

August 22, 2023

// A special meeting of the Council of the City of Lynchburg was held on the 22nd day of August, 2023, at 7:30 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Jerry Taylor, MaryJane Dolan, Sterling A. Wilder, Chris Faraldi	7
Absent:	0

// In the matter of the Registrar's Office, Agenda Item 1, the Council received a presentation from the General Registrar Mr. Dan Pense regarding staffing issues and emergency needs in the Registrar's Office and the consideration of Resolution #R-23-070.

Councilmember Taylor made the motion, seconded by Vice Mayor Faraldi, to adopt the Resolution #R-23-070. Councilmember Taylor noted how the resolution would help aid the fair election process in the City.

Councilmember Helgeson asked for clarification about the differences between a part-time employee and a deputy. Mr. Pense replied that there were two aspects to being a deputy registrar. First, because it was a state office, deputy registrars were appointed and sworn in; second, the City hired the appointee as a City employee. He explained that the registrar served a limited term in office, and his term expired June 30, 2027, and any deputy registrars that were appointed had their terms expire on June 30, 2027. He said that there were challenges faced by deputies due to the dual role they served as state and City employees. Councilmember Helgeson asked for clarification about the authority granted to deputy registrars. Mr. Pense explained that since they were sworn officers, they could be entrusted with certain roles and responsibilities that would otherwise not be given to regular employees. Councilmember Helgeson clarified that the deputies would have the same term as the registrar. Mr. Pense responded that the law stipulated the Electoral Board set the terms and that it was the registrar's responsibility to appoint the deputies. He noted that the deputy terms could not exceed the term of the general registrar. Councilmember Helgeson asked for clarification about the appointment of the general registrar. Mr. Pense replied that the Electoral Board appointed the general registrar every four years. He explained that the Electoral Board could reappoint an incumbent or another nominee, however, it could not make its appointments for political purposes. Councilmember Helgeson asked for information about how the third

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position would aid the Registrar's Office. Mr. Pense responded that the goal was to allow two full-time deputy registrars and the capacity for additional support during election season. He stated that the office would be open for early voting, so it needed to be staffed, and that was beyond the capacity of two deputies.

Councilmember Misjuns asked if there was early voting associated with the upcoming elections in 2024. Mr. Pense responded that early voting was associated with all of the elections.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Helgeson, to strike the first three whereas clauses and the last sentence of the first paragraph and adopt Resolution #R-23-070 as amended.

Councilmember Misjuns stated that he was not at the meeting mentioned in the first whereas and asked who attended the meeting. Mr. Pense responded that he and his personal attorney, the Mayor, Vice Mayor, City Manager, Deputy City Manager, and the City Attorney attended the meeting. Councilmember Misjuns stated the office required proper staffing to ensure accessible, accurate, fair, and transparent elections.

Councilmember Helgeson asked whether the resolution required two readings. Mr. Patrick responded yes. He explained that they would be able to transition the position tomorrow, but they would be unable to transfer the funding until the second reading. Councilmember Helgeson clarified that they would be able to add a deputy registrar by tomorrow. Mr. Pense responded that he had approval to add a deputy as of September 5, and the resolution would approve another appointment.

With no further discussion from the Council, the following vote was recorded on the substitute motion:

Ayes: Misjuns, Helgeson	2
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Noes: Reed, Dolan, Taylor, Wilder, Faraldi	5
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Councilmember Taylor asked whether the registrar was comfortable with the staff provided by the resolution. Mr. Pense responded that he was comfortable with two deputy registrars, but if he anticipated the need for additional staff in later elections, he would request Council to reconsider the matter.

Councilmember Dolan stated that she will be voting in favor of this resolution since Mr. Pense was comfortable with two deputy registrars.

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Councilmember Wilder encouraged Mr. Pense to go through the proper channels with City staff for any future need.

With no further discussion from the Council, the following vote was recorded on the original motion:

Ayes: Reed, Dolan, Taylor, Wilder, Faraldi 5

Noes: Misjuns, Helgeson 2

// On the motion of Councilmember Misjuns, seconded by Councilmember Wilder, by the following recorded vote, the Council elected to hold a closed meeting to receive legal advice and information concerning employment matters connected to a City Department pursuant to the authority of §§ 2.2-3711(A)(4); -(A)(7); and -(A)(8) of the Code of Virginia, 1950, as amended; and to discuss the investment of public funds to assist in securing the expansion of a prospective business where bargaining is involved, where if made public initially, the financial interest of the City would be adversely affected, pursuant to Sections 2.2-3711(A)(5) and 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:

Ayes: Reed, Misjuns, Helgeson, Dolan, Taylor, Wilder, Faraldi 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Dolan made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:		0
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// The meeting adjourned at 8:55 p.m.

Clerk of Council