

BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
MINUTES
WORK SESSION
JANUARY 28, 2025

CALL TO ORDER – A work session of the Stafford County Board of Supervisors was called to order by Deuntay Diggs, Chairman, at 5:00 p.m. on Tuesday, January 28, 2025 in Conference Room ABC, George L. Gordon, Jr. Government Center, 1300 Courthouse Road, Stafford VA.

ROLL CALL – The following members were present: Deuntay Diggs, Chairman; Tinesha O. Allen, Vice Chairman; Meg Bohmke; Pamela Yeung; Darrell English; Monica Gary; Crystal Vanuch.

Also in attendance were William Ashton, County Administrator; Rysheda McClendon, County Attorney; Taylor Dunn, Deputy Clerk; various staff members; and other interested parties.

WORK SESSION ITEMS

Deuntay Diggs, Chairman, said that this was their C-Day work session. He said that they would reorder their items and begin with item number three this evening, so they would first be reviewing the draft Memorandum of Understanding (MOU) between the Board of Supervisors and the Economic Development Authority (EDA).

ITEM 1. REVIEW DRAFT MOU BETWEEN BOARD OF SUPERVISORS AND EDA

Liz Barber, Director of Economic Development, said that she was here to discuss the EDA Memorandum of Understanding draft, which had been a long time coming. She said that she was excited to share this product with the Board. She said that approximately a year ago, in January 2024, she was tasked by the Deputy County Administrator at the time, Mike Morris, to work on developing a MOU to establish guidelines and expectations for administrative processes between the EDA and the Economic Development Department.

Ms. Barber said that this document aimed to clarify which functions were handled by the EDA, which by the department, and how department staff could be utilized to support these processes for all parties involved. She said that she worked with Mr. Morris and Paul Santay to begin the process of gathering expectations from County Administration and establishing guardrails.

Ms. Barber said that to clarify, they created a division of duties chart, outlining which tasks should be handled within the department and which were the responsibility of the Economic Development Authority. She said that this chart was then reviewed line by line by a committee, which she was a part of, and gave it a detailed examination to ensure that the division of duties made sense and would be sustainable in the long term.

Ms. Barber said that the goal was to create a guidebook that would remain relevant regardless of changes in staff or positions. he said that the EDA then made a motion to move forward with the

proposed guidelines, which were subsequently reviewed by County Administration staff, the legal team, and ultimately presented to the Board today. She said that the agreement addressed administrative details, such as who had access to bank accounts, passwords, and other sensitive information.

Ms. Barber said that this document was the result of a thorough process, with many steps taken to ensure clarity and consistency. She said that her role today was to answer any questions the Supervisors may have and provide clarification as needed. She said that if they were interested in seeing this document on a consent agenda item in the future, they could discuss the details and explore options for moving forward.

Ms. Bohmke asked if, when they created this document, they drew inspiration from other successful Economic Development Authorities (EDAs) in the Commonwealth, using their document as a template to build upon. She said that if so, she would like to know what jurisdiction it was.

Ms. Barber said that Economic Development Authorities are utilized extremely differently in various areas, so it was difficult to generalize. She said that to utilize a Memorandum of Understanding, from another jurisdiction, one would likely need to redline it almost every line to align with the County Administration's standards for County staff involvement. She said that many Economic Development Departments are fully funded and operated through EDAs, which is a different scenario than having herself as a liaison. She said that they had not utilized other jurisdictions' MOUs, but she had hoped that meeting with other EDAs would provide some insight into best practices for tapping into EDAs, primarily for knowledge sharing rather than an MOU purpose. She said that she hoped that had answered the question.

Mr. English asked if they would be reviewing the MOU after three or five years on a schedule.

Ms. Barber said that according to the text, it was a five-year agreement. She said that the agreement would automatically renew for a lesser term. She said that the agreement commenced on a five-year basis, with the possibility of renewal for five-year periods following formal review and approval in writing by both parties.

Dr. Yeung said that she would like to inquire if the Economic Development Authority and/or the Economic Development Department had updated their strategic plan yet.

Ms. Barber said no. She said that the EDA was waiting to see what the County presented as their strategic goals, as they aimed to align their strategic plan with the County's, a process that had not occurred in the past. She said that their plan was currently in the procurement process with the County.

Dr. Yeung said that the Board already had their strategic goals and strategic objectives in place for the County. She said that therefore, the Economic Development Department should have been emulating these efforts, identifying the key pillars that drive their success. She said that the pillars could encompass a wide range of areas, including economic development, business, new business, site development, entrepreneurship, and more. She said that her hesitation to approve a

memorandum of understanding, despite its role-related nature, stemmed from concerns about potential overlaps and unclear responsibilities.

Dr. Yeung said that she was uncertain about the distribution of responsibilities outlined in the strategic plan, particularly regarding who was responsible for specific tasks. She said that she was not aware of who was present in the room to discuss and decide on these matters. She said that she was not certain if someone else on the Board had reviewed the document to gain insight into the decision-making process. She said that upon reviewing the document, she noticed a reference to staff, but she was unclear about whether this referred to County staff, Economic Development staff, or County Administration staff. She said that this lack of clarity had led her to question their alignment.

Dr. Yeung said that with the recent addition of new EDA members, she believed it would have been beneficial to have a diverse group of individuals with expertise in planning, development, business, and other relevant areas. She said that unfortunately, the current composition of the EDA lacked this depth of knowledge. She said that in her opinion, she would not be able to support this MOU at this time, primarily due to the lack of a strategic plan, and therefore lack of clarity regarding the EDA's objectives, goals, and future plans.

Ms. Barber said that in Stafford Vision 2040, Section 3.4 under economic diversification, requested the Economic Development Department to create a strategic plan. She said that when she mentioned that it was in procurement, they had received funding for this project in their budget that July, and they subsequently issued a request for proposals (RFP), which was managed through their procurement department.

Ms. Barber said that however, the process was not expedited when taxpayer funds were involved, as it required a thorough evaluation by a panel of County staff. She said that they received seven excellent proposals, but unfortunately, five of them scored equally well, leading to an extended process of second and third rounds of interviews to select the final proposal.

Ms. Barber said that she wanted to assure them that there was no delay on their staff's side in creating the strategic plan; it simply needed to undergo the necessary County procedures. She also said that she wanted to highlight the strong partnership between the Economic Development Authority, their Department, and the County, as they were awaiting their strategic plan based on the County's plan and what they ratified for them.

Dr. Yeung said that she appreciated that explanation. She said that what she was saying was that she was in favor of an MOU, but at this point, while it was clear what was included in terms of roles and responsibilities, the framework seemed to be lacking in substance, and she felt that more needed to be developed. She said that having an MOU now and then having to update it after the strategic plan was created, only to realize that certain aspects were missed, could be problematic.

Dr. Yeung said that she was not sure that Ms. Bohmke had asked a thorough question. She said that she wanted to know if they needed funding in moving this effort forward. She said that if so, they should please let them know, as she was aware that resources were limited.

Ms. Vanuch asked if there was anything in this agreement that caused Ms. Barber concern. She asked if the EDA had reviewed this document.

Ms. Barber said no; this was something that everyone felt great about. She said that she felt that it really protected the County. She said that one of the most important aspects of this Memorandum of Understanding was that it created a safeguard. She said that when she referred to "guardrails," she was referring to the measures in place to prevent past issues that their department may have been involved in, which did not necessarily benefit the County as much as they could have. She said that for example, processing funds, making deposits, and having access to bank passwords were issues that they had addressed and improved.

Ms. Barber said that they had also changed loan underwriting processes and ensured that staff decisions and opinions were protected from actions that could compromise the County's interests. She said that she was very comfortable with everything that was in this document, as they had actually been operating under these guidelines with County Administration guidance since she became director. She said that this was simply a matter of ratifying and getting the wording right so the legal team was supportive.

Ms. Vanuch said that she would like to continue on with a few questions. She said that she would like to express her gratitude for completing this project, as it had been a two-year process. She said that she appreciated that they were finally reviewing it, and she thanked Ms. Barber for her hard work on this. She said that she knew that this was not an easy task to accomplish. She said that she recalled that at one point, there were EDA members who were unclear about their role in relation to the County Economic Development Department. She said that Ms. Barber had addressed this issue briefly, but she wanted to confirm that this document provided the necessary clarity, establishing clear boundaries and responsibilities for the department and the Authority.

Ms. Barber said that she agreed; that was exactly what it does. She said that she believed it effectively served as a mechanism for EDA members to cycle in and out of different appointments or for staff to come and go, which helped maintain consistency. She said that this approach ensured that, even as leadership changed, the general vision and actions remained the same.

Ms. Vanuch said that she had a question regarding informing requirements. She said that she understood that the EDA's primary goal was to potentially recruit new businesses, but that was also the department's responsibility. She said that upon reviewing the document, she did not see any explicit guidance on how to handle situations where the EDA's direction diverged from the Board of Supervisors' strategic plan, which Dr. Yeung had mentioned.

Ms. Vanuch asked if there anything in this document that would prevent the EDA from pursuing a different path, such as focusing on data centers instead of restaurants or a movie theater. She said that according to the strategic plan, they would review and consider these options when they were presented. She said that she was curious to know if there was anything in this document that would prompt them to inform the Board of Supervisors that the EDA was deviating from its original plan, potentially leading to a meeting to address the issue.

Ms. Barber said that she was not sure that the issue was fully addressed. She said that it did appear to become somewhat unconventional for an EDA that was independent. She said that she was not aware of any specific guidance from the legal department on this topic. She said that as part of her role, she served as a liaison to update the Deputy County Administrator or County Administrator on meetings. She said that this meant that they had debriefings. She said that her current Chief Director attended these meetings, and they strived to maintain an open line of communication in debriefings. She said that while she saw what Ms. Vanuch was saying, she did not see any specific connection to this document that tied back to their debriefing process.

Ms. Vanuch asked the Board if they should they include that as a follow-up item in the governing document, or did they feel confident in the current state of the document, knowing it would serve as a governing document for years to come. She asked if their legal counsel had reviewed the document and if they had any concerns.

Rysheda McClendon, County Attorney, said that her office had reviewed the document and were involved in the process. She said that they were ensuring that the document accurately reflected the goals and desires of staff, particularly in regards to economic development, and she believed it aligned with what staff had been hoping to achieve through this relationship.

Ms. Vanuch said that she wanted to address a contentious issue. She said that this topic had been discussed by multiple Board members throughout the EDA's existence, largely due to public feedback regarding the potential conflict of interest. She said that the concern was that the EDA's counsel consistently presented land use cases to the Board of Supervisors, raising questions about whether this was a real or perceived issue.

Ms. Vanuch said that she had noticed a brief mention of conflict of interest in a specific section, but she was not aware if the EDA had addressed this issue. She said that the Board had previously discussed the need for the MOU to explicitly address this concern, ensuring that the EDA's counsel would not present land use cases to the Board of Supervisors. She said that she was curious to know if the Board's stance on this matter had changed or if it had been discussed at all.

Ms. Barber said that she was not aware of that topic specifically. She said that it was possible that it had been discussed before her tenure.

Ms. Vanuch said that Kyle and John had discussed it previously, so she would refer that to her colleagues, as she believed that topic was more suited for Board direction. She said that Ms. Bohmke, herself, and Ms. Allen had been on the Board for some time and had experienced some of that. She said that she would refer that question back to her colleagues.

Mr. Diggs said that he wanted to clarify a point that he had heard earlier. He said that Ms. Barber had heard that the Economic Development Authority was independent, and he wanted to further discuss this to ensure they were on the same page. He said that in terms of the Board's expectations, he would like to know if they were limited in their ability to influence the EDA to align with their perspective, or if it was a one-way street.

Ms. Barber said that they were an independent, quasi-governmental agency, so they had their own Employer Identification Number (EIN), operated independently, and had their own budget and audits. She said that this truly established them as a separate entity. She said that as the appointing authority, the Board of Supervisors had the power to influence decisions, particularly regarding pass-through agreements or incentive agreements, which could be utilized in a specific manner. She said that they also had the power to remove members, should the need arise.

Ms. Vanuch said that to Mr. Diggs' point, if the department and the EDA were actively courting a specific business to locate there, and then they informed the Board in a closed session about their intention to offer incentive agreements, which they had done in the past, then everyone was on the same page and aware of the situation. She said that however, if the EDA decided to pursue a business that the Board had not been briefed on, and it was not part of their strategic plan, it raised concerns about informed consent.

Ms. Vanuch said that in the past, it had often been the case that businesses had invested heavily, and the Board was left in a difficult position when it was presented in a meeting without prior discussion. She said that this had happened recently, but she was unsure if it was a result of the EDA's actions. She said that she wanted to ensure that the EDA were not secretly recruiting businesses without the Board's knowledge. She said that this could lead to a negative perception, and they risked being labeled as not business-friendly.

Ms. Allen said that she appreciated the work Ms. Barber's team had done so far, but she was in agreement with Dr. Yeung. She said that to be honest, she was not a fan of the Memorandum of Understanding as presented. She said that she felt it was only the first part of a two-part process. She said that she believed they needed the administrative component, and now she needed to see more fleshed out details, including defining roles and responsibilities that were not administratively handled, and outlining strategic plan or business-related points that some of the other Supervisors had discussed.

Ms. Allen said that it was almost disheartening because she felt like this took a lot of work, given that they were operating loosely and freely, and she had taken for granted that administrative tasks were already being handled. She said that now that she knew that was not the case, it was disappointing to realize that this process consumed so much time. She said that she was not directing this at the staff, but rather at the administrative relationship between the County and their quasi-body, which did not have a better-defined relationship long ago.

Ms. Allen said that this would have allowed Ms. Barber's team to focus on what they were expecting – a more substantial, business-focused part of the process. She said that she thought this was what was disappointing – that she was not aware of this earlier, and reading it made her wonder why they had not done this sooner.

She said that again, this was not an indictment on anyone; it was just that they probably should have done this a long time ago, and many of them may have taken it for granted that it was already in place, without realizing that it was not in place. She said that instance, in the recitals, she was not entirely clear on the joint agreement between the Board and the EDA. She said that Ms. Barber had mentioned that their strategic plan was contingent on the County's involvement, yet it seemed

they already had it included in the agreement. She said that she thought they should also discuss, as part of their conversation, how their mission aligned with theirs to establish a joint mission in their MOU. She said that this would help avoid misunderstandings and ensure that they were on the same page.

Ms. Allen said that during their joint meetings, they often asked, "What does the Board want?" She said that the MOU should include a shared mission that they both agreed on, rather than simply encouraging alignment with the Board's strategic plan. She said that this would provide clarity and avoid confusion. She said that the first piece of the MOU, however, left some aspects unclear, particularly regarding the shared mission. She said that she felt that this was just the beginning, and perhaps there needed to be a part two to fully address these issues.

William Ashton, County Administrator said that he would like to offer a suggestion. He said that he believed they were all in agreement that the rules of engagement had been unclear over the years, leading to difficulties with people staying in their designated lanes. He said that to clarify this there should be a strong division of roles and responsibilities, which he thought the MOU helped them achieve. He said that he also acknowledged that the strategic plan was still in development, and they were working to bring it to fruition. He said that having five finalists with the same scores was a unique circumstance, and he found it challenging to negotiate such a situation.

Mr. Ashton said that taking a step back, he wondered if there was an option for them to adopt these rules of engagement to get them in place, and then schedule a review six months or one year after the adoption of the strategic plan to assess their progress and make any necessary adjustments. He asked if there was an option for them to potentially do that.

Ms. Barber said that she could see the possibility of adding an addendum to this document, perhaps as part of a joint mission or initiative that emerged from a future joint session, following the completion of both strategic plans.

Mr. Ashton said that he believed they had a chance to address the long-standing issues that had been plaguing them. He said that he did not want to let the pursuit of perfection hinder their ability to make progress.

Mr. Diggs said that he agreed with what Mr. Ashton was saying. He said that he thought it was essential to focus on fixing what they could and then continue to work on improving it.

Mr. English said that he was planning to bring this up and propose a two-year timeline to work on it. He said that he would like to revisit and refine the plan over the next two years. He said that regarding the comments about the conflict were also worth revisiting, as it had been an issue for them. He said that he recommended moving forward with the plan, as it provided a necessary framework and allowed for reevaluation over time. He said that having a two-year period to address any concerns and make adjustments seemed reasonable to him, and he believed it was not an excessive ask.

Ms. Gary said that that resolved the issue she was about to ask, and actually brought them some closure. She said that she agreed with that, with the understanding that they needed to revisit and further hash out some things. She said that she felt that they were in a position to start working more closely and collaboratively with the EDA, and she would like to extend her gratitude to Ms. Barber, for her leadership in the Economic Development Department.

Ms. Vanuch said that she was going to offer a slightly different approach, but she agreed that they needed to move forward with something. She said that the current situation of staying in the lanes was a struggle, and she understood that it was not something Ms. Barber wanted to have weighing on her in this position. She said that her suggestion was that they consider adding a section to the MOU that required the Board and the EDA to meet within six months of adoption of the MOU to align on a joint strategic plan.

Ms. Vanuch said that this would ensure that they were tying their efforts together and working towards a common goal, rather than having to revisit policy priorities and strategic plans every five to ten years. She said that by including this section, they could avoid the need for frequent addendums and ensure that their rules of engagement were clear and consistent. She said that this approach would also align with the way other regional commissions, such as the library and Fredericksburg Area Metropolitan Planning Organization (FAMPO), operated, where they established strategic plans and goals that were reviewed annually. She said that she would recommend they add a section that directs the Board of Supervisors and the EDA to agree upon their strategic plan goals and initiatives for a certain amount of time.

Ms. Barber said that to clarify, the strategic plan they were undertaking was specific to the Economic Development Department. She said that the RFP that they had issued to all the parties had included a request for recommendations on how the Economic Development Authority could be utilized most effectively. She said that given that they did not currently utilize their EDA to its full potential, they had asked for suggestions. She said that she was unsure if the Board could truly discern or direct their strategic plan, considering the Authority's independence. She said that this independence raised questions about what that strategic plan could look like in terms of language.

Ms. McClendon said that any suggestions or changes the Board was discussing today, given that this was a joint and agreed-upon document, must be taken back to the EDA. She said that Ms. Vanuch had pointed out that if the goal was to bring the EDA to the table and have them agree to the proposed changes, including the timeline, including it in the Memorandum of Understanding would bind them to whatever they were willing to agree to.

Ms. McClendon said that this way, both the Board and the EDA, if both agreed, would come together in six months to have those discussions. She said that if the Board simply decided to include it in its resolution when adopting it, that would only express the Board's interest or intent, but it would not demonstrate the EDA's agreement, so including it in the MOU would provide that mutual agreement of both parties to come to the table and move forward as requested.

Ms. Vanuch said that her request of the Board was to consider language drafted by Ms. Barber, Mr. Ashton, and Ms. McClendon. She said that she believed they understood the essence of the request. She said that they should then review it with the EDA to ensure alignment and proceed

accordingly. She said that she wanted to move forward with this request as soon as possible, without waiting on the Conflicts of Interests Act (COIA) issue. She said that she wanted to be clear about this item, so she requested that the legal department research and provide a report on whether they could address the COIA issue and, if not, to clearly state on the dais that they could not enforce it when they adopted this policy.

Ms. Barber asked which item Ms. Vanuch was referring to.

Ms. Vanuch said that she was referring to the legal counsel representing the Economic Development Authority, and the representation with active land use plans in front of the Board of Supervisors.

Dr. Yeung said that she remained in the same position as before, and was hearing some information that she did not like. She asked if the MOU was non-binding.

Ms. McClendon said that the MOU is an agreement between two parties, and if it is mutually agreed upon, it becomes a binding contract.

Dr. Yeung asked if it was a binding agreement.

Ms. McClendon said that it was a binding agreement, resulting from a mutual understanding between the parties involved.

Dr. Yeung said that it was not clear how it would be enforced. She asked, if the parties decided to deviate from the agreement, how would that be addressed. She said that she was willing to wait for the strategic plan because she believed it would be developed more quickly, but she was only working with Ms. Allen, who also thought it was essential for both departments to have a strategic plan.

Dr. Yeung said that by having it, they could understand the plan's details and see how it aligned with the other goals. She said that she was also concerned that adding new players to the process might slow down the development of the plan. She said that given that the departments were getting along well, she was not sure why there was a sense of urgency. She said that if some individuals were no longer part of the process, she would like to understand the reasoning behind the sudden hurry. She said that as the economic development liaison, Ms. Barber was present to provide information and facilitate communication between the departments.

Dr. Yeung said that it seemed like they had lost direct alignment and could not speak to the Economic Development Authority. She said that she would like to review the document more thoroughly and see if there were any areas where they could add value. She asked if they could simply review the document and provide a yay or nay on the MOU, or were there limitations on making changes due to the legal process that had already been completed.

Ms. Barber said that the Board had the authority to make those decisions.

Ms. Bohmke said that she generally agreed with Mr. Ashton. She said that she believed this document set forward their rules of engagement, which they had not had in place before. She said that it was clear that there were some policies and procedures that had not been followed as they should have been over the years. She said that she thought this document was an important step forward. She said that however, she was not convinced that it would mirror the strategic plan, as she believed it focused primarily on office procedures, banking, and audits.

Ms. Bohmke said that to her, it seemed like a basic, plain vanilla document. She said that what some of the others were asking for was similar to the gentleman who emailed them about the February 4 Board of Advisors meeting. She said that he had mentioned several projects that they had not completed in the County that they had a groundbreaking for. She said that they should review that again, but would like to keep that separate from their discussion.

Ms. Bohmke said that she did not think the strategic plan needed to be embedded in this document. She said that for the record, she had voiced concerns about this document, particularly item number four under conflict of interest. She said that she had read that paragraph multiple times, and she still did not fully understand it. She said that she would like to see it revised to explicitly state that the Economic Development Authority would not hire outside counsel that made land-use decisions in this region or the Commonwealth of Virginia. She said that she believed they had had issues with this in the past, and it was not acceptable to have someone representing the EDA as a land-use attorney in front of their Board. She said that she would only sign an agreement if that was clearly stated in the Memorandum of Understanding.

Mr. Diggs asked Ms. McClendon if that was something the Board could direct.

Ms. McClendon said that the Board would like to express their concern, and if the EDA was willing to agree to it in the Memorandum of Understanding as something they were willing to take on, they could do so, but the Board could not control who they chose to hire.

Ms. Allen said that they could tell them they had concerns but could not dictate who the staff was for the hiring process. She said that she understood Ms. Bohmke's point that the strategic plan should not be included in this document, but the first item stated that everything should be consistent with the County's strategic plan. She said that at some point, they had to decide whether to remove that statement. She said that they could not mention something in the MOU without it being part of the MOU, because there would be nothing to reference. She said that to her, that was consistent with what Dr. Yeung and she had been saying, as they were discussing a strategic and joint mission.

Ms. Allen said that the question she had about the first item was that when it mentioned implementing creative and innovative mechanisms for attracting desired business and economic growth in Stafford County, she was unclear about how this would be facilitated. She said that she was particularly concerned about the part where it said they would share a joint mission, because she did not feel that the expectations were clearly outlined or what the partnership would look like. She said that the statement only mentioned that they would share a joint mission, but she was not sure what that meant in terms of the responsibilities between the County and the EDA.

Ms. Barber said that she would like to share some information about that. She said that most Economic Development Authorities provide business attraction services, which include programs and incentives. She said that however, the specifics can vary. She said that in their case, the Economic Development staff was not involved in that, but she could tell them that their department's role was to work with businesses, facilitate the process, and connect them with development services, planning, and zoning.

Ms. Barber said that they ensured that businesses had the necessary pieces in place, including funding. She said that the EDA could be effectively utilized by creating programs that aligned with their strategic plan. She said that for example, if their strategic plan identified a specific sector, the EDA could develop programs tailored to that sector. She said that this approach allowed the EDA to leverage their funding and creative resources to support their vision.

Ms. Barber said that as a quasi-governmental agency, they had the flexibility to offer grants, loans, and other incentives that could supplement their efforts. She said that she believed this was a straightforward way to achieve this goal, but that was not necessarily reflected in the MOU. She said that the document's purpose was to provide a general overview that could be referenced without becoming outdated.

Ms. Allen said that if they had included an example where they explained that the EDA would provide programs that aligned with the County's strategic plan, it would clearly address the first paragraph. She said that to her, it still left some ambiguity because it did not explicitly state the EDA's expectations and the County's expectations, especially for someone outside the process. She said that a slight rewording could help clarify this. She said that for instance, they could explain that the EDA would provide programs that aligned with the County's strategic plan, rather than tying themselves to a specific plan for the year. She said that this would allow for flexibility and ensure that the EDA's programs reflected any changes that may occur.

Ms. Allen said that regarding the administrative piece, she had a concern that they were already short-staffed on their end. She said that she was not trying to be negative towards the EDA, but she wondered if it was worth exploring the possibility of financial contributions to help cover the administrative costs. She said that since they would be providing staff to support the EDA, it seemed reasonable that they should contribute to the staffing needs as well. She said that this would help alleviate some of the burden on their end and allow them to focus on their own issues. She said that perhaps they could discuss the possibility of the EDA contributing to the administrative costs, even if it was just a small amount.

Ms. Barber said that one of the staff member job descriptions, specifically the Economic Development Specialist, it is stated that they assists with minutes and other tasks such as processing requests. She said that when they received something, they sent it to the EDA's mailing address, which was their office, and they also had loan payments coming in, then the payments were then sent to XYZ bookkeeper, but they did not process them themselves; instead, they simply mailed them. She said that this was something their office did. She said that she estimated that this task took approximately ten hours a month, which was a relatively small amount of time. She said that it was indeed specified in the staff's job description, similar to how the Planning Commission

had Planning staff prepare their agendas and other materials. She said that while it was not a significant burden, it did represent a financial ask of the Board for this purpose.

Ms. Allen said that she understood it for the Planning Commission because they were entirely working within the County, but the EDA was quasi-governmental and had the ability to generate revenue. She said that finally, her recommendation would be to avoid dictating a specific meeting schedule, such as six months, and instead propose that within one year, there should be a joint strategic plan that could be incorporated into the MOU. She said that she was comfortable with this approach, as it allowed for flexibility and avoided the need to specify a rigid meeting timeline.

Dr. Yeung said that Ms. Allen had already addressed this, so she would be brief. She said that she had a brief moment of confusion earlier, which was related to the cost. She said that she had mentioned this before. She said that she knew that the County provided a lot of free marketing services, and Mr. Santay's staff also worked closely with constituents, without charging a fee.

Dr. Yeung said that she believed she had mentioned that staff would assist with some of the business-related tasks. She asked if in addition, they were planning to add marketing services to this list, in addition to what was already being done. She said that staff would provide general marketing support, and there were already a significant number of staff members involved, even though the 10-hour commitment was mentioned. She asked if there was there a contractor involved in this process, and if so, were they working on the EDA's behalf or the County's.

Ms. Barber said that the same contractor was used for both, but they had since separated the division of duties. She said that this was something that was also unclear in the previous arrangements, where the EDA had paid for the entire project. She said that from a County perspective, they did not feel it was fair to direct someone who was not their contractor. She said that as a result, they now had very separate and delineated duties on both sides. She said that for example, ribbon cuttings were now County staff events, rather than EDA events, which they had been in the past. She said that their County staff now helped to organize these events, coordinated with the Board of Supervisors, and created talking points to ensure that it was a County event, rather than an EDA event.

Ms. Vanuch said that she believed that the recommendation effectively addressed the concerns she had regarding the strategic plan. She said that by amending the first paragraph to clarify the EDA's role in creating incentives that aligned with the County's strategic plan, it seemed to resolve those concerns. She said that, in conjunction with the previous statement, this revised paragraph provided clear guidance on the EDA's responsibilities, which included creating incentives for businesses that aligned with the strategic plan.

Ms. Barber asked if they could please specify which recital number they were referring to.

Ms. Allen said that it was under section A.

Ms. Vanuch said that her final point was that she would like for the Chair to poll the Board on working with Ms. McClendon to establish a clear, defining category for outside attorney expectations regarding conflicts and land use.

Mr. Diggs said that he would come back to that point. He said that at this time, he would like to poll the Board on the County Administrator's recommendation with the amendment. He asked Mr. Ashton to clarify his recommendation for the record.

Mr. Ashton said that his recommendation was that they consider potential additional elements that might be necessary at some point to make this acceptable. He said that they had established clear rules of engagement, so they should adopt these rules. He said that once the strategic plan was approved by the Board, they should set a timeline to revisit how this was being operated between the two bodies and look for opportunities to make changes. He said that perhaps they could implement this initial iteration within a year or two, rather than waiting five years.

Mr. Diggs said that he understood. He said that then, they had the change for the first paragraph, which was section A.

Dr. Yeung asked if there was a time limit on including the strategic plan.

Mr. Ashton said that since they were currently in procurement with five finalists, he was unable to provide a specific timeline for awarding the contract to bring a consultant to the table to help them move forward with the plan.

Dr. Yeung asked if Ms. Barber was actively working with the Economic Development Authority to create the strategic plan.

Ms. Barber said that yes, she was.

Ms. Allen said that while she was willing to approve this piece, she was hesitant without a clear timeline for follow-up. She said that she understood the concerns about the consultant, but she believed a realistic timeline would be one year. She said that given their need to move forward, she was concerned that a project of this nature could take two to three years to complete, which would be a significant investment with minimal progress.

Mr. Ashton said that if he may add one final point, when there were five finalists in a competitive process, the likelihood of a protest increased, which could also lead to complications in delivering the contract and beginning work. He said that the timeline for this project became distorted, making it challenging for him to provide an accurate estimate of the time and resources required. He said that there was a significant amount of risk involved in any procurement process, particularly when five finalists were involved.

Ms. Allen said that she was comfortable with it, as she did not want to delay the process.

Ms. Gary said that she was in agreement with the proposal, and she may have spoken too soon regarding the collaboration. She said that she believed they were making progress. She said that she thought they could successfully implement this and that it would be beneficial. She said that she would like to offer a few thoughts, if she may. She said that she did not want to be too

prescriptive in their approach in terms of the specifics of the meeting schedule outlined in the MOU.

Mr. Diggs said that there was consensus from the Board to move forward with that.

Paul Santay, Director of Community Development, said that he had no comments at this time. He said that he appreciated Ms. Barber's presentation, which effectively highlighted the key points. He said that he was pleased to see that the Board was engaged, and they were looking forward to reviewing the strategic plan that would be presented by the consultant they were to select, which was expected to be available to them soon.

Ms. Bohmke said she would like for staff to create language that is clear, concise, and compliant with the law to the best of their ability.

Ms. Gary said that she did not think it was unreasonable to reiterate that they would expect conflicts of interest to be disclosed. She said that they had had issues with this in the past, even outside of counsel, and she thought it was a good idea to include language that reflected their expectation that such disclosures would be made. She said that if they included language that stated their expectation, she believed it would be sufficient.

Ms. McClendon said that she would like to offer her input. She said that she believed there was a distinction between the two concepts, and therefore, she needed clarification on what the Board was seeking. She asked if the Board was requesting the EDA to refrain from hiring counsel who also presented at the Board, or was she asking them to disclose potential conflicts of interest. She said that these were two distinct issues, and the language used would be different in each case.

Ms. Gary said that she did not want to dictate to the EDA who they could and could not hire. She said that he did not believe it was within their authority to make such decisions, and she did not think it was an appropriate role for them to play. She said that regarding Ms. Bohmke's suggestion, she was a no.

Ms. Allen said that she was a no; she did not really care who the attorney was. She said that the point was that she believed they should hire their own attorney. She said that they should be able to vet their own process.

Mr. English said that they could not tell them who to hire, but he would want to know what was going on up front. He said that his answer would be yes.

Dr. Yeung said that she was a no on the whole thing. She said that she wanted to see a strategic plan from the EDA and go from there.

Ms. Vanuch said that she strongly believed that they needed to include language in the MOU that prohibited individuals who were actively promoting or presenting land use cases in front of the board from being hired as counsel. She said that maintaining public trust and integrity in that space was crucial. She said that as a result, she would be voting against the entire proposal if this language was not included.

Mr. Diggs said that he would be a no. He said that therefore, the consensus of the Board was not to include that language in the MOU.

ITEM 2. DISCUSS ESTABLISHMENT OF AD-HOC COMMITTEE FOR THE DIVERSITY ADVISORY COALITION REVIEW OF CHARTER

Donna Krauss, Deputy County Administrator and liaison for the Diversity Advisory Coalition, said that she provided this information for the Board's consideration. She said that the Board had requested a discussion on the reestablishment of the ad hoc committee to review the charter of the coalition. She said that in the background materials, they would find historical information from 2020, as well as the current charter of the Diversity Advisory Coalition and their bylaws, which were established by the Board when the coalition was created. She said that that was all the information that she had provided. She said that it was up to the Board to decide whether to create the ad hoc committee.

Mr. Diggs said that he believed they had previously discussed setting a specific date for an event, although he was not certain which meeting it was. He said that they still needed to schedule that meeting to set their course and discuss the topic further.

Ms. Gary said that she believed that the process should begin with the Board voting to establish the ad hoc committee, followed by a vote to appoint the committee members, and then the committee could set the date.

Mr. Diggs said that he thought they had done that at the retreat.

Ms. Gary said that they chose to bring it back for a work session at that time.

Ms. Krauss said that at the retreat, originally there was discussion amongst the Board to move forward with that action. She said that she recalled that they had discussed it, and she believed some individuals had been mentioned, but the action never materialized. She said that she was not certain when they had discussed it at a work session, and she apologized for not remembering. She said that Ms. Gary was correct; staff had reviewed the minutes from that session to ensure they were following the necessary procedures. She said that to move forward, if the Board wished to establish the ad hoc committee, they should take action to define its work and then decide who would like to be on it.

Mr. Diggs said that he would like to poll the Board regarding whether to move forward with their next steps.

Ms. Vanuch asked if Mr. Ashton, Ms. Krauss, and Ms. McClendon had been following the executive orders from the current administration on some of these topics. She said that she brought this up because federal agencies had a 90- to 120-day deadline to issue guidance on these subjects, which relates to Congressional and agency funding. She said that with certain programs in place, they did not know what the effects would be on them yet because the agencies had not put out directives at this point.

Ms. Vanuch said she was not opposed to setting up the ad hoc committee, but she thought it was important that their work began after the agencies had released their directives, because if they moved forward with the charter without that guidance, they risked violating agency directives and potentially losing federal funding for transportation grants or other programs. She said she was not trying to be political; this was simply a matter of ensuring they were aware of and tracking these developments to avoid losing funding.

Ms. Vanuch said that she just wanted to ensure that they were doing things in a smart and timely manner, as these things were outside of their control. She said that they could not control what happened at the federal level. She said that therefore, her recommendation would be to move forward, but to do so in a slow and deliberate manner, waiting for the interpretive guidance from the relevant agencies.

Dr. Yeung said that she would like to rely on their County Attorney for this matter. She said that if it pertained to local, state, or federal regulations, she would like to clarify that they currently received funding for this initiative. She said that the Diversity, Equity, and Inclusion (DEI) initiatives mentioned by Ms. Vanuch were originating from President Trump. She said that she was unclear about the potential for funding cuts, as she mentioned. She said that she would appreciate it if their counsel could confirm whether they were at risk of losing funding that they already had.

Dr. Yeung said that she would appreciate it if she could confirm whether the federal agency she was referring to was indeed the primary source of funding. She said that if so, did this determine the actions of localities? She said that she was open to the idea of re-establishing the ad hoc committee with the previous members serving on it again; they still had a majority of individuals in Stafford County for whom equity and inclusion was an issue, so she would like to have the ad hoc committee established.

Mr. Ashton said that to Ms. Vanuch's point, he thought it was currently unclear. He said that at lunch today, he did watch part of the White House news conference. He said that the 20 to 30 minutes spent discussing the Office of Management and Budget (OMB)'s moratorium on grants and loans and its implications for various programs, were not fully addressed.

Mr. Ashton said that the officials were unable to provide complete answers, stating they would "get back to you" on certain matters. He said that this lack of clarity created a great deal of murkiness in the current situation. He said that he believed this was part of Ms. Vanuch's point, which was to consider whether the OMB's moratorium would withstand court challenges and congressional oversight. He said that it was still too early to determine the outcome, but it appeared that there was a movement to re-examine grants and other assistance through a lens of compliance with White House directives.

Ms. Allen said that she was trying to understand how this related to federal matters, as she may be naive about this. She said that in their previous interactions with the committee, the focus had been on community-level initiatives, such as engaging the community in various programs. She said

that she did not see how federal guidance or policies from that administration would impact this committee.

Ms. Allen said that Ms. Krauss could explain that the committee's efforts were primarily focused on supporting local events, like the farmer's market, and writing letters to acknowledge local businesses. She said that she was confused about why halting any federal-related activities would be relevant to this conversation. She said that the committee had never been involved in applying for federal funds, so she did not see how this was a relevant piece of the discussion.

Mr. Diggs said that what he was hearing from Ms. Vanuch was that it appeared that at the federal level, if a program of a certain type was implemented by a local government, they may lose all funding.

Ms. Gary said that her question, and she felt like she already understood the answer, but for clarity, she would like to ensure that everyone, particularly the public, understands the issue at hand. She said that it appears that the concern is that having an ongoing diversity advisory coalition, which involves listening to people from diverse backgrounds to better serve the community, may put them at risk of losing federal funding for issues like the flooding at Brook Road.

Ms. Gary said that it was disgusting, but she was not surprised, given the Board's past discussions about withholding funding from schools if they chose to implement certain measures. She said that this was fear mongering, and she did not find it acceptable. She said that it was not conducive to serving the County or its people. She said that she supported moving forward with the proposal, as previously discussed, and if the decision was made, she would prioritize listening to her constituents and residents, even if it meant potentially losing funding for existing projects. She said that she was committed to representing the people she served. She said that the fact that they were having this discussion was concerning and unacceptable. She hoped that the public would hold them accountable and vote differently next time.

Ms. Bohmke said that she recalled that the Diversity Advisory Coalition was established during her tenure as Board Chair that year. She said that she believed it was a positive initiative and still thought it had value. She said that however, she was concerned that the coalition seemed to be struggling for several years. She said that it appeared that they lacked a clear understanding of their purpose and the limitations of their authority. She said that in light of this, she would like them to explore options for amending or revising the charter to make the ad hoc committee more effective.

Ms. Bohmke said that Ms. Krauss, who attended many of the coalition's meetings, may be able to provide valuable insight and assistance to the committee. She said that this would enable them to be more productive. She said that she did not think Ms. Vanuch was attempting to instill fear or misinformation; rather, she was simply sharing her observations of the issues she had encountered in her daily life in Washington, D.C. and was seeking to inform the Board of these concerns.

Ms. Gary said that her statement was not directed at Ms. Vanuch.

Ms. Vanuch said that she did not take the statement that way. She said that she wanted to assure them that this had nothing to do with her personal political views; she was simply expressing her concern that if they started engaging in discussions with these agencies, they may issue directives that could be exclusionary. She said that the original intent was to revise the charter to make these agencies more impactful, but from her perspective, the congressional and administrative directives thus far had stated that anything that did not account for everyone's needs would be a problem.

Ms. Vanuch said that waiting 90 to 120 days to determine what should be included in the charter would provide a lot more clarity, whereas if they proceeded without it, the agencies may point back to the original charter, citing the executive order that had already been signed. She said that this could lead to DOJ enforcement and whistleblower interactions, which were complicated by the administration's recent actions, including the repeal of certain protections. She said that no attorneys had the answers right now, and she did not want them to step into something they did not fully understand, and then have to revisit and potentially change everything. She said that this was not meant to slow down the process, but rather to acknowledge the circumstances they found themselves in and exercise caution.

Mr. Diggs said that he wanted to thank Ms. Vanuch for bringing this to their attention. He said that he found it disgusting, as they did not serve under a king. He said that they were taking steps that they believed would positively impact their community, and they had diversity in the representation of their community. He said that it did not sit well with him that they would withhold federal funding from their efforts to bring their community together and listen to one another. He said that he was not upset at Ms. Vanuch, but it was shocking to him that such a significant impact could occur at the local level.

Mr. English said that he appreciated what M. Vanuch said, and he believed they were entering a gray area. He said that he thought that Ms. Allen, himself, and Mr. Diggs had fallen short by not following through on their commitments from a year ago. He said that he thought it would be beneficial for them to meet with this group to assess the current situation, as there were likely many names on this list that were no longer involved. He said that to ensure they were doing their due diligence, he proposed that they schedule a meeting to discuss where the individuals were and what the current status was.

Mr. Diggs said that they were supposed to meet and come up with direction to give the committee.

Mr. English said that they had not done that so far.

Mr. Diggs asked Ms. Krauss what was on the calendar.

Ms. Krauss asked if the Board was taking action.

Ms. Gary said that there needed to be a motion and a vote to establish the committee.

Dr. Yeung said that the "D" in DEI was the problem. She said that equity and inclusion remained acceptable to the administration. She said that perhaps they should start by only focusing on equity and inclusion. She said that to Mr. English's point, they should get it on the calendar and move

forward. Dr. Yeung said that she believed they owed it to Stafford County constituents to address this matter, as the Supervisors served at their pleasure. She said that given that they were aware of the need to update their bylaws and charter, she thought Ms. Krauss had valuable information and expertise to share. She said that the new individuals would not be able to effectively help until they had a clear point of direction.

Mr. Diggs asked if they needed to bring this matter back to a Board meeting.

Ms. McClendon said that under the Board bylaws, ad hoc committees are limited to a one-year term, which means they do not currently have an ad hoc committee. She said that to move forward, they need to establish an ad hoc committee, appoint members to that committee, and define the specific issues or topics the committee will address. She said that the committee's mandate or charge to the Board would need to be clearly defined at this point.

Ms. Gary asked if they could bring this back on the consent agenda to establish the committee and appoint the three Supervisors to the ad hoc committee. She said that then, those members could work with staff to find appropriate meeting dates.

Ms. Allen said that she would not support this committee. She said that she had already heard the objections, and when this proposal came back, the charter process was going to be a lengthy and difficult process. She said that what should have been an easy 7-0 vote was not, and it was going to be contentious. She said that she did not want to be a part of that. She said that she did not want to create a charter that would lead to people wasting their time, as the original charter had done.

Ms. Allen said that she recalled saying at the time that this was a waste of time because they were not creating anything enforceable or meaningful, and instead, they were only providing guidance. She said that she was told that it was not the case, but four years later, the outcome was what she had predicted; they had done basically nothing. She said that it would be under the same leadership as then, so nothing would change as it related to them trying to accomplish something meaningful. She said that she did not support this; it was a waste and she refused to waste anyone's time anymore.

Mr. Diggs said that he understood what Ms. Allen was saying.

Ms. Allen said that she would not serve on the committee, either.

Dr. Yeung said that she would participate.

Mr. Diggs said that he would ask that Ms. Allen reconsider, as he understood that it may not have worked as intended, but he did not want them to give up on the project and walk away. He said that it was their responsibility to make it successful and provide the necessary tools for it to thrive. He said that he recalled speaking with some members of the committee, who were enthusiastic about the opportunity to implement changes and take action. He said that he believed that by having this conversation and working together as a team, they could make it happen.

Ms. Vanuch said that she had heard Ms. Krauss state that they needed to have the committee's members, as well as the Board's direction, defined for that committee.

Ms. Krauss said that the ad hoc committee must be established, but then the Board must provide direction to the committee on its specific tasks and what it should bring back.

Ms. Gary said that while they were assembling this, she would like to clarify that the work of the committee, as previously discussed by the Board, was to create a new charter or revise the existing one, so that the DAC committee would have clear guidelines and authority. She said that this was why she understood Supervisor Allen's concern, which stemmed from the fact that this had not happened before. She said that her concern was that it would not happen again, and there would be consternation around that. She said that she understood and recognized this fully, and she acknowledged that it was possible. She said that she was happy to move forward with this, but she thought that it was important to note that this was what the ad hoc committee's work was intended to address.

Ms. Krauss said that from the staff perspective, as the liaison role, she had spent extensive time with the committee discussing this issue. She said that if the Board as a whole was not prepared to provide the committee with the autonomy and flexibility to make decisions on their own, come up with ideas, and take action, they would likely be back to where they were now. She said that the charter did provide the committee with opportunities, and the Board was presented with many opportunities to consider, but at the time, there was no appetite from the Board to move forward with those opportunities, which ultimately led to a stalemate and derailed the work of the committee.

Ms. Krauss said that she did not think the committee would want to go through that cycle again. She said that the charter could be amended to change the words and clarify their duties and powers, but unless the Board was prepared to give them a more significant role, they would end up in the same situation.

Mr. Diggs said that for clarity, he would like to know what specific actions or proposals were being considered from the committee that were ultimately denied by the Board.

Ms. Krauss said that "denied" might be an exaggeration. She said that the Board simply did not respond. She said that initially, they took about six to eight months to develop the committee bylaws based on the charter. She said that their initial plan was based on a survey conducted at National Night Out, with the help of Community Engagement. She said that the committee conducted a survey, analyzed the responses, and developed a plan, which they then presented to the Board. She said that the consensus was to host an event, but it proved to be too complicated and did not receive the necessary funding. She said that as a result, they scaled back the event; however, this did not lead to a successful outcome.

Ms. Krauss said that they then began thinking about how to recognize community agencies and entities that were working towards diversity, equity, inclusion, and other related goals. She said that they established criteria for recognition, but this effort also did not gain traction. She said that in the beginning, she had expressed concerns about certain aspects of their plan based on prior

guidance and had conversations with them about the limitations of their authority based on the charter. She said that then, they reached a pause because they were at a crossroads and needed to reevaluate their approach. She said that they took a moment to reassess and redefine what the project would entail. She said that as a result, they were now at a point where it had been a few years since they began this process.

Ms. Vanuch said that one of the things that was a point of contention, as she had been on the Board throughout this process, was that many members wanted to establish enforcement mechanisms over the Sheriff's Office. She said that Ms. Krauss was adamant that this was not an area the Board was willing to compromise on. She said that they made it clear that as a constitutional office, they could not have those kinds of mechanisms in place. She said that many of the appointed members continued to push for this, and it became a significant point of contention.

Ms. Vanuch said that her appointee, who served as chair for two or three years, would often call her to express his frustration, stating that all they wanted to do was to go after the police department. She said that this was a non-starter from the beginning, as they were a constitutional sheriff's office and did not have the issues which would require them to conduct such investigations. She said that she recalled interviewing potential appointees and one of them expressed a desire to personally investigate the Sheriff's Office if they received anonymous complaints. She said that this was not possible, and she felt that their Sheriff was open and willing to meet with anyone who had concerns, addressing their issues directly.

Ms. Vanuch said that this was the primary reason, in her opinion, that the committee failed. She said that now, they were faced with the challenge of addressing this issue, but they must also consider the federal regulations that were guiding their decisions, which may lead to further changes and potential loss of federal funding. She said that she wanted to avoid losing federal funding in order to establish a coalition. She said that, although not everyone may agree with her, she did not want to risk losing all of their federal grants and funding on transportation. She said that this put them in a difficult situation currently, which was the main point of their discussion.

Mr. Diggs said that he understood what she was saying. He said that when they discussed direction and what they wanted, he believed a simplistic yet effective approach was to establish a committee that brought their community together. He said that this committee should facilitate discussions about the differences and how to educate one another. He said that he envisioned this committee as inclusive, encompassing everyone in the community, regardless of their racial or ethnic background, and he thought this was a fundamental community-driven concept. He said that was the kind of direction he envisioned.

Ms. Krauss said that there were two points she would like to bring up. She said that in response to Ms. Vanuch's earlier comment, she agreed that in the beginning, there was a lot of discussion around enforcement. She said that it did take some time to overcome the initial hurdles, but they ultimately moved forward with one of their ideas, Discovery Days. She said that this event aimed to bring together different cultures as a community event, focusing on music, the arts, food, and other cultural values. She said that this idea evolved from the initial enthusiasm, but it ultimately stalled after a couple of years. She said that she thought it was essential to consider this context as they moved forward with any future decisions.

Ms. Vanuch said that the reason the Board at the time did not move forward with other initiatives was due to a budget attached to them. She said that as a result, the intent was not to provide funding for the DAC, as none of their other Boards or Commissions had a budget. She said that instead, the intent was that they would need to raise their own funds if they wanted to pursue additional activities. She said that she believed this was where the complexity arose, as the DAC did not want to engage in fundraising efforts.

Ms. Vanuch said that this led to a crossroads, where they had to decide how to proceed. She said that she felt that they could still implement the initiatives Mr. Diggs was proposing under the current charter, and she had no issue with that. She said that the challenge lay in navigating financial requests within the budget, which was not a priority given their other needs, which they had discussed extensively during their recent retreat.

Mr. Diggs said that he could not proceed without a budget, and therefore, that would be a significant issue.

Ms. Krauss said that that was a significant aspect of their discussion, and they had explored various creative solutions. She said that she had contributed to their efforts in different ways, and they were examining different possibilities and potential actions they could take. She said that they also discussed staffing and related matters that they could assist with, but ultimately, having sufficient funds was essential, even for the smallest projects. She said that for instance, removing trash from an event required financial resources. She said that they began to break down the costs of providing basic amenities for the initiatives, and it became clear that they did not have the necessary funds at the time. She said that given the large number of Boards, Authorities, Committees, and Commissions (BACCs) in the County, they did not provide financial support to other organizations, which led to the question of how to balance their priorities and what that would look like in practice.

Ms. Bohmke said that to refresh everyone's memory, when they established this committee, they were operating within the COVID-19 pandemic. She said that as a result, the committee members did not have the opportunity to interact with each other in person for the first year, which made it challenging to build relationships. She said that in-person meetings, such as those over coffee, were not common during this time. She said that the second year, they began to meet in person, but they still faced difficulties, including issues with quorum. She said that she wanted to emphasize that their first year and a half were particularly challenging, and she believed it was essential to consider their circumstances when evaluating their progress.

Mr. Diggs said that he would like to know the Board's appetite for this issue.

Mr. English said that he believed that his approach was to work with Mr. Diggs and the other committee appointee to get the committee together and understand their thoughts on the matter. He said that he thought it would be beneficial to gauge their perspective, whether they believed that this project was necessary at this point or if they had concerns that needed to be addressed.

Ms. Allen said that they must approve the establishment of the committee first.

Ms. Krauss said that the committee members would look to the Board for guidance because the Supervisors were the ones appointing them.

Mr. English said that he was unsure of what had been done in the past. He said that he would like to hear about what they were doing and what everyone's thoughts for the future would be. He said that he would like to meet with the committee members and determine whether they should continue with their efforts or not.

Ms. Gary said that she would like to offer the three willing members of this Board the opportunity to form an ad hoc committee to rework the charter. She said that this would allow them to explore different options and come up with a proposal that they could review and consider. She said that she believed this was an important step, and she would also like to touch on the Diversity Committee. She said that there were seasons for things, and as Ms. Vanuch had mentioned, there were other obstacles to consider. She said that she thought they could find a way forward that made sense within their current context.

Ms. Gary said that she would like to see what the three Board members came up with and be in favor of moving forward with that proposal. She said that they should have difficult conversation about it now, rather than waiting, and work together to find a solution. She said that if they could do this right now, they could let the three rework the charter and then come back to them with a proposal, and have a constructive conversation about it.

Mr. Diggs said that he preferred not to waste time, and he also did not want to waste others' time. He said that he believed they could approach this in a way that could potentially serve as a model for the state and the region. He said that something he often quoted was, "I'm foolish enough to believe that we can make progress and get some things done if we put in the work."

Ms. Allen said that she understood the perspectives being shared. She said that she strongly believed that nothing would come of this proposal. She said that at the end of the day, she was more mindful of their Deputy County Administrator's time. She said that she had a lot on her plate and was already taking on extra responsibilities. She said that between her and Mr. Ashton, they had had to compensate for the loss of staff in the County.

Ms. Allen said that she was not placing this burden on her plate, especially during budget season, when the Deputy County Administrator would have to corral and mentor a large group that she did not have the time for. She said that that would not be fair to her. She said that she was not willing to do that to her. She said that in fact, she thought it would be worse now that they were less staffed, given that the Deputy County Administrator had struggled to help them when they had more staff. She said that therefore, she must say no.

Mr. Diggs said that Ms. Krauss did not have to be the one in charge of this committee.

Ms. Allen said that the duty would fall to her; there was no one else to do it. She said that she would not do that to her.

Mr. Diggs said that he wondered how this would affect the community, considering everything that was currently happening.

Ms. Allen said that they were not doing anything now.

Mr. Diggs said that this was a different conversation now. He said that as a Board, they needed to consider how this issue would be perceived by the community the next morning, when the news broke and it spread on social media. He said that it would affect the community's perception of their actions and decisions. He said that this was an ongoing topic, particularly due to the actions taken at the federal level.

Ms. Allen said that she believed most people would be surprised that the County even had one.

Ms. Bohmke asked what Ms. Allen had said prior to Mr. Diggs' comments.

Mr. Diggs said that he was not certain. He said that he could tell them that people were aware that they had one, and he had heard many individuals express frustration with the lack of progress and the inability to move forward. He said that this issue had been revisited in previous conversations, and people felt that it was indicative of how Stafford was stuck in the past and did not want people to make progress. He said that those conversations were happening out in the community, although not everyone may be aware of what was going on. He said that if it was important to them, then they could figure out a way to do it. He said that he was unsure if they should pause the work until they found additional staff, but he did not believe it was something they should just throw away.

Ms. Bohmke said that she was in support of the committee, but she thought Ms. Allen was raising a valid concern. She said that the responsibility for implementing it would fall on Ms. Krauss, and she believed she was already overburdened. She said that it was not that she lacked the time, but rather that she was already stretched thin. She said that given that they were currently missing a Deputy County Administrator, she thought it was reasonable to consider the messaging implications of this decision. She said that it was acceptable to inform the public that they were short-staffed and could not adequately support the committee's work. She said that if the Board was committed to it, they could revisit the committee's work, especially after the federal government provided more information, which may be a viable option. She said that ultimately, the success of this committee would depend on how it was communicated.

Mr. Diggs said that he appreciated that point. He said that he felt that Ms. Allen had suggested throwing it away and that they did not need it at all; however, he believed they did need it and required staffing to appropriately handle it, which meant they may need to pause it until that time.

Mr. English said that he agreed with Ms. Allen that it would be delegated to Ms. Krauss, and with their lack of a Deputy Administrator, it would be too much work for her to handle.

Ms. Krauss said that for the record, if this were a priority for the Board, she would reallocate her time to accomplish what they all wanted. She said that she thought it was essential to note that she would be willing to do so.

Mr. Diggs said that he believed it was a priority for the Board, but what they were saying was that when they looked at the list of priorities, there was no more bandwidth for this. He said that therefore, something else would have to come off of the plate. He said that as Ms. Bohmke put it, the message from the Board should be that they believe in this as a priority, but they should take a pause due to staffing concerns. He said that the pause also aligned with Ms. Vanuch's concerns regarding federal guidance. He said that he did not think they should scrap the committee altogether. He said that when considering their community, the way they all worked together, got along, and the progress they had made, they wanted to maintain that momentum and keep the lines of communication open.

Dr. Yeung asked Ms. Krauss if there was a way they could send a note to the individuals to let them know where they stood. She said that she personally had received several calls about this.

Ms. Krauss said that yes, they could do so.

Dr. Yeung said that she wanted to give courtesy to the individuals who had volunteered, and to acknowledge those who did not make the cut and thank them for their service.

Ms. Krauss said that for the Board's awareness, one of the changes made to the BACC program was that when multiple people expressed interest in volunteering for the County, those who were not selected were followed up with. She said that they thanked them for their interest in serving and informed them of other opportunities available, encouraging them to explore those options. She said that this was something they had started in January with their new appointments, and they were incorporating it into their process to ensure those who were not selected felt heard and appreciated.

Ms. Gary said that this was a priority for her, and she appreciated Ms. Krauss's effort to reallocate her time. She said that she understood the Board's sentiments, as there were many competing priorities. She said that as a Board member, she often came up with ideas that may not be at the top of the list, and she was sure that some of her own priorities may not be considered high-priority by others. She said that this was a high priority for her, and she wanted to be clear about that. She said that she appreciated Ms. Krauss's willingness to consider it.

Mr. Diggs said that before they moved on, they had mentioned that they would be revisiting this topic in six months.

ITEM 3. REVIEW OF CODE OF PERFORMANCE FOR CALENDAR YEAR 2025

Ms. Vanuch said that she appreciated the Board's willingness to revisit this matter at the work session. She said that she had one edit to the Code of Conduct, which aimed to ensure public transparency and provide a clear pathway for answering questions. She said that this was particularly important, given their unique circumstance of having County employees also serving on the Board of Supervisors. She said that she was not opposed to this arrangement; in fact, she was very supportive of it. She said that however, she believed they must go beyond simply disclosing that County employees were not using their work time for Board activities.

Ms. Vanuch said that in the past, the Board had made conscious decisions not to have County employees in leadership positions due to this issue. She said that this year, the Board had made a different decision, and she wanted to ensure that their Code of Conduct clearly addressed this. She said that specifically, she proposed that any Board member who was also a County employee must submit their leave request to the County Administrator, allowing constituents to review it. She said that this would enable her to refer constituents to Mr. Ashton, who could provide them with the necessary information, and maintain self-governance within the Code of Conduct.

Ms. Vanuch said that by involving the County Administrator, they avoided involving other elected officials or divisions, which could complicate the matter. She said that this addition addressed her request made at the dais, and she would like to reiterate that she was not suggesting anyone had engaged in this behavior. She said that she believed this clarification was essential to their Code of Conduct.

Ms. Vanuch said that the Board had also discussed potentially allowing a BACC member to be in closed session with the Board in order to disclose the reasons for considering potentially removing them from their BACC position. She said that she was not opposed to that decision, but she would like to suggest that the Board consider revising their bylaws to require a two-thirds majority to overrule it, rather than simply adding it to the Code of Conduct.

Ms. Vanuch said that they did have a BACC section in their bylaws, and placing that provision there might be a more suitable and binding location. She said that it could provide a more formal process than the Code of Conduct, which was more about Board performance. She said that she would like to bring this to the Board's attention for consideration, and she hoped that the Board and public were receiving her comments as intended.

Mr. Diggs said that there were a couple of key issues here, and he did not want their conversation to become confusing by discussing multiple topics at once. He said that the first item was the timesheet issue, and the second was how they handled BACC removals. He said that the suggestion was for the second item to be included in the bylaws. He said that they could address the first item, and they could discuss it further as a Board. He said that they could also address any additional topics that arose during their conversation and add them to the list.

Dr. Yeung said that regarding the bylaws, she wanted to ensure that Ms. McClendon made a mention of why she believed it was easier not to include it in the bylaws, as she thought it should be addressed there. She said that she would pass on this particular point for now and return to the first one. She said that she would like to speak on the BACC process, which she believed should be included in the Code of Conduct. She said that this would provide a clear process for individuals from the BACC, including volunteers, ensuring they had the necessary guidelines. She said that she believed it was essential to be present when they were brought before the Board for misconduct or neglect, and to allow them the opportunity to express their side and participate in the process.

Ms. Gary said that she wished to reiterate that she remained opposed to the first point brought up. She said that they had previously discussed this on the Board, and the Board had not been in favor of it. She said that she did not believe it was productive to revisit this topic. She said that her

concerns were rooted in the language used in the under 2, which stated that members shall refrain from language that attacks the character or motives without evidence.

Ms. Gary said that she was hesitant to approve this after the Board had made statements against her without evidence, as well as with evidence that disputed their claims. She said that she wanted to table this discussion for now, but she wished to request that they revisit the issue of removing misconduct from her name, as there had been no evidence presented to support the accusations against her. She said that it was similar to those accusations that had been taken against Ms. Becelia, and she did not believe that her name should be attached to this agreement. She said that she did not have confidence that the Board would uphold its own principles, and she did not believe that putting this on paper would change that. She said that if they could revisit that issue after everyone had spoken, she would appreciate it.

Ms. Bohmke said that she believed the second item should be included in the bylaws as part of the BACC. She said that regarding the first item, it would be beneficial for those affected to receive an opinion from the COIA Council. She said that the COIA Council was established for this purpose, and if she were in a similar situation, she would have sought their counsel beforehand. She said that she would not disclose the partner agency, but she would state that in the past, a particular person was in a high-performing office employee was found to be performing another job on the side, and it ultimately led to their termination.

Ms. Bohmke said that she wanted to emphasize that she was not making any accusations regarding anyone on this Board; she was simply highlighting the importance of seeking guidance from the COIA Council. She said that the circumstances surrounding this situation were unusual, but she believed it underscored the value of seeking their opinion, especially for County employees who may be impacted by this decision.

Ms. Allen said that the regarding the first point, she did not understand the need to implement a system for tracking timesheets. She said that she was not clear on why this was being brought up now, especially since County officials had been serving on this Board and other commissions for years without raising this concern. She said that if a citizen had not mentioned it as a concern before, she did not see why it was suddenly becoming a priority. She said that she felt that it was disrespected to imply that any of their colleagues were not responsible or respectful enough to maintain a professional distinction between their roles.

Ms. Allen said that they had not demonstrated this, so she was not sure why it was being suggested that they suddenly needed to. She said that she believed that leaving the professionalism and accountability to their employers, who would be holding them accountable, was sufficient. She said that County employees, not the voters, would ultimately be responsible for addressing any issues that arose. She said that if something was a problem, their bosses would deal with it.

Ms. Allen said that if it had never been an issue, and their credibility and professionalism had never been questioned, she did not see why it was being brought up now. She said that regarding the second point, she would like to defer to the opinion of the County Attorney on the most effective and efficient way to address this issue, as she was not sure what the Board was trying to accomplish

in this regard. She said that she would feel more comfortable deferring to the County Attorney's opinion on the appropriate place, because she had the best advice in that regard.

Mr. English said that he had served in this role for nearly three years and had no issue providing his time sheet or any necessary documentation. He said that he had never received any feedback or concerns about his performance. He said that he was willing to take steps to ensure his accountability and transparency, and he was committed to doing what was necessary to maintain the trust of the County. He said that he wanted to assure them that he had always acted in the best interests of the County and had not compromised his integrity in any way. He said that his personal integrity was of great importance to him, and he was confident that it had not been compromised in any way. He said that if the Board and his constituents felt this was a necessary step, he was willing to do that.

Dr. Yeung said that she understood the Chair had a dual role as a County employee.

Ms. Vanuch said that it was not solely about the Chairman.

Dr. Yeung said that it was specifically about the Chairman, who was now in a dual role. She said that this was not about Mr. English or his potential role as Vice Chair. She said that it was about the Chairman's current dual role and the potential conflict of interest that came with it. She said that she believed there was a risk of conflict of interest for employees, and she had asked about this before.

Dr. Yeung said that she understood that there was a distinction between a conflict of interest and serving in a dual role, but she thought it was essential to have good conflict management and respect their colleagues on both sides. She said that when a vote was made that required recusal, such as budget-related matters or family ties, she thought it was crucial that they all recused themselves. She said that was her perspective. She said that she respectfully believed that, as Board members, they were accountable to their colleagues, not the County Administrator, because the County Administrator was their employee, not their boss.

Mr. Diggs said that he wanted to close the topic on timesheets. He said that as he reflected on their conversation, he must say that he was quite upset. He said that having served this community for 16 years with integrity, he would not allow his service in uniform to be used as leverage for votes or any decisions made on this Board. He said that as a constitutional officer, he was accountable to a higher authority, and when he signed his timesheets, that was a sign of his integrity.

Mr. Diggs said that he would not submit his timesheets to the County Administrator, as it was an inappropriate request. He said that he disagreed with the insinuations about COIA; he was comfortable in this position and understood the codes, his responsibilities, and what he was not supposed to do. He said that to him, it was a dead issue. He said that he had pulled all of his information, and when he did certain things, he used his leave as he was supposed to.

Mr. Diggs said that it had become a running joke for both himself and Mr. English. He said that two of them had talked about it, threw it out there, and did not realize the impact it had on them and the way people viewed them. He said that they had been protecting the people who had started

it, because it was ridiculous to bring up. He said that in closing, he had sought legal representation on this matter and had taken clips of the last two videos where his career was brought up and insinuations were made to the community.

Mr. Diggs said that he wanted it to be understood that if this issue continued to be brought up and insinuations were made, and something adversely impacts his career, something he took very seriously, he would take legal action. He said that if he was doing something wrong, then he asked to be held accountable. He said that he would not allow politics to impact his career, which he had worked very hard for.

Ms. Gary said that she admired that Mr. Diggs was being clear and concise, and maintaining a calm demeanor. She said that she agreed that they should move on from this issue because the Board had previously discussed it. She said that she believed it was time to move onto more productive things. She said that she did not think this was something they wanted to prioritize and spend time on. She said that there were probably a few more things in this document they should address. She said that she would like to request that Mr. Diggs poll the Board on removing misconduct from her record, or to present the evidence that supports the allegation of misconduct against her.

Mr. Diggs said that they would get there. He said that he would like to ask the County Attorney for guidance on whether the bylaws section or the Code of Conduct was most appropriate for engaging with BACC members.

Ms. McClendon said that the decision on which document to place this provision in ultimately rested with the Board. She said that when considering the two options, it was essential to note that if it were to be included in the bylaws, it would require a two-thirds vote to amend and necessitate prior notice at a previous meeting, adding some time to the process. She said that the bylaws were not typically reviewed annually, but rather when the Board deemed it necessary. She said that on the other hand, the Code of Performance outlined the Board's conduct and was reviewed annually, as prescribed in the bylaws, with each member signing off on it as a commitment to abide by the procedures. She said that in either case, the outcome would be similar.

Mr. Diggs said that he generally agreed that the provision had more purpose in the bylaws.

Ms. Vanuch said that she wanted to clarify a few points regarding the closed session provision. She said that to ensure they had the necessary safeguards, she thought they should include a provision that allowed them to bring BACC members into closed session, along with notifying them at least 24 hours in advance of the alleged misconduct. She said that this provision should also direct the Board to bring them in, unless they had been convicted of a crime, in which case they likely would have already faced repercussions in court. She said that she believed they were on solid ground with that safeguard.

Mr. English said that he supported it being a change in the bylaws, which could be amended each year by the Board.

Dr. Yeung said that she would like to share a thought that came to her regarding the process. She said that when a Board member requested a closed session, it could sometimes come as a surprise to the rest of them. She said that her question was, in situations like this, should the Chair ask the person who was accused to clarify the situation. She said that when discussing something in closed session, they assumed that the reason for the session had transpired and were making decisions based on that.

Dr. Yeung said that she wanted to confirm that this was what had happened, and that would be a necessary discussion to have. She said that she felt that they may have missed a step in the process, and she was not sure if they needed to delve deeper into this, but if they had the time, she thought it would be beneficial to examine it further. She said that her question to Ms. Bohmke was whether she had talked with Ms. Becelia.

Ms. Vanuch said that respectfully, they were not here to talk about that; they were here to talk about adjusting the bylaws.

Ms. Vanuch said that no, because Ms. Becelia in this case, would come into the closed session and address them all equally, without favoring one person over another. She said that then, they would mince words with the Chair, asking for details.

Ms. Bohmke said that she believed it was essential that the individual in question be included with the full Board. She said that she was unclear about what was being asked.

Dr. Yeung said that when they requested a closed session, it may be because a Board member had reported misconduct involving a BACC member. She said that the process appeared to be not always thorough. She said that typically, a Board member would come to the Chair and request a closed session, citing the misconduct. She said that in this case, they simply created a closed session and brought the individual in without conducting a full investigation. She said that she felt that something was missing from this process, as there was no thorough investigation or consideration of the allegations.

Ms. Allen said that that would be the first step.

Mr. Diggs said that he wanted to clarify the process. He said that when an issue was brought to the Board, they acknowledged the concern and agreed to investigate. He said that they would hold a closed session to discuss the matter further and bring the individual in question to address the accusation. He said that during this session, they would have the opportunity to share their perspective and provide their side of the story. He said that the person being accused would then be informed of the allegations and would have the chance to respond.

Dr. Yeung said that she understood but felt there was a step missing.

Ms. Bohmke said that she believed Dr. Yeung's suggestion was for the Chair or an appointee to meet with that person outside of the formal process. She said that she believed that this approach could potentially create more liability issues.

Dr. Yeung said that she was not referring to a meeting outside of the process. She said that when they requested a closed session, and a Board member said, "I'd like a closed session about a specific BACC member due to a specific action they did," they simply proceeded with the closed session without much discussion. She said that there should be further conversation with the member beforehand.

Ms. Vanuch said that she would like to offer her thoughts on the matter. She said that if they began discussing the accused prior to the closed session, they risked violating the closed session itself, as they would be having a conversation with the individual involved. She said that this would also mean that any statements made during the closed session would not be subject to attorney-client privilege, as they would have already discussed the matter with the accused. She said that, furthermore, if the information were to become public through media channels, it could lead to further complications.

Dr. Yeung said that when a Board member requested a closed session, that was a conversation that had already occurred, and the rest of the Board was not informed of it.

Ms. Vanuch said that their bylaws outlined the procedures for closed sessions, which were governed by the State Code of Virginia. She said that according to the state code, certain matters were allowable in closed session, and their bylaws further specified the process for requesting closed sessions. She said that typically, two Board members might request that a matter be placed in closed session, or they might work with the County Attorney to determine the appropriate course of action.

Dr. Yeung said that therefore, two Board members could decide something would go into closed session. She said that she had missed that piece.

Ms. Gary said that she agreed with Ms. Bohmke and understood Dr. Yeung's point, but she believed that if she reflected on the situation that led them to this point, it could have been avoided. She said that she had had follow-up discussions, and the other Supervisors had as well. She said that in hindsight, it could have been resolved by allowing Ms. Becelia to come in and address the misunderstandings that happened between them. She said that however, she did not want to proceed under the assumption that this solution would automatically address other issues, as the reason she had requested a closed session and expressed her concerns was not the sole reason for Ms. Becelia's removal.

Ms. Gary said that if people would vote to do something despite knowing that it was not a justified action or would not be upheld as misconduct, which she had witnessed, it did not matter if they changed policies and processes. She said that while this new process aimed to provide a better framework for collective decision-making, it was essential that they examine their own actions and ensure they were doing the right thing, even when it was challenging. She said that the process would only provide parameters within which they should operate, and it did not guarantee whether they would consistently make the right decisions.

Mr. Diggs said that there was consensus from the Board to include the BACC member investigations in the bylaws.

Ms. McClendon said that it was clear that they should include this in the bylaws. She said that she wanted to confirm that there was consensus on including the requirement that Ms. Vanuch provide notice of alleged misconduct at least 24 hours in advance as part of the procedure.

Mr. Diggs said that there was consensus from the Board to include that as part of the procedure.

Ms. Gary said that she had a question regarding that matter. She said that going forward, providing advance notice of a closed session could potentially prolong the process, as she was not alleging any misconduct during their initial discussion. She said that in fact, she was simply addressing an issue that arose, and their conversation then turned to the possibility of misconduct. She said that if they were to provide advance notice in such situations, or if someone brought forward a concern that they had previously discussed, it may necessitate another closed session to provide the necessary notice and address the issue. She said that she wanted to bring this to their consideration.

Ms. Vanuch said that Ms. Gary raised a valid point. She said that perhaps the language could be revised to state that if an individual was being requested to be removed for misconduct, they would be notified of the reason for their removal. She said that this way, it did not necessarily have to explicitly state "misconduct," as the individual would still be aware of the reason. She said that she also thought it was worth noting that different commissions and committees may have varying criteria for removals. She said that therefore, it would be more accurate to state that the individual would be informed of the reason for their removal, rather than using the term "misconduct."

Dr. Yeung said that she suggested that they have the County Attorney draft the document and then review it themselves to ensure that it accurately represented their position and maintained a professional tone.

Ms. McClendon said that her intention was to obtain the Board's direction on this matter, and it would need to be revisited at a future Board meeting prior to adoption. She said that as it would be coming back to them in writing, so they would have it prior to the Board's second meeting in February. She said that also, the Board had been discussing the process for removing for cause, such as misconduct or dereliction of duty, as well as other general cause reasons.

Ms. McClendon said that the Board had the authority to remove certain BACC members for attendance-related issues, as allowed by law, and also had the power to remove members appointed at the Board's pleasure. She said that she wanted to confirm whether the Board intended for this procedure to apply to all removals, or if it was only targeting those removed for cause and the attendance-related reasons, or if it was only applicable to members appointed at the Board's pleasure.

Mr. Diggs said that he would recommend this provision only apply to those removals with cause.

Ms. Bohmke said that she referred back to her notes from their original conversation, and Ms. McClendon had stated that, if she recalled correctly, members could be removed from office for misconduct or neglect of duty, as determined by the Board.

Ms. McClendon said that this only applied to the Library Board. She said that every BACC may have different requirements. She said that the code outlined some of these requirements, while the Board had the authority to appoint its own rules, which were not included in the code. She said that for some BACCs, the term of appointment was specified, and in those cases, they defaulted to a more formal procedure, similar to the Robert's Rules of Order procedure. She said that ultimately, with every BACC, if the Board wished to consider removal or performance issues, they must refer back to the code to determine what the Board was allowed to do.

Ms. Bohmke asked if the language they were discussing right now would be applicable to the Library Board.

Ms. Vanuch said that yes, it would, because the "cause" would be "misconduct or dereliction of duty."

Mr. Diggs said that there was consensus from the Board to use this provision only for BACC member requests for removals that had cause.

Mr. Diggs said that the final topic he would like to address is that Ms. Gary had requested that misconduct be removed from the record. He said that the second point she had mentioned was regarding the investigation.

Ms. Gary said that she requested that the misconduct be removed from her name. She said that to date, there had been no substantial evidence presented to support this claim. She said that she had not been provided with the information that led to this accusation, and she had reason to believe that the opposite was true. She said that she did not wish to continue this discussion and would prefer to move forward.

Ms. Gary said that she believed that removing this from her name or presenting evidence to support it would be the most reasonable course of action. She said that she hoped to put this matter behind them and focus on their work together in a positive and collaborative manner. She said that as someone who was committed to serving on this Board and contributing to its success, she hoped that they could put this aside and work together in a spirit of mutual respect and cooperation.

Mr. Diggs said that he had two questions to consider. He said that his initial thought was that it was better to have this conversation in a closed session. He said that Ms. Gary had brought this concern up to him, and he said that they would address it after the retreat. He said that this was not an item on tonight's agenda, so he would like to know what Ms. Gary's thoughts were on that.

Ms. Gary said that her concern was that there was language in this Code of Conduct that directly related to this issue, and she would have trouble moving forward and supporting it. She said that she was wondering where the Board truly stood in its intention to fulfill its commitment to that code, given that this issue had not been addressed. She said that she brought it up not to derail the discussion.

Ms. McClendon said that to clarify, the Code of Performance the Board is considering is the one-page document. She said that the multi-page document, which was proposed by the Bylaws

Committee last year and ultimately not pursued, was mentioned during their discussion at the Board meeting regarding their Code of Performance for this year. She said that it was primarily included as an informational item, so she wanted to ensure that it was clear the Board was focusing on the one-page document for adoption this year, rather than the multi-page document.

Mr. Diggs said that that was correct. He said that he thought it would be more suitable to hold a closed session to discuss this matter, so they could schedule that to have that discussion.

Ms. Bohmke said that she believed Ms. Gary's comments were regarding the Code of Performance. She asked if this would be an additional item on the agenda.

Ms. Vanuch said that she heard Ms. Gary's suggestion as a request that they undo a previous Board action, which was not on the agenda. She said that she had asked them to remove the term "misconduct" from her vote and from the Code of Conduct. She said that the "misconduct," if it was on the Code of Conduct, it would be applicable to this discussion. She said that removing it from her name, as her request was, was not directly relevant to this discussion.

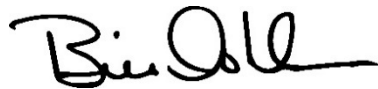
Ms. Gary said that she was willing to revisit this matter in a closed session, but she would like it to be handled in a respectful and professional manner. She said that she felt she had not been treated with the same level of respect in the past. She said that if they were in agreement on that point, and she was being delicate, she was not asking the Board to take action. She said that her request was simply for Mr. Diggs to pull the Board, as she was trying to understand where she stood on this Code of Performance, and she wanted to know where the Board stood if they were committing to something they were not doing.

Ms. Gary said that this was a concern of hers, and it was very real and personal to her. She said that she was open to revisiting this topic in a closed session with the Board, where they could have a respectful and amicable conversation. She said that she was willing to try again, and she hoped that they could have this discussion in a constructive manner. She said that again, she was not asking the Board to take action on it today.

Mr. Diggs said that he believed the request for the information of the investigation, including what had been said and what had not been said, could be handled in closed session.

ADJOURNMENT

The Board adjourned its meeting at 7:18 p.m.



William H. Ashton, II
County Administrator



Deuntay T. Diggs
Chairman