collaborative efforts to increase sustainable ecological and economic activity in the LCW. The Lower Chickahominy watershed (10-digit HUC – 0208020606) is recognized for harboring some of the most biologically diverse and ecologically significant areas in the Coastal Zone of Virginia.

### **V. Background**

This project was initiated in 2016 and established a collaborative planning process across three counties in the LCW, east of Richmond in the counties of New Kent, Charles City, and James City, Virginia to identify and establish an overarching vision for land use, land conservation, and sustainable economic priorities. The effort, funded by the Virginia Coastal Zone Management Program (CZM), supports improved coordination among natural resource agencies, local governments, Tribal governments, and not for profit regional organizations with interests in programs and enforceable policies for coastal areas. This approach also aims to build and strengthen relationships and partnerships among multiple stakeholders across the watershed. Through the first four years of the project, several critical project products have yielded valuable information on the high value of this watershed and the potential for both conservation and sustainable business opportunity. These products, funded by the Virginia CZM Program, are as follows:

- A conservation inventory conducted by the Department of Conservation and Recreation, Natural Heritage Division;
- An economic report on the socio-economic impacts of conserved land in the LCW;



- A stakeholder engagement process including thought leader interviews, focus groups, and stakeholder survey report, individual consultations with three Tribes, and a joint consultation with the three counties;
- A joint Local Government/Tribal Workshop, with a summary report;
- A LCW Summit, with a summary report of the draft LCW Action Plan.

## **VI. The Natural Resources of the LCW**

The three counties of the Lower Chickahominy watershed boast some of the most valuable and unique natural resources in Virginia. Healthy streams run through forested lands and open spaces that are home to the native flora and fauna of the tidal fresh zone of coastal Virginia.

The LCW is characteristic of a rural area experiencing suburban development pressure in Virginia's coastal plain. Figure One below shows the LCW. New Kent County is the third fastest growing county in the Commonwealth of Virginia with Interstate 64 running down the spine of the watershed. Historic Route 5 runs along the southern boundary of the LCW. These three counties run the spectrum from rural to urban, with Charles City County being the most rural to James City County being the most urban. The counties in the LCW represent three different densities of population, ranging from Charles City as the least populated (pop: 6,963) to James City as the most populated (pop: 76,523). The James River borders the southern boundary of the LCW, with the LC emptying into it at the Charles City and James City County border.

The majority of land in the LCW is covered by small and large blocks of privately-owned forests, with some state-owned preserves. Figure Two shows the natural resources of the watershed. The presence of active agriculture across the landscape is reflected in land areas classified as pasture or cropland. Residential and business development is reflected in impervious, turf/grass, and disturbed land areas. The entire three-county study area covers approximately 608 square miles of land and water. Water in rivers and streams comprises 12.6% of the study area. The largest component of land cover is forest (blocks of tree cover greater than 1 acre) or trees (blocks of tree cover less than 1 acre); a total of 52.9% of the entire study area, or 60.4% of the land area, is covered by trees or forest. Impervious cover is approximately 4.0% of the study area.

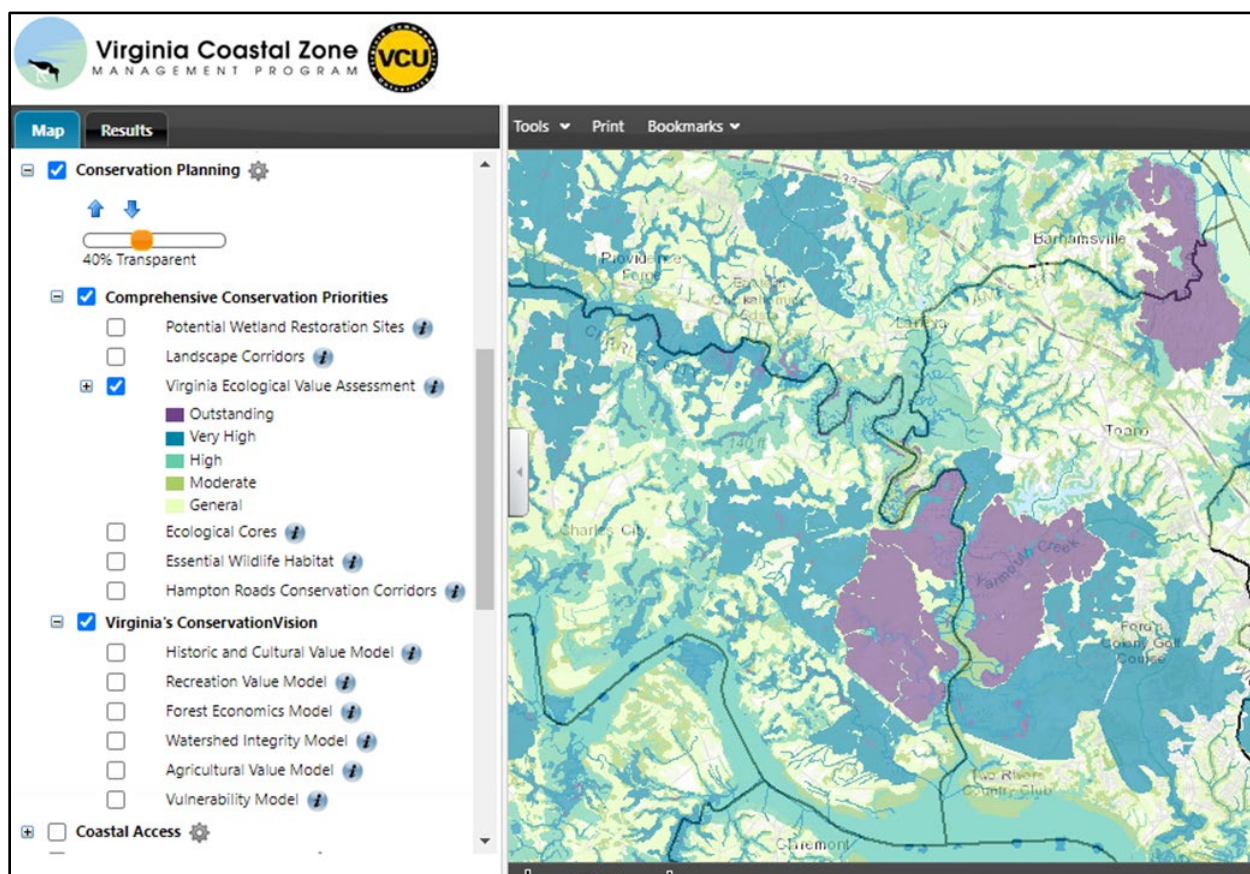
The Lower Chickahominy study area is home to 10 streams and creeks that have been identified as "healthy waters" by the Healthy Waters program of the Virginia Department of Conservation and Recreation. One of these is recognized as "outstanding" water, meaning it is estimated to be in the top 20% of waters with high ecological health included in the program. Seventeen bodies of water are in

the middle 20% of streams analyzed in the program and have been identified as restoration candidates. While these bodies of water have suffered some ecological degradation, they maintain aspects of ecological health and present as strong candidates for restoration efforts. The Lower Chickahominy study area has a higher percentage of land and water area recognized in the Virginia Ecological Value Assessment (VEVA) as having either Outstanding or Very High ecological value compared to the entire Coastal Zone of Virginia; 39% compared to 34%. Therefore, the three counties of the Lower Chickahominy represent a concentration of ecologically valuable land and water habitat.

**Figure One. The Lower Chickahominy Watershed**



**Figure Two. Natural Resources of the Lower Chickahominy Watershed**



## VII. The Cultural Resources of the LCW

The LCW is as rich in cultural resources as it is in natural resources. One of the major cultural resources in the LCW is the presence of three Virginia Tribes, the Chickahominy, Chickahominy Indians Eastern Division, and the Pamunkey. The Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017 recognized the Chickahominy, Chickahominy Indians Eastern Division, Upper Mattaponi, Rappahannock, Monacan, and Nansemond Tribes as sovereign nations, bringing the number to 573 federally recognized Tribes in the U.S. While the Pamunkey Indian Tribe was recognized via treaty by the Commonwealth since colonial times, they became the first Virginia tribe to be granted federal recognition by the Federal Bureau of Indian Affairs in 2015, a process finalized in 2016.

Furthermore, this recent recognition of the Virginia Tribes in the LCW also means that the relationships with all levels of government will change. Relationships, particularly at the local level, are critical to the protection of both cultural heritage

and sacred lands for which this Lower Chickahominy Watershed Project (LCWP) has a vested interest in enhancing.

One clear outcome of the Tribes' participation in this MOU is to ensure that Tribal interests are respected and appropriately consulted by local governments in their decision-making through the future of the watershed. A second outcome is to develop a longer-term healthy relationship between local agencies and the Tribal nations, ensuring that Tribal interests are considered and reflected in policy proposals and any other emerging strategy elements that are developed during the LCWP work.

Regarding this work with the Tribes, our primary emphasis was placed on preserving and protecting the cultural heritage and sacred lands. The recent recognition provides inherent powers to the Tribes, and particularly notable is the state's inability to interfere in Tribal affairs. Second, the Tribes desire open and frequent communication processes that are mindful of the uniqueness of each of the tribe's communication methods. Third, the "taught" history is not accurate, and corrections, both historical and current, are paramount if Tribes are to be active, independent sovereign nations as federal recognition dictates. Local government officials in the LCW, particularly those from Charles City County, described a strong relationship with the LCW Tribes. Fourth, the recent recognition has also brought an increased administrative and collaborative workload for Tribal leaders. Hence, longer response times to requests from other governments should be accounted for as relationships grow. Tribal staff is limited and consulting Tribes early in the decision-making process is critical; specifically, consultation is necessary when actions and/or development have known or potential impacts on Tribal lands and interests. To ensure effective communication, Tribes requested frequent contact with county staff and leadership.

The relationship between local governments and Tribes does have, as a core component, the need to work closely with the Department of Historic Resources to further protect Tribal cultural resources. The Commonwealth of Virginia has established an Archeological Discovery Protocol that is referenced in the Virginia Antiquities Act (Va. Code §§ 10.1-1188, 10.1-1197.6 and 15.2-2306). The National Historic Preservation Act of 1966 requires review and consultation with localities and tribes on projects; these Section 106 reviews are limited to projects including Federal actions. While a robust mapping program that identifies and protects sensitive sites safeguards the removal of cultural artifacts, Tribal workshop participants asserted that promoting clarity of regulation(s) and a strong consultation process would fit into the LCWP effort to improve enforceable policies and programs. Discussions between Tribes and local governments about

existing regulations and local policies would be an appropriate first step to improve local government consultation with the tribes to protect tribal cultural heritage from impacts due to development.

Jamestown was established in what is now southeastern James City County; the city of Williamsburg abuts the county. The Lower Chickahominy area is about as close as you can get to the first steps of English colonization of the mid-Atlantic. As Europeans moved westward and Virginia's economy grew, Plantations were established across the Lower Chickahominy area and beyond. Today, a discussion of history, culture or tourism in the Lower Chickahominy would not be complete without mention of the plantations. Shirley Plantation, Virginia's first plantation, was founded in 1613 by a royal land grant. Through the 1600s the European population increased in the area now known as Virginia and across the mid-Atlantic. The 1700s saw the construction of great plantation houses, including Shirley, built with the proceeds from selling tobacco.

Both the production of tobacco and the construction of plantation houses across Virginia relied on the economic realities of slave labor. The first African slaves arrived in Virginia in 1619. In 1623, the rolls at Flowerdew Hundred in the then borough of Charles City counted 11 of these first African slaves in Virginia. Charles City County has produced a series of exhibits and a self-guided driving/biking tour all about the African American experience in the county called Freedom's Jubilee: An African American Journey.

## **VIII. The Need for the MOU**

Situated between the City of Richmond to the west and the City of Williamsburg to the east, the LCW is rich in both environmental and cultural resources. The resources of the LCW are wedged between these cities and bounded by the James River to the south and are in conflict with this growing population. To attain a stable conservation and protection base while working to find sustainable economic opportunities, an enhanced effort and expectation of ongoing, consistent collaboration among the multiplicity of LCW stakeholders is necessary.

Sitting across three counties, two planning district commissions, and a myriad group of state, federal, and not for profit organizations, a formal agreement will provide a solid foundation for collaboration, increased communication, and regional solutions for the LCW.



## **IX. Statement of Mutual Agreement**

It is mutually understood and agreed by the Signatories that:

1. Only by working together can the signatories achieve enhanced natural resources conservation, environmental and cultural protection, and economic opportunities;
2. The LCW is an area of critical and important natural and cultural resources to all Signatories;
3. The Signatories agree to support the conservation and protection priorities of the LCW and to build on the community engagement ideas and concepts identified through the existing project years;
4. The Local Government and Planning District Commission Signatories will seek to build equitable relationships with the Tribes of the LCW;
5. Additional funding will be needed to achieve the goals set forth in this MOU. The Signatories shall work together to seek and leverage funding from private, local, State, and Federal sources such that it can be maximized to advance the LCW goals;

## **X. Scope of Work**

The Signatories shall communicate and coordinate with regard to land conservation, land protection and economic opportunity issues important to each signatory.

Within ninety days of the effective date of this Memorandum of Understanding, as soon thereafter as convenient to the Signatories, the Signatories shall meet to develop priorities and goals for the Collaborative, including the following priorities previously identified through the project's work but not limited to:

- **Improving physical recreational infrastructure;**
- **Supporting sustainable economic development;**
- **Enhancing river advocacy, education, and marketing;**
- **Promoting land conservation and landowner education;**
- **Ensuring protection of sites and traditions that are sacred and historic to the tribes; and**
- **Increasing ecological restoration and stewardship.**

Thereafter, at least annually, the Signatories shall update and refine the above information.

#### **XI. Modifications**

Material modifications to this Memorandum of Understanding must be submitted in writing and approved by all Signatories to the Memorandum of Understanding. Approval may be via electronic assent via email.

#### **XII. Effective Date**

The effective date of the Memorandum of Understanding shall be the date of the last signature of the Memorandum of Understanding by the Counties of Charles City, James City, and New Kent, the Chickahominy Indian Tribe, the Chickahominy Indian Tribe - Eastern Division, the Hampton Roads Planning District Commission, and the Richmond Regional Planning District Commission (PlanRVA).

#### **XIII. Duration and Termination of the Agreement**

The duration of this Memorandum of Understanding will be until such time as it is terminated upon agreement of all Signatories; however, any party to the Memorandum of Understanding may terminate its participation by 30 days' written notice to all other Signatories. Termination of participation does not require approval by other Signatories.

#### **XIV. Manner of Financing**

This Memorandum of Understanding will not require financing or budgeting from or by the Signatories; however, this clause will not preclude, under a separate document or agreement, grant funding or other financial assistance from one signatory to another for the purpose of carrying out the intent of the Memorandum of Understanding.

#### **XV. Ownership of Property**

It is not the intent of the Signatories that this Memorandum of Understanding will result in the purchase, ownership, holding, or conveying of any real or personal property.

## **XVI. Project Officers**

The following project officers, for the purpose of administering this MOU, including receiving and reviewing reports, meeting attendance, project proposals, and the handling of termination notices are:

- James City County: Tammy Rosario, Assistant Director Community Development
- Charles City County: Rhonda Russell, Assistant County Administrator/ Director of Community Development
- New Kent County: Justin Stauder, Assistant County Administrator
- Chickahominy Indian Tribe: Dana Adkins, Tribal Environmental Director
- Chickahominy Indians Tribe - Eastern Division: Jessica Phillips, Environmental Director
- Pamunkey Indian Tribe: Chief Robert Gray
- PlanRVA: Sarah Stewart, Planning Manager - Environmental Program
- Hampton Roads Planning District Commission: Ben McFarlane, Senior Regional Planner

## **XVII. EXECUTION AND COUNTERPARTS.**

This MOU may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

## **XVIII. APPROVALS**

List of Signatories to the MOU:

- Charles City County
- James City County
- New Kent County
- Chickahominy Indian Tribe
- Chickahominy Indians Tribe - Eastern Division
- Pamunkey Indian Tribe
- Richmond Regional Planning District Commission (PlanRVA)
- Hampton Roads Planning District Commission



SIGNATURE PAGE FOR CHARLES CITY COUNTY

IN WITNESS WHEREOF, the following individuals execute this agreement.

Chief Administrative Officer, Charles City County

Chief Administrative Officer, James City County

Chief Administrative Officer, New Kent County

Chief, Chickahominy Indian Tribe

Chief, Chickahominy Indian Tribe – Eastern Division

Chief, Pamunkey Indian Tribe

Executive Director, Richmond Regional Planning District Commission (PlanRVA)

Executive Director, Hampton Roads Planning District Commission

CHARLES CITY COUNTY

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNATURE PAGE FOR JAMES CITY COUNTY

IN WITNESS WHEREOF, the following individuals execute this agreement.

Chief Administrative Officer, Charles City County

Chief Administrative Officer, James City County

Chief Administrative Officer, New Kent County

Chief, Chickahominy Indian Tribe

Chief, Chickahominy Indian Tribe – Eastern Division

Chief, Pamunkey Indian Tribe

Executive Director, Richmond Regional Planning District Commission (PlanRVA)

Executive Director, Hampton Roads Planning District Commission

JAMES CITY COUNTY

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNATURE PAGE FOR NEW KENT COUNTY

IN WITNESS WHEREOF, the following individuals execute this agreement.

Chief Administrative Officer, Charles City County

Chief Administrative Officer, James City County

Chief Administrative Officer, New Kent County

Chief, Chickahominy Indian Tribe

Chief, Chickahominy Indian Tribe – Eastern Division

Chief, Pamunkey Indian Tribe

Executive Director, Richmond Regional Planning District Commission (PlanRVA)

Executive Director, Hampton Roads Planning District Commission

NEW KENT COUNTY

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNATURE PAGE FOR CHICKAHOMINY INDIAN TRIBE

IN WITNESS WHEREOF, the following individuals execute this agreement.

Chief Administrative Officer, Charles City County

Chief Administrative Officer, James City County

Chief Administrative Officer, New Kent County

Chief, Chickahominy Indian Tribe

Chief, Chickahominy Indian Tribe – Eastern Division

Chief, Pamunkey Indian Tribe

Executive Director, Richmond Regional Planning District Commission (PlanRVA)

Executive Director, Hampton Roads Planning District Commission

CHICKAHOMINY INDIAN TRIBE

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNATURE PAGE FOR CHICKAHOMINY INDIAN TRIBE – EASTERN  
DIVISION

IN WITNESS WHEREOF, the following individuals execute this agreement.

Chief Administrative Officer, Charles City County

Chief Administrative Officer, James City County

Chief Administrative Officer, New Kent County

Chief, Chickahominy Indian Tribe

Chief, Chickahominy Indian Tribe – Eastern Division

Chief, Pamunkey Indian Tribe

Executive Director, Richmond Regional Planning District Commission (PlanRVA)

Executive Director, Hampton Roads Planning District Commission

CHICKAHOMINY INDIAN TRIBE – EASTERN DIVISION

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNATURE PAGE FOR PAMUNKEY INDIAN TRIBE

IN WITNESS WHEREOF, the following individuals execute this agreement.

Chief Administrative Officer, Charles City County

Chief Administrative Officer, James City County

Chief Administrative Officer, New Kent County

Chief, Chickahominy Indian Tribe

Chief, Chickahominy Indian Tribe – Eastern Division

Chief, Pamunkey Indian Tribe

Executive Director, Richmond Regional Planning District Commission (PlanRVA)

Executive Director, Hampton Roads Planning District Commission

PAMUNKEY INDIAN TRIBE

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNATURE PAGE FOR RICHMOND REGIONAL PLANNING DISTRICT  
COMMISSION (PLANRVA)

IN WITNESS WHEREOF, the following individuals execute this agreement.

Chief Administrative Officer, Charles City County

Chief Administrative Officer, James City County

Chief Administrative Officer, New Kent County

Chief, Chickahominy Indian Tribe

Chief, Chickahominy Indian Tribe – Eastern Division

Chief, Pamunkey Indian Tribe

Executive Director, Richmond Regional Planning District Commission (PlanRVA)

Executive Director, Hampton Roads Planning District Commission

RICHMOND REGIONAL PLANNING DISTRICT COMMISSION (PLANRVA)

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNATURE PAGE FOR HAMPTON ROADS PLANNING DISTRICT  
COMMMSSION

IN WITNESS WHEREOF, the following individuals execute this agreement.

Chief Administrative Officer, Charles City County

Chief Administrative Officer, James City County

Chief Administrative Officer, New Kent County

Chief, Chickahominy Indian Tribe

Chief, Chickahominy Indian Tribe – Eastern Division

Chief, Pamunkey Indian Tribe

Executive Director, Richmond Regional Planning District Commission (PlanRVA)

Executive Director, Hampton Roads Planning District Commission

HAMPTON ROADS PLANNING DISTRICT COMMISSION

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_



## SAMPLE SUPPORTING COOPERATIVE PARTNER STATEMENT

As a Supporting Cooperative Partner of the Lower Chickahominy Watershed Collaborative (LCWC), \_\_[organization]\_\_ supports the Signatories of the LCWC in building respectful and cooperative relationships among each other.

\_\_[Organization]\_\_ supports the LCWC goals of

- Enhanced natural resource conservation,
- Environmental and cultural protection, and
- Sustainable economic opportunities.

\_\_ [Organization]\_\_ recognizes that the Lower Chickahominy Watershed is an area of critical and important natural and cultural resources.

\_\_[Organization]\_\_ supports the conservation and protection priorities of the LCWC as identified in earlier years of the Lower Chickahominy Watershed Project and agreed upon annually by the LCWC Signatories.

\_\_[Organization]\_\_ commits to the following activities that will advance common understanding and action on the goals and priorities of the LCWC:

- e.g., Meeting attendance (attend meetings of the LCWC, committees, or workgroups)
- e.g., Information sharing and education (update about relevant work or studies)
- e.g., Technical assistance (water quality monitoring, data or mapping assistance, document creation, etc.)
- e.g., Funding assistance (support through direct funding or leveraging of partnerships for funding assistance)
- [other]

\_\_\_\_\_  
Name  
Title  
Organization

\_\_\_\_\_  
Date

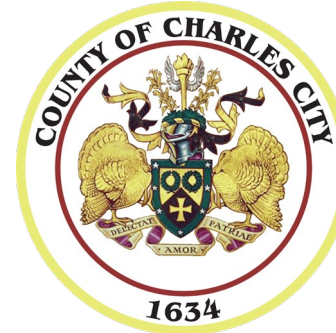
# Lower Chickahominy Watershed Collaborative

New Kent County  
Board of Supervisors  
July 28, 2021



This project, Task # 93.01 was funded by the Virginia Coastal Zone Management Program led by the Virginia Department of Environmental Quality through Grant FY19 #NA19NOS4190163 of the US Department of Commerce, National Oceanic, and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended. The views expressed herein are those of the authors and do not necessarily reflect the views of the US Department of Commerce, NOAA, or any of its subagencies.

# Partners and Stakeholders



# Lower Chickahominy Project

- 5-year project
- natural resource conservation
- economic development



# Lower Chickahominy Project

## Year 1

- Data gathering and updates

## Year 2

- Economic Study

## Year 3

- Thought Leader Interviews
- Focus Groups
- Survey

## Year 4

- Local Government – Tribe Workshop
- Regional Summit
- Ecotourism Infrastructure Inventory

## Year 5

- Lower Chickahominy Watershed Collaborative
- Ecotourism infrastructure Plan





# DCR-NH Biological Resources Inventory

- 39 occurrences of specific species or natural communities
- 5 sites in the watershed designated as Outstanding ecological significance
- “[E]cologists and botanists conducting field work noted that the tidal freshwater wetland communities were among the highest quality remaining along Virginia’s tidal rivers.”



# Economic Findings

- Conservation easements - revenues exceed expenditures
- Organizations directly related to land conservation in 3 county study area in 2018 ...
  - supported about 100 direct jobs in 2018
  - This direct employment generated almost \$8.4 million in regional economic output
  - Supported 118 jobs paying \$2.5 million in salaries, wages, and benefits
- Value Chain Analysis: eco-tourism related opportunities



# Outreach Efforts – Phase 1

- Thought Leader Interviews
  - County Staff
  - Chickahominy Tribe
  - Capital Region Land Conservancy
  - State Agencies (Forestry, Tourism, VIMS)
- Focus Groups
  - Natural Resources & History
  - Government
  - Business
- Public Survey



INSTITUTE *for*  
ENGAGEMENT & NEGOTIATION  
Shaping Our World Together





# Outreach Efforts – Phase 2

- Local Government – Tribe Workshop

- About Federally Recognized Tribes
- Orientation to Tribes
- Orientation to Local Governments
- Collaboration Strategies for Tribes and Local Governments



INSTITUTE *for*  
ENGAGEMENT & NEGOTIATION  
Shaping Our World Together

- Regional Summit

- Topical Small Group Discussion
- Identify actions to advance Priority Strategies



# Outreach and Policy Development Themes

- Improving physical recreational infrastructure;
- Supporting sustainable economic development;
- Enhancing river advocacy, education, and marketing;
- Promoting land conservation and landowner education;
- Ensuring protection of sites and traditions that are sacred and historic to the tribes; and
- Increasing ecological restoration and stewardship.



# Lower Chickahominy Watershed Collaborative

- MOU Signatories and Supporting Cooperative Partners
- Agreement:
  1. Only by **working together** can we achieve goals of enhanced natural resources conservation, environmental and cultural protection, and economic opportunities;
  2. The LCW is an area of **critical and important natural and cultural resources**;
  3. Agree to **support the conservation and protection priorities** of the LCW and to build on the community engagement ideas and concepts;
  4. The Local Government and Planning District Commission Signatories will seek to **build equitable relationships with the Tribes** of the LCW;
  5. **work together to leverage funding** from various sources to advance the LCW goals;



# Thank you

Sarah Stewart, AICP

Planning Manager – Environmental Program

PlanRVA

[sstewart@planrva.org](mailto:sstewart@planrva.org)

[www.planrva.org](http://www.planrva.org)



**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 7/28/2021

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	NA
Subject	<b>Cox Broadband Expansion Plan Discussion</b>
Issue	Representatives from Cox will present opportunities for expanding broadband service throughout the County.
Recommendation	NA
Fiscal Implications	Cox will share cost information on potential broadband expansion opportunities in select areas of the County. The cost would be shared with Cox.
Policy Implications	NA
Legislative History	NA
Discussion	NA

Time Needed:	9:15 a.m.	Person Appearing:	Sarah Buck, Cox Public Affairs Senior Manager
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

**ATTACHMENTS:**

Description	Type
New Kent Broadband Expansion Proposal	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	7/21/2021 - 2:42 PM
Administration	Hathaway, Rodney	Approved	7/21/2021 - 2:42 PM
Attorney	Hefty, Brendan	Approved	7/23/2021 - 8:38 AM

# New Kent Broadband Expansion

5/11/2021

# Proposed Project Areas

# VATI Project Proposal

**The VATI Project Plan, in its original form will serve the following areas:**

North West/Crumps Mill/Old Church/White House Farms:

- 283 passings
  - 236 homes
  - 47 lots

Barhamsville:

- 356 homes passed

Henpeck/Autumn Hills:

- 24 homes passed

Tunstall Rd.:

- 93 passings
  - 82 homes
  - 58 lots

**Total Build Cost\*: \$6,034,610**

756 total homes/lots passed

Cox contribution: \$1,244,624

**County responsibility: \$ 4,789,986**

\*Costs presented are good faith virtual estimates; a complete project area walk-out will be scheduled once an agreement is in place to move forward with construction which may alter the total costs for the project.



# Henpeck/Autumn Hills Proposal

The Henpeck/Autumn Hills area of the VATI application was the only area not impacted by RDOF award funding.

Total Build Cost\*: \$149,175

24 homes passed

Cox contribution: \$58,205

County responsibility: \$ 90,970

\*Costs presented are good faith virtual estimates; a complete project area walk-out will be scheduled once an agreement is in place to move forward with construction which may alter the total costs for the project.

# Elysium Neighborhood Proposal

**This is an underground fiber to the home build that will take at minimum 6 months to complete**

Elysium Drive

Eames Way

Pamunkey View Lane

Total Build Cost\*: \$284,752

26 homes passed, 9 residential lots passed, 2 HOA-owned lots passed

Cox contribution: \$138,747

County responsibility: \$ 146,005

\*Costs presented are good faith virtual estimates; a complete project area walk-out will be scheduled once an agreement is in place to move forward with construction which may alter the total costs for the project.

# Access and Affordability

## All homes/lots passed will have access to:

Speeds up to 940/35 mbps (also known as our G1GABLAST product)

### Connect2Compete

- Low-cost, in-home internet with wifi for \$9.95 per month
- Speeds of 50 mbps/3mbps
- Must meet qualifications including:
  - K-12 student in the home
  - Participation in the National Free/Reduced Lunch program or other qualifying government assistance program
  - Cox.com/C2C for more information

### Subsidy program support

- Bulk account payment programs available



cox

Bringing us closer

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 7/28/2021

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Mr. Chairman, I move to adopt Resolution R-16-21 to establish a charter for the New Kent County Board of Road Viewers.		
Subject	<b>New Kent County Board of Road Viewers Charter</b>		
Issue	Adoption of a charter for the New Kent County Board of Road Viewers.		
Recommendation	Staff recommends adoption of the proposed motion.		
Fiscal Implications	NA		
Policy Implications	The proposed charter would increase the responsibilities of the Board of Road Viewers and add two (2) at-large members.		
Legislative History	NA		
Discussion	If the proposed charter is adopted the Board of Road Viewers would be responsible for providing annual recommendations to the Board of Supervisors on the update of the Secondary Roads 6-year Plan, and the CVTA Annual Work Program. The Board may also be tasked with providing input and recommendations on various transportation policies, regulations, and plans.		
Time Needed:	9:35 a.m.	Person Appearing:	Rodney Hathaway, County Administrator
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

**ATTACHMENTS:**

Description  
Resolution, R-16-21

Type  
Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	7/21/2021 - 4:37 PM
Administration	Hathaway, Rodney	Approved	7/21/2021 - 9:18 PM



**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-16-21**

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 28th day of July, 2021:

Present:

Vote:

Ronald P. Stiers  
C. Thomas Tiller, Jr.  
Patricia A. Paige  
John N. Lockwood  
Thomas W. Evelyn

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Motion was made by \_\_\_\_\_, which carried \_\_\_\_: \_\_\_\_, to adopt the following resolution:

Motion was made by \_\_\_\_, which carried \_\_ : \_\_, to adopt the following resolution:

**A RESOLUTION CHARTERING THE NEW KENT COUNTY  
BOARD OF ROAD VIEWERS**

**WHEREAS**, the Board of Supervisors of New Kent County, Virginia (“the County”) has a need to establish an advisory board for various transportation planning matters;

**WHEREAS**, the Board of Supervisors desires citizens of the County to be aware of and involved in the development of transportation plans, development proposals, and other transportation matters within the County; and

**NOW THEREFORE**, the Board of Supervisors of New Kent County, hereby charters the New Kent County Board of Road Viewers.

***Charter***

The Committee shall be known as the “New Kent County Board of Road Viewers”.

**Purpose.** The purpose of the Board of Road Viewers is to provide review and recommendations concerning the development of County transportation policies, preparation of annual update to the Secondary 6-year Plan, and preparation of an annual work program for Central Virginia Transportation Authority (CVTA) local projects.

**Public Body.** The Committee is a public body for the purposes of the Virginia Freedom of Information Act.

**Duration.** The Committee shall serve at the pleasure of the Board of Supervisors.

**Membership.** Each District Supervisor shall appoint a resident from their district to the board. In addition, the Board of Supervisors shall appoint two (2) at-large members.

Each district member and each at-large member shall serve four years in staggered terms. Vacancies shall be filled by the Board of Supervisors for the unexpired term only. Members shall serve without compensation, but may be reimbursed for expenses necessarily incurred in the performance of board business. In order to stagger the terms of board members, the initial appointees shall have the following terms:

<b><i>Member</i></b>	<b><i>Term</i></b>
District 1, At-Large	4 years
District 2, District 5	3 years
District 3, District 4	2 years
At-Large	1 year

**Duties of the Committee.** The Board is responsible for providing annual recommendations to the Board of Supervisors on the update of the Secondary Roads 6-year Plan, and the CVTA Annual Work Program. The Board may also be tasked with providing input and recommendations on various transportation policies, regulations, and plans.

**Officers.** The Committee shall have three (3) officers: Chairman, Vice-Chairman, and Secretary. The Chairman and Vice Chairman shall be members. The Secretary need not be a member. Officers will be nominated by the Committee at the first meeting of each calendar year, and each officer shall serve a term not to exceed one (1) calendar year.

**Duties and Powers of Officers.** The Chairman shall preside at all meetings, make committee appointments, and shall carry out other duties as may be assigned by the Committee. The Vice-Chairman shall perform any of these duties in the Chairman's absence or incapacitation. The Secretary shall keep all records for the Committee.



Meetings. Regular meetings of the Committee shall be held as needed at a time and place determined by the Committee.

Quorum. A majority of the members of the Committee shall constitute a quorum.

Voting. A decision on new business shall be made by a majority of all members. All other decisions shall be made by a majority of members present and voting. All votes shall be made by voice vote with the Chairman casting the last vote.

Procedure. Except as otherwise specified, proceedings of the Committee shall be governed by the most recent Robert's Rules of Order. An appeal from a ruling of the Chairman may be taken by any member and shall be determined by a majority of those members present. The Chairman shall be permitted to make motions and vote on all questions. Meetings of the Committee shall proceed in the following order: Call to order, Roll Call, Approval of Minutes, Unfinished Business, New Business, Adjournment.

Subcommittees and Working Groups. The Chairman shall appoint a chairman of all subcommittees established by the Committee within thirty (30) days of that subcommittee's creation. The Chairman of each committee shall then appoint the members of that committee. Before becoming members, the committee chairman's appointees will need a majority vote of the Committee.

Fiscal year. The Fiscal year of the Committee shall be from July 1 through June 30.

Required Reports. The Committee shall present an annual report of the Committee's activities to the Board of Supervisors during a regular work session.

Amendments. Any amendments to the Charter shall be submitted to the Board of Supervisors for approval.

Effective Date. This Charter is effective upon passage.

Adopted this 28 day of July, 2021.

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Rodney A. Hathaway  
County Administrator

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Thomas W. Evelyn  
Chairman

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 7/28/2021

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Mr. Chairman, I move to authorize the County Administrator to create a Transportation Planner position at a level 20 pay grade.
Subject	<b>Consideration of Request to Create a Transportation Planner Position</b>
Issue	Consideration of request to create a Transportation Planner position.
Recommendation	Staff recommends adoption of the proposed motion.
Fiscal Implications	The level 20 pay grade has a starting salary of \$48,293 and an ending salary of \$63,742. The salary and operations support cost would be paid with the County's local share of Central Virginia Transportation Authority (CVTA) funding. Other cost associated with the position are as follows: Laptop - \$3,000, Software - \$1,200, Office Supplies - \$2,500, Cell Phone - \$600, Cell Phone fees - \$900, Fuel/Mileage - \$800.
Policy Implications	Essential functions of the position would involve providing staff support and administration of State mandated programs, such as the Central Virginia Transportation Authority (CVTA), VDOT Secondary Roads Six Year Plan, Transportation Planning Organization, and State/Regional grant programs.
Legislative History	This position currently does not exist in the County.
Discussion	Please see the attached draft job description for the proposed Transportation Planner.

Time Needed:	9:50 a.m.	Person Appearing:	Rodney Hathaway, County Administrator
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

**ATTACHMENTS:**

Description	Type
Transportation Planner Job Description	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
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Administration	Hathaway, Rodney	Approved	7/21/2021 - 9:58 PM
Administration	Hathaway, Rodney	Approved	7/21/2021 - 9:58 PM
Attorney	Hefty, Brendan	Approved	7/23/2021 - 8:37 AM



## COUNTY OF NEW KENT POSITION DESCRIPTION

<b>JOB TITLE:</b> Transportation Planner	<b>LOCATION:</b> County Administrator's Office
<b>IMMEDIATE SUPERVISOR:</b> Planning Director	<b>PAY GRADE:</b> 20
<b>LAST REVISION DATE:</b> 06/16/2021	<b>FLSA STATUS:</b> Non-Exempt

### GENERAL DEFINITION OF WORK:

The Transportation Planner works under the general supervision of the Planning Director performing a wide variety of activities associated with both short term and long-range transportation planning efforts. Typical responsibilities of this position include providing staff support to local transportation boards and committees, developing annual work programs utilizing local transportation funding, and review and analysis of development proposals.

### ESSENTIAL FUNCTIONS:

- Serve as staff support to the New Kent County Board of Road Viewers and assist with the development of an annual transportation work program recommendation for the Board of Supervisors.
- Assist the Board of Road Viewers with the annual update of the County's Secondary Road Six-Year Plan.
- Attend regional and local transportation meetings such as the Transportation Planning Organization (TPO) meetings, Central Virginia Transportation Authority (CVTA) meetings, and New Kent Transportation Safety Committee meetings.
- Preparation of VDOT Smart Scale applications.
- Review of zoning and development proposals.
- Assist with the development and update of the County's Comprehensive Plan.
- Manage transportation improvement projects utilizing Central Virginia Transportation Authority Funding.
- Conducts research and develops policies, programs, and studies for a wide range of local transportation needs.
- Assist with the planning and development of transportation projects that utilize regional funding such as RSTP and CMAQ.
- Research and compile information as requested by County Administrator, staff and citizens.
- Provide general information and assistance to walk in and call-in customers, including staff and citizens.
- Complete technical reports and surveys, extracting information and utilizing various software packages.
- Other duties as assigned

### KNOWLEDGE, SKILLS, AND ABILITIES:

The Transportation Planner should possess a thorough knowledge of the principles and practices, and research methods related to urban, transportation, and regional planning; considerable knowledge of relevant Federal, State, and local laws and regulations; considerable knowledge of regional issues, plans and programs; considerable knowledge of the application of personal



## COUNTY OF NEW KENT POSITION DESCRIPTION

computers to document preparation, GIS research, spreadsheet analysis, presentation software, and other related applications; ability to analyze and systematically compile technical and statistical information, and prepare technical reports; and demonstrate the ability to evaluate the feasibility of planning alternatives in relation to trends, costs and social pressures and needs.

### EDUCATION AND EXPERIENCE:

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The Transportation Planner should possess the educational equivalent to a bachelor's degree in planning with a transportation emphasis or related field, and five (5) years of experience at a responsible level of local government, OR any acceptable combination determined to be sufficient to perform the essential functions listed above.

### PHYSICAL CONDITIONS AND NATURE OF WORK CONTACTS:

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Duties are normally performed in an office setting in a seated position where no hazardous conditions are prevalent; however, the job may require frequent standing, walking, bending, stooping and the occasional light lifting of office items up to 30 pounds in weight. Frequent sustained operation of office equipment is required.

### EVALUATION:

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Performance will be evaluated on the ability and effectiveness with which the incumbent accomplishes the above responsibilities.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

New Kent County Board of Supervisors  
P O Box 150, 12007 Courthouse Circle  
New Kent, VA 23124

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 7/28/2021

Agenda Item

Motion: "Mr.  
Chairman, I move to  
(not required for Consent  
Agenda items)

Subject

**Other Business**

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

10:05 a.m.

Person Appearing:

Request  
prepared by:

W. Watkins, Deputy  
Clerk of the Board

Telephone:

804-966-9687

Copy provided  
to:

**REVIEWERS:**

Department

Reviewer

Action

Date

Clerk

Watkins, Wanda

Approved

7/22/2021 - 10:43  
AM

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 7/28/2021

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	adjourn
Subject	<b>Adjournment</b>
Issue	
Recommendation	Approval
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, August 9, 2021 and the next work session at 9:00 a.m. on Wednesday, September 29, 2021, both in the Boardroom of the County Administration Building. There will be no August work session.

Time Needed:	10:15 a.m.	Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

**ATTACHMENTS:**

Description	Type
Closed Session Motions (PDF)	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	7/22/2021 - 10:44 AM

## **MOTIONS FOR CONVENING A CLOSED SESSION**

- 1 I move to go into closed session pursuant to §2.2-3711A.1 of the Code of Virginia for *(discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees)* involving \_\_\_\_\_.
- 3 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *(discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County)* involving \_\_\_\_\_.
- 4 I move to go into closed session pursuant to §2.2-3711A.4 of the Code of Virginia for *(the protection of the privacy of individuals in personal matters not related to public business)* involving \_\_\_\_\_.
- 5 I move to go into closed session pursuant to §2.2-3711A.5 of the Code of Virginia for *(discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community)* involving \_\_\_\_\_.
- 6 I move to go into closed session pursuant to §2.2-3711A.6 of the Code of Virginia for *(discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected)* involving \_\_\_\_\_.
- 7 I move to go into closed session pursuant to §2.2-3711A.7 of the Code of Virginia for *(consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel)* involving \_\_\_\_\_.
- 19 I move to go into closed session pursuant to §2.2-3711A.19 of the Code of Virginia for *(discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure)* involving \_\_\_\_\_.
- 28 I move to go into closed session pursuant to §2.2-3711A.28 of the Code of Virginia for *(discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records)* involving \_\_\_\_\_.



- 29 I move to go into closed session pursuant to §2.2-3711A.29 of the Code of Virginia for *(discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board)* involving \_\_\_\_\_.
- 33 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *(discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.)* involving \_\_\_\_\_.

### **CERTIFICATION OF CLOSED SESSION**

#### **A. Motion**

I move that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

#### **B. Vote taken on certification.**

Present:

Vote:

Thomas W. Evelyn  
C. Thomas Tiller, Jr.  
Patricia A. Paige  
Ron Stiers  
John N. Lockwood