

NOTICE OF SPECIAL CALLED MEETING:

Pursuant to Va. Code Ann. § 15.2-1417, § 2.2-3707(D), the Charter for the City of Lynchburg, Virginia and § 2-2 of the City Council Rules of Procedure, a special meeting is called to address an uncommon and unexpected condition presented in a proposal made by City Attorney Matthew Freedman received via email by council members over the weekend on June 29, 2024, at 2:28:08 PM with Subject Line "*Peter Alexander v. Chris Faraldi (election contest)*."

City council must act expeditiously to prevent government intrusion into the nomination contest for a political party, or interference into litigation between private parties.

The purpose of this special meeting is to ensure that:

1. Public dollars are not used for personal interests in litigation;
2. The City of Lynchburg engages in the highest degree of transparency regarding election processes and procedures;
3. The City of Lynchburg does not attempt to exert governmental influence over the nomination contests of political parties in local political campaigns;
4. The City of Lynchburg complies with FOIA to the highest standard;
5. The City of Lynchburg does not violate the separation of powers doctrine at the local level;
6. The City of Lynchburg seeks guidance from the Attorney General of Virginia;
7. The City of Lynchburg ends the method of public business currently being undertaken by government that fails to comply with § 2.2-3710 of the Code of Virginia.

The time, date and location of the Special meeting shall be set as follows:

Wednesday, July 3, 2024 | 4:00 PM
Council Chamber- City Hall
900 Church Street
Lynchburg, VA 24504

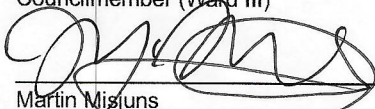
As required, please notify the other members of City Council, appropriate staff, and promptly publish this notice, the attached agenda and enclosed resolutions to the city website, social media channels, and in the form of a press release.

Thank you.

Signed:



Jeff Helgeson
Councilmember (Ward III)

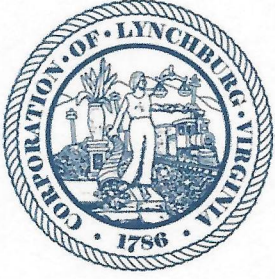


Martin Misjuns
Councilmember (At-large)

Date/Time: 7-1-2024 9:25 A.M.

Date/Time: 7-1-2024 / 9:25 am

RECEIVED
JUL 01 2024
Council/Manager
Offices



CITY COUNCIL

Wednesday, July 3, 2024 | 4:00 PM

Council Chamber- City Hall

900 Church Street

Lynchburg, VA 24504

SPECIAL MEETING AGENDA

I. Agenda Items

- I.1. Consideration of adopting Resolution #R-24-___ pledging our commitment as a governing body to comply with § 2.2-3710 of the Code of Virginia, and to prohibit city staff from bypassing the deliberative process by the selective solicitation of votes, outside of meetings, away from the public eye.
- I.2. Consideration of adopting Resolution #R-24-___ to prohibit the expenditure of public funds controlled by the City of Lynchburg to provide legal representation, consultation, or support to City Council members for the defense of personal interests, including but not limited to litigation assistance for political campaigns or political party nomination contests.
- I.3. Consideration of adopting Resolution #R-24-___ to formally request an opinion from the Virginia Office of Attorney General regarding the use of public funds to defend the personal interests of a political party candidate in a challenged nomination contest, and interpretation of how campaign finance law or other Virginia law restricts or allows the use of municipal attorneys to provide in-kind contributions in the form of legal consultation, litigation support, or defense of political campaigns or candidates.
- I.4. Consideration of adopting Resolution #R-24-___ directing the Office of the City Attorney for the City of Lynchburg to promote transparency and accountability in our election process by fully complying with requests for discovery in a timely manner and prohibiting the City of Lynchburg from taking an adversarial or obstructive position on valid requests for disclosure during contested challenges of political party nominations that are carried out by the City of Lynchburg's Electoral Board and Registrar's Office.
- I.5. Consideration of adopting Resolution #R-24-___ to waive attorney-client privilege on an email from City Attorney Matthew Freedman, on June 29, 2024, at 2:28:08 PM addressed to City Council, City Manager Wynter Benda, and Clerk of Council Alicia Finney with Subject Line "*Peter Alexander v. Chris Faraldi (election contest)*", to promote transparency and provide context to the public for the business conducted during this special called meeting.

RESOLUTION:

#R-24-____

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the City of Lynchburg reaffirms its commitment to strictly comply with § 2.2-3710 of the Code of Virginia.
2. That City Staff is prohibited from using methods to bypass the deliberative process of the governing body, such as the selective solicitation of "votes" or determining consensus in manners that do not create a recorded vote, such as through phone calls to individual council members between meetings to seek direction on an issue.
3. That this Resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-24-____

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the City of Lynchburg prohibits the expenditure of public funds controlled by the City of Lynchburg to provide legal representation, consultation, or support to City Council members for the defense of personal interests.
2. This includes but is not limited to litigation assistance for political campaigns or political party nomination contests, reputation defense or public relations issues.
3. That this Resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-24-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That City Attorney's office shall formally request an opinion from the Virginia Office of Attorney General regarding the following:
 - a. An interpretation on the use of public funds to defend the personal interests of a political party candidate in a challenged nomination contest; and
 - b. An interpretation of how campaign finance law or other Virginia law restricts or allows the use of municipal attorneys to provide in-kind contributions in the form of legal consultation, litigation support, or defense of political campaigns or candidates.
2. That a copy of this resolution shall accompany the request to the Attorney General of Virginia.
3. That this request shall be transmitted before the City of Lynchburg attempts to interfere in the legal challenge to the Lynchburg Republican Nomination contest.
4. That this Resolution shall become effective upon its adoption

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-24-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the integrity of our elections is fundamental to ensuring confidence in our Constitutional Republic, and to prevent undue governmental influence into the result of political party nomination contests or general elections.
2. That the City Government shall to support transparency, accountability, and promote cooperation to ensure a factual foundation is established when proper legal challenges afforded to candidates for political party nomination or candidates for office in the Code of Virginia are exercised.
3. That city government has no interest in the outcome of a political party nomination contest or general election, other than to ensure the will of legal votes is carried out and that a peaceful transition of power occurs.
4. That Office of the City Attorney for the City of Lynchburg is prohibited from acting on behalf of the Electoral Board or the General Registrar without a recorded majority vote from the Electoral Board to ensure separation of power in local government.
5. That the City Attorney for the City of Lynchburg is prohibited from coordinating efforts with legal counsel for a Contestee or Contestant in a political party nomination contest or general election to ensure city government does not exercise undue influence on the outcome of a legal contest to an election.
6. That this Resolution shall be immediately transmitted to the Clerk of the Circuit Court for the City of Lynchburg upon its adoption, with the intent to negate any improper, unauthorized, unethical or potentially illegal interference by the City Attorney for the City of Lynchburg into any political party nomination contest that was not authorized with a properly recorded vote by a majority of City Council.
7. That this Resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-24-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That attorney-client privilege is hereby waived on an email from City Attorney Matthew Freedman, dated June 29, 2024, at 2:28:08 PM addressed to City Council, City Manager Wynter Benda, and Clerk of Council Alicia Finney with Subject Line "*Peter Alexander v. Chris Faraldi (election contest)*", to promote transparency and provide context to the public for the business conducted during this special called meeting.
2. That City Attorney Matthew Freedman immediately releases all public records of official communication between himself, Vice Mayor Chris Faraldi, the City's General Registrar, and the Electoral Board to prove that know witness tampering occurred in a suit between private parties.
3. That this Resolution shall become effective upon its adoption, and the email shall be released immediately.

Adopted:

Certified:

Clerk of Council