

V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Monday, February 10, 1992, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
 James T. Osborne, Vice Chairman
 Kenneth G. Mathews
 James P. Litton
 Maurice H. Parris
 Jackson Barker, Jr.
 Cecil K. Simcox

Bruce E. Bentley, County Administrator
 Cliff Walsh, County Attorney
 Mark W. Seamon, Director of Accounting
 Sandra M. Hatfield, CPS

1. Call to Order

The meeting was called to order by Mr. Joe W. Derting, Chairman of the Board.

2. Invocation and Pledge of Allegiance - Kenneth G. Mathews

Mr. Kenneth Mathews gave the Invocation and led in the Pledge of Allegiance.

3. Approval of Minutes of January 30, 1992

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to approve the minutes of January 30, 1992 with the following correction:

Page 5939, Item 19, Board Member Reports, Paragraph 3:

"On motion of Mr. Barker, second by Mr. Mathews, it was resolved to request the Virginia Department of Transportation to do a safety study on the two trestles located on State Route 641, and on State Route 700 at the intersection of State Route 627."

The vote on this motion was as follows (7-0):

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

On motion of Mr. Barker, second by Mr. Mathews, it was resolved to amend the Agenda to consult with legal counsel in Executive Session pursuant to Section 2.1-344(A)(7), specifically on E-911.

The vote on this motion was as follows (7-0):

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

4. Citizen Comments

At this time, Mr. Derting invited comments from citizens in the audience on items that do not appear on the agenda.

The following is as close to a verbatim transcription of the Citizen Comments portion of the Board of Supervisors meeting which occurred on February 10, 1992 as the tape quality allows.

Mr. Derting: Citizen Comments. I have asked you before and, give me a second. I think the Board of Supervisors was elected by the people in Washington County. I think the Board of Supervisors wants to do what they think is right for the people in Washington County. I would ask you, and you do not have to do this now.

Mr. Mannix: Me?

Mr. Derting: But I am asking you or anybody else out there. But I would ask you to make constructive comments and try to hold it to five minutes.

Mr. Mannix. Thank you.

Mr. Mannix: Thank you Mr. Chairman. Good evening members of the Board of Supervisors. My comment has to do with the minutes of January 30th that you all just approved. The minutes reflected the vote that was taken on the certification coming out of executive session was not unanimous. That leads me to believe that there may have been something discussed in there that was not supposed to be discussed in

accordance with the Virginia Freedom of Information Act.
And ah

Mr. Derting: You want me to answer you?

Mr. Mannix: If you would, yes.

Mr. Derting: Well, I do not, I do not really know why that vote took place but I am informed by the County Attorney that that vote was the same as a Supervisor not being there, legally.

Mr. Mannix: Well, I was here. There was seven of you all in there.

Mr. Derting: I understand that.

Mr. Mannix: Well, Mr. --

Mr. Derting: (Mr. Derting spoke a few words at the same time as Mr. Mannix was saying "Well, Mr. --")

You can address that to the one that abstained.

Mr. Mannix: Mr. Litton abstained on that. Would you care to comment Mr. Litton?

Mr. Litton: Well, it shows here that I abstained. I do not know whether I abstained or not. There is not usually a reason for abstaining, it certainly was not because I was not here. If the vote had been called for in opposition, I would have voted no. Yes sir, I would have.

Mr. Mannix: Well, I listened to the tape today, and there was no call for any, there was a call for people for the motion. There was no call for anybody against, and there was ah notation of one abstention and that was it. And if there is a problem with that, um, pursuant to 2.1-344(d) any member of the public body who believes there was a departure from the requirements of subdivision 1 and 2 shall so state prior to the vote indicating the substance of the departure that in his judgment has taken place, and the statement shall be recorded in the minutes of the public body. So, my question is, did you all discuss something behind them doors that you were not supposed to be discussing? The only thing on the Agenda was Exit 7 on the property and acquisition.

Mr. Litton: Pat, all I can tell you is, we did not discuss anything in there that needed to be a vote taken on that was not taken out here.

Mr. Derting: There was no vote taken.

Mr. Mannix: Did you discuss something other than Exit 7? Is that what you are saying?

- Mr. Derting: I'll refer that to the County Attorney or to Mr. Mathews and I am informed that an abstention is the same as a Supervisor not being there.
- Mr. Mathews: Mr. Mannix, if you will go back just about three to five minutes when we voted to approve the minutes, do you recall what the vote was?
- Mr. Mannix: The vote was 7-0.
- Mr. Mathews: O.K., Sir.
- Mr. Derting: Mr. Mannix, I do not want to give you a hard time but I told you that I think the majority of this Board is working for the best interests of the people in Washington County.
- Mr. Mannix: So -- So what you are going to do is treat us like children. You are going to do what is best for us without letting us know what it is. Is that what you are telling me? I am getting sick and tired of this stuff. This is a new Board. It is not one month into running this County and you are all sneaking behind closed doors and talking County business and not telling the people what you are talking about. And if Mr. ah -- As Mr. Litton said if there would have been a call for those against, he would have voted no and ther'd be an explanation of it in here. But apparently from what I heard on that tape today, it was just -- it was run right past it. I did not even catch it sitting here. I had to go back and listen to the tape.
- Mr. Derting: There was no vote in executive session.
- Mr. Mannix: That is not what the law says. It does not say anything about a vote. It talks about what you all discussed behind closed doors. there is no requirement for you all to go into executive session in the first place. But there are certain exemptions that allow it. And, ah -- and it is used very liberally to conduct County business. And, ah -- we ought -- all -- we all, what is going on right now in Bristol is a perfect example of what happens when the government decides that they are going to do what they want to do. And, I think it is about high time that the people take back the government of this County and demand an answer to my question.
- Mr. Derting: I believe the people are taking it back.
- Mr. Mannix: So, you all did discuss something in there you should not have been discussing then whether you voted on it or not.
- Mr. Derting: No. No. I do not agree with that.
- Mr. Mannix: But its something you do not want to share with us. Is that it?

Mr. Derting: I am not going to say anything else.

Mr. Mannix: Mr. Litton. Are you finished?

Mr. Litton: (unclear) (Yes, Sir)

Mr. Mannix: Well, that's your Board people.

Mr. Derting: I think its a good Board. I think its a Board that's trying to serve the people of Washington County. I think we are doing our homework and I would again respectfully request that you and others try to help this Board. Not try to tear it down.

Mr. Mannix: I am going to try to help you by referring you to 2.1-346 which is proceedings for enforcement of this Chapter. And if it takes petitioning the Court up there to get an answer to my question, then I am going to go up there and petition the court to get an answer to my question.

Mr. Derting: Good Luck. Stay to about 11:30 and I will talk to you.

Mr. Litton: If I have to go to Court, I will answer your question.

Mr. Mannix: Well, I, I am sure you would Mr. Litton. I am just, I am, I am amazed that that is what its going to take to get an answer to a simple question.

Mr. Derting: It will probably be answered in Court before we get there.

Mr. Mannix: That is not what this states. If you all going to run behind that door, you are going to do it right. You are not going to go in there and talk about whatever you please and then come out here and tell us that you are doing what is best for us, but we are, we are not entitled to know what its about. I resent it. I am not trying to be argumentative, the law is clear on this. You can ask the County Attorney. You are not supposed to go in there and talk about something that you do not vote on prior to going in there.

Mr. Derting: That is debatable by various courts.

Mr. Mannix: O.K., well --

Mr. Derting: Some say you have to list it, some say you do not.

Mr. Mannix: Well, we will go ahead and debate it by this Court and see what happens.

Mr. Derting: Good luck.

Mr. Mannix: You are probably right, nothing will happen.

Mr. Derting: Good luck.

Mr. Brady: You say you want people to -- I guess its all right if I come up here cause I know you are talking about me a whole lot and I will be back if you do not.

Mr. Derting: Me?

Mr. Brady: Now. I have written up here two comments. One on the 911 system and one on this program right here and what I say is true. You was obligated for \$191,303.01 for that right there, drawing, revamping the County. You got the telephone directory with a map in it. What are you going to do with your routes. Have you ever thought that. I assume you know what a route is, do not you. You going to answer that question? I know you do not. Gentlemen, I am going to give you this. (His comments related to 911 continue.)

Sandra M. Hatfield, CPS
Secretary to the
County Administrator and
Board of Supervisors