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Loudoun County Board of Supervisors, FY24 Budget Work Session, Monday, March 13, 2023

Date Monday, March 13, 2023
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 3h 50m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7214>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7214

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-20. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:07:10] Well, good evening, supervisors, good evening, staff, and good evening, Loudoun. I'd like to call the order of the March 13, 2023, Loudoun County Board of Supervisors Budget Work Session. Would everybody in the room please join me in the Pledge of Allegiance. Pledge of Allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

[00:07:43] In case anyone doesn't know, the NCAA tournament starts today. Bracketology starts right now. If you need a bracket, I have them in my office. Do not be trying to fill out your bracket in a week and filling things in with teams that already won, because I'll know that.

[00:08:04] And I don't know where Carl Rush is, but I need to talk to Carl Rush. And I need to make a good bet with Carl Rush, because we're going to crush Carl Rush's bracket this week, this time. We are. All right, supervisors.

[00:08:20] I'd like to stress the importance of the budget work sessions as a time for us to offer changes, additions, and deletions to the budget. Board members should try to offer all desired amendments and ask any questions you have during the work session. Please only offer motions that you intend to support so that we can be efficient with our limited time during each session.

[00:08:40] So in other words, please don't support something that adds to the budget if you're not going to support the final budget in the end because it will just cause us to take more time. If you'd like to offer motions on items that do not appear in the proposed budget, please work with me and with staff to ensure that we get that motion correct and that we put it in a work session and that we can try to accomplish your intended result.

[00:09:08] When we get to our final vote, which will be April 4th, staff will not be able to make large changes to the budget during the meeting, and the vote on the budget could be delayed if there are substantive changes that were not discussed and voted on during the work session. I will say right now, supervisors, many of you got an email from me today that said that we're going to add three departments to a meeting a meeting that would have been held on Monday, March 20th.

[00:09:40] We believe, after talking to staff, that we can get that done on Thursday. So disregard that email, and we will see those departments, which would be the Housing Department, DTCI, General Services, and Human Resources.

[00:09:59] We'll see those on Thursday, as well as I have sent an email. I did copy you all on it to our school board colleagues to join us on Thursday as well. So disregard the email that you receive. Those departments would be seen on Thursday. Chair Randall? Yes. I believe the departments were Building and Development, General Services, Housing, and County Administration. Did I say DTCI? Yes.

[00:10:28] I did. Okay. Thank you. All right. So Housing, County Administration, Building and development and general services yes you got it because as far as we know and if this is not correct correct me please the soil and water discussion falls under general services correct correct okay we're good then yep all right pursuant to Virginia code section 2.2 - 3708.2 of the Board of Rules of Order supervisor Buffington requested to participate in this meeting by electronic communication a physical quorum of the board supervisors is present in the boardroom, and the board has made arrangements for the voice of Supervisor Buffington to be heard by all

[00:11:08] persons in the boardroom. Supervisor Buffington made this request within the required time frame, and the county attorney deemed that Supervisor Buffington's request meets the qualifications to participate remotely. The board will record in this minute that Supervisor Buffington participated remotely from a private location at home due to illness. Mr. Buffington, can you hear us? I can hear you, Madam Chair.

[00:11:29] Wonderful. We're so sad that you don't feel well today, but Ms. Brickspin's holding your seat down. All right. I appreciate that. Just so you know, I don't think my audio or my video is working. Yeah, we don't have video of you. If you want to turn it on.

[00:11:45] I've been trying. I just don't think it's working. Okay. But that's fine. Mr. Sainz just said don't turn your video on because you sound horrible. Okay. Mr. Weitz, would you now give us an update? Thank you, Madam Chair.

[00:12:02] Just a quick overview of what was distributed in the packet. on Friday afternoon for tonight's work session there were three items the first was the tote board transmittal this includes the record of tote board actions that occurred during the budget work sessions last week currently where the tote board stands is at a real property tax rate of 87 and a half cents it would take an approximately 700,000 dollar reduction to get to the

[00:12:35] lower tax rate of 87 cents and there's about 5.8 million dollars available until the next half cent increase. There was a packet of additional budget question responses from the the public schools that was included in the work session as well as the item to support tonight's CIP discussion.

[00:12:57] I will just note there were no county budget questions included in the packet because we were current and up to date as of Thursday night but I did want to just request the the board if there are going to be any questions ahead of the topics on Thursday night's agenda to please get those to staff as soon as possible so we can react to any questions ahead of Thursday night's work session and the scheduled wrap-up. That is my budget update Madam Chair. Thank you sir does anyone have any questions for staff before we start? Mr. Buffington you good? Yes ma'am. Okay

[00:13:36] wonderful all right so we're going to start today supervisors we're not going to start with with the with the CIP we're going to start with the Commonwealth Attorney's Office so I do believe with us tonight is Ms. Bibberi the Commonwealth Attorney and Ms. Clark Nelson if you all are here

[00:13:52] will you please come to the table good evening good evening Ms. Bibberi in just a second I'm

[00:14:33] going to ask you to introduce all the staff that you brought with you a couple of things before that. During this budget session, I'm going to ask you, I'm going to make the request of you, Ms. Bibari, and your staff, and to make some requests to my colleagues. To my colleagues, I'm going to make the request to please keep your questions and your responses non-political and respectful. This is a budget session, and that's what we're doing right now, the budget.

[00:15:03] Ms. Bibari, I'm going to ask you and your staff to keep your comments about the budget process and direct all your comments primarily to me unless you're responding to a supervisor directly and a question that they may ask you. Supervisors, if we need two rounds of questions, because we are going to be on the clock, then I will do a second round of questions.

[00:15:24] At some point during this conversation, I may ask for a point of personal privilege to go off the clock. So those are my requests of you, Ms. Bibberi, as well as all of my colleagues. Supervisors, you're going to find Ms. Bibberi's Congress Attorney's description of the resource request on page E37 of your book, of your operations book, so volume one of your operations book.

[00:15:51] Ms. Bibberi, we're ready when you are, ma'am. Thank you, and good evening. Good evening. I'm Beauty Bibberi, and I'm the Congress Attorney for Loudoun County. I am honored to be representing the Office of the Congress Attorney this evening on a number of bases. One is specifically to speak to this board regarding the resource requests that we have and the needs that we have to be able to efficiently run our office to make sure that we're ensuring that we are serving our community both with safety and justice.

[00:16:18] To my immediate right, I have my chief deputy, Shaniqua Clark Nelson. To my immediate left, I have Deputy Michelle Burton. To her left and my further left, I have Deputy, excuse me, Anthony Needham.

[00:16:34] I would also like for the members of our team who are in the Board of Supervisors to be able to stand. And for those who are president, I would like to say the following. Thank you very much. This is a portion of the team that represents Loudoun County's Commonwealth's Attorney.

[00:16:55] So I've done the introductions. You have. We're ready. You are. Okay, perfect. I didn't know if you were splitting this up. As indicated, I'm Buda Bibari, and I'm the Loudoun County Commonwealth's Attorney. For those who are aware that the Commonwealth Attorney's Office is a constitutional office, similar to that of the Treasurer, Sheriff, Clerk of the Court, the Commissioner, and the Board of Supervisors in the sense that we all are directly accountable to the people of Loudoun County.

[00:17:25] So we all stand on pretty much the same level as to our responsibilities to one another and our oversight for one another. The Office of the Commerce Attorney is an independent, located elected official, and we have the independent authority for us to be able to deal with the matters that come before us in a fashion that was supportive and elected and selected by the people of Loudoun County.

[00:17:50] As part of the public safety team, we, along with law enforcement, and in this particular case, I would share with everyone that our law enforcement is not just the sheriff's office. There's the Leesburg Police Department, Percival Police Department. We have the Middleburg Police Department. We have MWOD, which is the Metropolitan Washington Airport Authority Police.

[00:18:10] We also have the New Transit Police. We have the Virginia State Police. We have the TSA is also part of ours, the ABC, the Alcohol Beverage Control. Law enforcement is also part of that. And then at times we may also have members from the federal level who also work with us.

[00:18:27] We definitely also have Animal Control and the Fire Marshal. So they also make up part of our public safety team. We represent them in court in the cases that they bring. And I shouldn't say we represent them. We represent the Commonwealth. But cases that come before the court are initiated by any of those law enforcement agencies or by civilians.

[00:18:47] We do not initiate the charges, but once they come to us, then we are charged with doing the following. And that is that we are charged with making sure that the allegations that are alleged are supported by the evidence. If they're not, then we work with our law enforcement officers to see if there's anything further that can be provided that we could pursue it if it's an appropriate charge.

[00:19:09] If not, then we try to see if there are charges that are maybe lesser included or different included in those facts to be able to see where that comes in. But at the end of the day, we owe a standard of ethics as well as justice to our community, which is why we find ourselves sometimes at the tail end of the process, whereas the front side is done by law enforcement.

[00:19:32] Our team makes ourselves available to law enforcement for consultation as well as direction and for training throughout the business day as well as evenings and weekends. If there's been a major crime, such as murder or homicide related, then what ends up happening is our team responds to those sites and is able to assist and get guidance from law enforcement as to what is needed to make sure that we collect the evidence at the time that it is presented to them for collection.

[00:20:10] Our team currently has a makeup of different participants in our office. We have attorneys of different levels. We have entry-level attorneys, ACA 1s, MED 2, Senior Assistants 3, and then we have the deputies, and then we have Chief Deputy, and then myself.

[00:20:27] We also have an office manager, we have an investigator, and then we have our paralegals and legal service assistants. We're here this evening to ask for the following resource request, and that is specifically one is for an executive assistant. That position is currently a part, I'm sorry, it's a temporary position that has been filled only during this fiscal year.

[00:20:49] In prior budget sessions, we have made the request that has been denied. We're asking for the board to consider the import of such a position. I believe every department head has one. I believe every board of supervisors member has one.

[00:21:08] With a team of over 54 people, it is one that is mandatory for our office to be able to have as that person would assist us with being able to obviously communicate, be able to do special projects, work with communicating with our staff as well as outside agencies, and working with being able to organize certain matters that we have, such as research, communications, and things of that nature, just to assist us in being able to dedicate our time and energy and other matters as well.

[00:21:39] By way of information, everyone in our office who is an attorney, including myself, practices before the courts. That means we handle cases. Each one of my deputies actually handles a pretty active caseload, which makes it challenging for them to also be administrators of their teams because that's what they should be.

[00:22:00] So their scope of influence and their scope of supervision is very broad. We need to be able to have that reallocation in the future. We will be coming back for that to be able to ask for additional resources so that we could handle those responsibilities because, as everyone knows, management is required to have an efficient office.

[00:22:22] In addition to those team members, we have our victim-witness case management team. That is a team that, when I came into office, it was one of the focal points that we had, which is to make sure that we are working with our victims and witnesses in a much more personal fashion.

[00:22:41] Our victim-witness team, it was expanded, and this was only within the last year and a half or so ago, So what we were able to do is to increase that team from four to seven, one of those members being an individual who actually leads or supervises that team. That has allowed us to better serve our community.

[00:23:00] And I'll share a couple of stories with you so you have an appreciation for what those individuals are doing. Let me just hold on for one second, if you don't mind, ma'am. I'm going to cut you off. I just want to make sure that I understand what you're asking for, because I'm actually looking at your request on page 37. And if I'm reading this incorrectly, please let me know.

[00:23:19] What I'm reading is that you're asking for four positions, correct? Yes, ma'am. One executive assistant, two legal services assistants, and one paralegal. Is that correct? That is what we were advised based on the predicted budget that we would put forth.

[00:23:36] We have additional needs, but that is what we have. Okay. So when you, I'm sorry, I may have misunderstood you, and if I did, I apologize. So did you just ask for something else that's not in the book? I did not, ma'am.

[00:23:52] So the victim witness case management is not – I'm confused as to why you were speaking about that. Because that is another portion of our teams that we would have the need to have a victim – I'm sorry, an executive assistant to be able to always – So you want one of the executive assistants for the victim witness case management?

[00:24:08] No, ma'am. Okay. So the executive assistant would be for myself and for our chief deputy, Ms. Janiqua Clark Nelson. Okay. And what I was sharing with the other departments that we have within our

office is to be able to also help us manage within those departments.

[00:24:24] So I named the different roles that we have as far as the attorneys, prior legals, and legal service assistants. In addition to those roles and an investigator, we also have the victim witness case management team. So that is another part of the supervision that is under Ms. Clark Nelson's and my leadership.

[00:24:44] So one of those four positions would be assigned to that department is what you're saying? No, ma'am. The only position I'm talking about is an executive assistant that would be solely accountable and reportable to Jean-Luc Clark Nelson and myself.

[00:24:59] We would use him to be able to assist us in being able to communicate with that second group within our office. will you do me a favor please if you don't mind will you speak to us about the positions you're actually requesting and what and and and how those would benefit your office that would be if you don't mind no and that's what i was doing is talking about the victim witness team as far as our supervision of that team also it's nice to have an executive assistant to help with the communication and the schedule so then that person would help with that team well it's assigned to us But to be a conduit with the other teams that we have within our office.

[00:25:39] So not assigned to them, but assigned to us because we do not have an executive assistant in our office of 54 members. Thank you. Okay, thank you. So as I indicated, in most of the departments that we have, there is an executive assistant that has been recognized that it's appropriate and efficient for the department heads to be able to have.

[00:26:05] We are asking for the position to become not temporary, but a permanent position to allow that individual to assist us with the management of the office. The other positions that we are asking for is we have two legal service assistants and a paralegal.

[00:26:25] Those are intended to be able to assist us with our case management. and I share with you the following is the fact that we have caseloads that are from the felony levels with the circuit court, general district court, and juvenile domestic relations. We have misdemeanors that are in the general district court, juvenile domestic relations, and if they are any appeals, they would be in circuit court as well. The volume of those cases that come in are literally in the thousands, and currently what we have is we have a team of two individuals who manage the general district court initial case openings. When those individuals get the cases,

[00:27:04] what they have to do is they create a case jacket. They enter the information in our case management system. They then take that information. They also make inquiries to law enforcement. We'll use for example here the sheriff's office. They'll make inquiries to the sheriff's office for certain evidence. Police reports, body-worn camera, dash cameras, any 9-1-1 recordings, anything in that nature that appears to have been part of the investigation. Additionally, they run what are called V-CINs. We have a third person that does it. V-CIN is a Virginia criminal investigation record, and that basically is what we would call their criminal background that is reported to the

[00:27:43] judicial system. That is run for every one of our cases, and it is done by one of our LSAs. When that file then is collected, it goes to a fourth person, and then that person collects it makes it, prepares it for our attorneys. In preparing it for the attorneys, they also make sure that it is docketed for the attorneys on their scheduled court dates. If there are any requests for discovery, which there would be for class one

and class two misdemeanors, because of the fact that they have with them the potential for jail, which triggers the discovery

[00:28:19] aspect, then that matter would be processed by our legal services assistant. They would then take that request, they would prepare what's in the file that has been received from law enforcement, then they hand it over to the attorney, and the attorney reviews it. As part of the review, the attorney then has to watch the body-worn camera recordings, any dash cam, any sort of recordings that we might have in the file for a number of things. Two things. One is obviously to prepare for the case and make sure that we are presenting the information to the accused and his counsel, if he has one, as to what the requirements are by the Virginia Supreme Court, and it's the

[00:28:57] discovery rules. Secondly, they also watched the video for a couple of things. One is to make sure if there's any protected information or any information on that video that might jeopardize the safety of the victim or the witnesses, it has to be redacted. So they literally have to get into the system as far as being able to blur certain aspects of that recording or to go ahead and redact anything that might be underwritten reports.

[00:29:23] That then is made available to opposing counsel, and then we prepare these matters for trial. I know Ms. Clark Nelson is going to pick up what we do with our caseload management, so I can either defer to you now if you want to go into that or I can save it for the end, whichever you prefer.

[00:29:41] Okay, so we'll continue with this. So what we end up doing is when we go to court, there's a process that is filed, file, I'm sorry, filed load that deals with the following, which is how do we go ahead and identify cases that are for trial versus cases that are for otherwise to be disposed of. The dockets that we deal with on a regular basis that our LSAs assist us with, and I'm going to add our paralegals into this request as well, is we have 70 dockets in the course of a week. They cross over between circuit

[00:30:18] Court, General District Court, and Juvenile and Domestic Relations Court. 70 dockets means that on any given week, our attorneys are in court, if not more than three days, definitely, I'm sorry, if not four days, they're definitely there three days out of the week, and in the course of a day, they might be there multiple times. Those cases come in different levels in the sense that it could be a first return, it could be a case that is coming back for trial, and it could be a case that's been adjudicated, I mean, it's gone to trial for the murders, but might be coming back for a review or for a violation. So those cases have extended lives to them, and they are ones

[00:30:56] that we have to monitor and be able to maintain for our office. That is also very much a paper intensive process. Another use or expectation we would have for our legal service assistants and our paralegals is to help us to also identify cases for digitization. In our office, we have cases from as far back, literally physical files as far back as 2004, 2005. We have files in corners, in bathrooms, in hallways, in the conference rooms, everywhere because of the fact that they've accumulated over the years and we can't send them away until we've digitized them

[00:31:35] to make sure that they are preserved. And the reason why we preserve them is beyond the requirement for Library of Virginia, but it is also because they're criminal records. We don't know if something's going to come back that maybe somebody reoffends, that that record might be integral to some sort of identification as to how we should handle the case, or there might be some information in those records that is relevant to their rights to be able to review matters. And as we also know, and we don't have it as happen as much as in Loudoun counties we may have heard in other places, but if

somebody is actually making an allegation that they were innocent of an offense, we would also have to have access to those matters.

[00:32:14] So we can't just box them up and send them out. They have to be digitized, and we just don't have the personnel for it. Historically, in this office, felonies were preserved. Misdemeanors were not. Traffic offenses were not.

[00:32:30] They were discarded within the same time frame once the case was completed. If it was completed with a dismissal or some other adjudication other than guilt, If it was guilt, then it might stay if the person is on probation for a period of up to a year, but beyond that, they were not preserved.

[00:32:49] For purposes of also having data, we don't have data for our cases. What we do is anything that we talk about this evening when we rely on it is going to come from a source. When we talk about, you know, how crime is down in Loudoun County, that's based on the reports by the sheriff's office to the Virginia State Police as reported by them.

[00:33:08] So we don't have any internal data that is reliable because our system is not set up that way. It was my commitment when I first took office to make sure that we are trying to create such a system. We can't because we don't have the resources to be able to enter those files and that information into our computer system, our data management.

[00:33:28] So although we are before you here today asking for four positions, I will tell you that we will continue to come back before you and continue to ask for positions. because as we are seeing is that there is a change in how prosecution takes place nowadays.

[00:33:44] There is also a change in how we are able to put forth the information to the courts and as well as how we're able to interact with our victims and our witnesses. And all that requires time. Ms. Bibberi, normally when departments come, they have about 10 minutes to present.

[00:34:05] You've been going for 20, which is fine, but I'm going to ask you to start wrapping it up, if you don't mind. Thank you. We've talked about the impact also on body-worn cameras on our attorneys, and that is another basis for the needs that we would have for our legal service assistants and our paralegals.

[00:34:36] It's because the attorneys don't have the time to be able to handle the pleadings or being able to make sure that the information has been collected, so we rely on our paralegals and our LSAs. In our office, I believe we have 19 non-attorney positions.

[00:34:54] Seven of them are our victim-witness case management team. So that leaves us 12 FTE positions that support a team that has, I think we're 29 attorneys, 29 attorneys, and three different courtrooms and a total of 10 judges.

[00:35:15] So that is something that is not feasible or sustainable for them to be able to do that so that is where we are with uh the further um request as far as our victim witness i'm sorry as far as our legal service assistance and our paralegals we changed in our office a couple of matters which ms clark nelson will speak to as far as our case management and our docket management as well if you want to do the little bit about

[00:35:53] the discovery? Okay. Thank you. Good evening. As it relates to the management of cases, and I want to turn specifically, well, quite frankly, to all of our cases, but narrowing our focus to the district court levels, both the juvenile domestic relation, as well as the general district court, the Commonwealth

Attorney's Office is tasked with the effective management of cases that are being prepared for trial. That includes pre-trial work, collection of information, data, desks, consultation of witnesses, consultation with officers, ultimately to best prepare all matters to go forward to trial.

[00:36:33] With regard to the management and the preparation of those cases, I will tell you all here at the board that that is a mandate that we impress upon all of our attorneys, that all of our attorneys are tasked with ensuring that they are adequately prepared for their cases, and that requires being able to obtain all relevant information and to review it in a way that it can be utilized at trial. With regard to the body-worn camera specifically, as you all are well aware, we've been in a multi-year rollout of body-worn camera cameras with individuals from

[00:37:09] the Loudoun County Sheriff's Office. What that has resulted in is an increased number of individuals that have body-worn cameras such that that footage is then submitted to our office. What that does from both an administrative standpoint as well as an attorney's standpoint is that it puts great weight on the ability to process and review those discs. Just to give a bird's eye snapshot of what that workload entails, I will tell you that in reviewing the bottom worn discs that have been received from the Loudoun County Sheriff's Office just in 2023, and keep in mind that our office

[00:37:45] will receive an original as well as a duplicate, we have received 4,092 approximately discs from the Loudoun County Sheriff's Office, which means that approximately 2046 discs need to be reviewed for presentation, and those are just on the cases that have been filed in 2023. When extrapolating that further, that does not also take into account the other documents that the attorneys and our administrative staff assist us with in preparing for trial, specifically any photographs, police reports that need to be redacted, digital forensic evidence by way of phone dumps, interviews with witnesses, surveillance video, witness statements, and other forensic evidence such as certificates

[00:38:24] of analysis or, in certain cases, reports of autopsy. Ms. Clark Nelson, which of those four positions that we're talking about would apply to what you're talking about right now? Your Honor, I'm sorry. It would be all. I'm so used to being in court that everything is, Your Honor.

[00:38:40] That would be all three of the administrative positions that are not the executive assistant would assist with that. The executive... I got it. Thank you. That's, you answered my question. I appreciate it. I just particularly mind your honor, but I haven't earned that. It is an occupational hazard.

[00:38:58] I apologize. So with regard to the compilation of that information, it does create a extreme burden on our administrative staff as it currently exists. One of the things that we've tried to do as an office is do everything that we can to help unload or to assist with that burden And even taking myself into account, I have stayed until 2 o'clock in the morning processing misdemeanor files because we just don't have the staff to do it.

[00:39:26] It is vitally important in order for us to have the proper infrastructure for staff to prioritize the volume such that we can ensure that we have attorneys that are in court prepared and ready to go forward. I would submit to you all that that bird's eye snapshot is just the agency of the Loudoun County Sheriff's Office.

[00:39:47] That also doesn't take into account the other agencies that our office is tasked with handling cases for, to include the agencies listed by Ms. Bibbride, to include the Leesburg Police Department, the

Metropolitan Police Department, Virginia State Police, Percival, of which some of those agencies also have body-worn camera.

[00:40:06] With regard to specifically the request for our FTE positions, I would submit to the court or I would submit to you all, I really got to get out of that, I would submit to you all that even the four positions for which we're requesting certainly would not measure the amount of work that's anticipated with the caseload that we already have.

[00:40:31] Take into account that we are now working with the Metro Transit Police Department who is currently implementing body-worn camera, which has not happened yet, is going to increase the workload of the Commonwealth Attorney's Office. Take into account that with this current budget session that there have been 36 approved FTE positions for members of the Loudoun County Sheriff's Office for field officers, which is going to increase caseloads, increase body-worn camera, increase a number of different things that are going to directly affect our office.

[00:41:02] we don't have the infrastructure to support that increase. The request that we have put forth today scratches the surface of what is needed to ensure that we are in a position to be thoroughly prepared to litigate any and all cases that come before the court.

[00:41:22] And I would submit certainly is reflective of the work and the philosophy that we have within our office to ensure that attorneys are in court with all relevant information, that they are in a position where they are screening all information such that we are giving the best possible resolutions in our cases.

[00:41:49] And in addition to that, and relative to our resource requests, I will tell you all that the Commonwealth Attorney's Office has been working diligently with our law enforcement counterparts. If you all recall, last year we had a discussion about the body-worn cameras, specifically all the discs that we are receiving and having to man—I'm sorry—that we had.

[00:42:12] I will tell you that we have been working collaboratively with the Loudoun County Sheriff's Office to create a digital space to receive information to then disseminate that to Defense Council. That will ease the process of receiving the information, but it will not ease the process of reviewing the information. This is an efficiency that we've been working hard for in our office to ensure that we can get information as quickly as possible to give our opportunities as much time as possible to review everything that they would need to do.

[00:42:40] Relative to the rollout of this program, I would submit that we are in the testing stages of it. It is not at a place of implementation yet. However, I would note that implementation will be soon. I save that to say that there is a number of cases, and our attorneys and our staff are tasked with ensuring that we are doing everything possible that we can to prepare our cases for trial.

[00:43:04] We are public servants by choice, and we certainly want to do everything that we can, such that when we step into the courtroom every single day, we are serving the community. Within that, our office has put together certain guidance that our attorneys and administrative staff need to follow to ensure that such preparation exists, and what we are looking for at this point is to fund additional resources that help support the infrastructure of our office.

[00:43:29] Thank you. Thank you. Are you finished? Good. Yes? If you want, I can keep talking. I'm a lawyer. No, I don't, but thank you very much. And I do want to say to all of your staff, which you have brought here, and thank you. You are public servants, and we do appreciate you.

[00:43:46] Thank you very much. Supervisors, do you have questions for Ms. Biberby? If you do, feel free to put your light on. Ms. Brixman. Thank you, Madam Chair. So there's been a lot of conversation about not prosecuting certain misdemeanors, and so I wanted to give you an opportunity to explain what is actually happening in, like, a minute, please.

[00:44:15] Ms. Bricksman is on the clock. Okay, thank you. So I would refer the board to a couple of things. One, as early back as January 29, 2020, it was repeated again in February 28, 2020, and at least March 5, 2020.

[00:44:30] So as early as 2020, what we did is we talked about the requirements and the opportunities within our office as far as for prosecution. We have the Virginia Code Section 15.2-1627, which says the following.

[00:44:46] We are obligated, so we're obligated to prosecute felonies, and then in our discretion, class one, class two, and class three misdemeanors, and any other violations, the conviction of which carries a penalty of confinement in jail, or a fine of \$500 or more. So we're limited.

[00:45:01] We can't do these traffic infractions from a lawful perspective, okay? That's just not the mandate or the authority that we have within the code. So historically, I will tell you this, it's been done. It's been done across the whole Virginia.

[00:45:17] So it gets done, but if you're looking at the law, it says that we are not so authorized to do that. So if I might just repeat what I believe Ms. Clark Nelson said recently. There are no offenses which will not be prosecuted due to the policy.

[00:45:34] Prosecutors will not be assigned to uncontested cases where the defendant does not face the possibility of jail time and is not represented by an attorney on their own. In these cases, law enforcement would be relied upon to present the evidence in the case, common practice in other jurisdictions for such minor charges, such as speeding, drunk in public, or noise complaints when the defendant is pleading guilty. So it's my understanding from that statement that these are minor offenses. I mean, some might not call them minor. That's a

[00:46:09] subjective term. But there's no jail time pending. There's no defense attorney. And the defendant is not contesting the charges? So that would be accurate. Going back to the statement that I had in there, we made it very clear that we would be representing, I'm sorry, we would be working with the direct presentation of the evidence for cases that had an attorney, cases that we were not waiving jail, and then cases that were in juvenile court that was part of it. So how it works is now is we had an opportunity to talk to our judges in general district court, and they worked with their

[00:46:46] clerk's office to identify certain cases with an AR delineation so that we know those are the cases that we call first time up. So what our attorneys will do for class one, class two misdemeanors is to be able to look at those cases and see von Wiesen, von a criminal check, and see if those cases are statutorily eligible for a deferred finding. If they are, then we put them on a list on the day of court on that first return date. We talk to the officer and we say, hey is this appropriate for it to be a deferred finding if they say yes we present it to the court and the court deals directly with the matter with law enforcement that's historically how it's been

[00:47:21] done if the person says i don't want that option then we would put that on what we call our trial docket it gets continued because it's contested that then triggers the discovery our preparation our review

of all the body worn camera that goes into that trial docket the other part that we then do at that point in time is looking if there is any matter that is before the court or on that list that the officer says there's something, there's a nuance about this case. That's what we're there for. We're in court all the time. We're not leaving the officers by themselves, but this is something which is does the management of the court's dockets. So every case is

[00:47:57] prosecuted. The issue is just whether or not it's presented directly by us through the attorney saying what to happen next, what happened next, what happened next, or the officer takes the lead on those and presents it to the court. That is historically everywhere nationally, not just Virginia and not just Loudoun County. Thank you, Madam Chair. I will have another round of questions. Thank you. Ms. Umstead. Thank you. Thank you, Madam Chair. Ms. Bieber, I, in your December 30th letter to the general district court judges, you proposed a different way of doing

[00:48:33] things. And it would appear you are currently contradicting the situation you described in your December 30th letter. In the December 30th letter, you said you would no longer engage in active prosecution of certain misdemeanors and county and town ordinances. Now you're saying to us that you had no authority to prosecute those to begin with. So it leads to a bit of confusion.

[00:49:08] Would you be willing to commit tonight and to put in writing within a week a rescission of that December 30th letter and go back to the way you obviously used to do things? Supervisor Amstead, I was trying to say to you that we've already done that, right?

[00:49:29] The change was during COVID. During COVID, because we had people come into court that we didn't want to subject them to a virus that might kill them. We had five or six attorneys in a courtroom, and they were handling everything from a traffic offense to some minor injuries because we were trying to make sure that they came in, they'd handled their business with the judges.

[00:49:48] We didn't put our court personnel in danger. We didn't put our attorneys in danger. We didn't put our judges in danger or the civilians in danger by having to be in a courtroom where if you've ever been in a traffic court, it could be a three-hour process. So we came in there and we'd handle these matters to be able to facilitate the court's docket.

[00:50:06] So if you go back and you look at how we, and I said this in January in 2020, and it happened even before then, these matters were handled in that fashion where it wasn't that an attorney was dedicated to all of the traffic cases because they weren't.

[00:50:23] It is not feasible, nor would it be good fiscal sense, to try to be able to do that. We didn't change how we prosecute things in that letter. And I'm sorry, and I'm very surprised at how it was interpreted, because there's a section in it that says that those cases will be directly presented by law enforcement.

[00:50:40] That means the officer is talking to the judge. The judge says, what happened? Tell me. They tell him. They leave the accused the opportunity to speak to it. Then he comes back to the officer, says anything else, and then the judge makes a decision. We don't play a role in that, even from a practical perspective. So I didn't change what I said.

[00:50:56] I'm telling you that by the statute, and you can read it. I'll be glad to cite it. It's 15.2-1627, which is the authorizing statute for Commonwealth attorneys. It doesn't authorize traffic infractions that are less than \$500 penalty. That's just the law.

[00:51:12] The fact that we did it to facilitate and it's done throughout other jurisdictions, that's part of it. But there's many jurisdictions in Virginia. They have 120 commonwealth attorney's offices that do not prosecute misdemeanors because the state comp board only paid and provided financing for the felonies.

[00:51:31] So that's just historically. So this disinformation or intentional misinformation was really surprising, and I'll also share with you the following. That letter was directed to three judges. It was to have a conversation with the judges as to how it was going to impact their dockets now that we're going to try to do this, and how do we do it best?

[00:51:49] How do we help you manage these dockets? And what we walked away with, they also came to the table and said what we will do is we'll identify first return cases with the full expectation that we are not preparing them for trial on that day. We're screening them, and if they get identified to be cases for trial thereafter, then we prepare them and we'll put in the time to watch body-worn camera, which is ours, and doing all those other matters.

[00:52:13] So we haven't changed anything. I'm sorry that that was a misunderstanding that you or others may have had, but that was not the context of that. It was taken out of context, and also, more importantly, it was released, and then it was intentionally re-repeated by individuals who chose to treat it that way.

[00:52:30] Every crime in Loudoun County is prosecuted. I think it was Mr. Buffington, do you have anything? Thank you, Madam Chair. If I could, am I given the opportunity now to follow up on Supervisor Umstead's questioning?

[00:52:53] Sure, you can. Thank you, and I'm sorry for any confusion. Ms. Bibberi, I'm a little confused by the answer you just gave. I'm just trying to simplify it or clarify it. Are you saying that the only time the Commonwealth's Attorney's Office presented or presented these lesser crimes to the judge was during COVID?

[00:53:22] No, sorry, I didn't say that. So we accelerated our involvement in those cases during COVID. So we were out in the hallways and we directed, not directed, I should say we direct, we don't direct the judges to anything. We invited the judges to make the announcement for them to be able to say whoever wished to speak to us if they were so inclined that we would be in the hallways to be able to do that.

[00:53:45] And those are individuals who also were not represented by counsel, which is traditionally what we don't do. Can I interrupt? I apologize. Just because I am on time living here. Have your Commonwealth's attorney's office, have you all ever presented these cases to the judge since you took office?

[00:54:10] Yes. Okay. Do you plan on stopping? So may I ask for a clarification when you're saying these cases, which cases, sir, are you referencing? The ones that you have just been explaining, where they are the misdemeanor cases, I believe you said that you do not have the authority to prosecute, where there is no jail time that could be presented or that could be issued by the judge.

[00:54:46] So let me clarify that, so I apologize if I didn't make this clear. The code section mandates us to prosecute felonies and authorizes us to prosecute Class 1, Class 2, and Class 3 misdemeanors. Class 1 and 2 have the potential for jail. Class 3 has a maximum fine of \$500.

[00:55:04] The rest of that code section says, or any other violation, the conviction of which comes, I'm sorry, which carries a penalty of confinement in jail or a fine of \$500 or more, or both. So that's what I was

saying to you, that if it doesn't have the penalty of \$499, I'm sorry, \$500, so if it's less than that, then that would be something that per the code section, we would not be authorized to prosecute.

[00:55:35] And you currently don't prosecute that, is that correct? What we would do is we would not be putting forth the evidence. Do you currently prosecute those or not? Okay, so. And do you intend to stop doing that if you are currently doing it? Sorry to throw that out there and cut you off.

[00:55:57] Okay, so I apologize because since you're not here, it's hard for me to know who's talking over whom, so I apologize if I'm speaking over you. So this is what we end up having. We have these cases that we deal with if they are part of what we call ancillary charges.

[00:56:13] So if somebody has a Class 1 or a Class 2 charge, then anything that comes with it, and it could be a traffic infraction, would be carried over with that case. So, yes, we do are the primary presenters of the evidence on certain cases that would otherwise not be part of our mandates or our authorization.

[00:56:33] So we do present the primary evidence of some of those cases on cases. And I don't and I apologize. I feel like no one here has ever had a ticket the way that the questions are being posed. But if you've ever had a ticket, you've gone to court. If this is a matter that you don't have attorneys between you and the judge and the officer.

[00:56:52] And that's the same thing, the same practice that we've had here for 30 years that have been in this community. We are perfect drivers. We have never had tickets. Thank you very much. Speak for yourself. I'm going to go to Mr. Letourneau. Okay, let me pick up on this. I think there's confusion because you seem to be saying that this was your practice because of COVID and that as of January 16th, nothing changed.

[00:57:17] But the letter specifically says, as these changes will apply to offenses that are committed after January 16th, 2023, it is anticipated that the current case is pending will not be impacted. So were you, some of these cases, these aren't just traffic tickets, we're talking about hit and run with property damage, eluding, there's a whole list that were in the memo that obviously you know.

[00:57:43] So I think what the board's trying to understand is, did something change or were you proposing a change as of January 16th or not? Okay. So during COVID and thereafter, our circuit court had either almost no cases going on or they had a very reduced caseload. So over the course of time between later 2021 and 2022, that opened up a little bit further. So our resources were not as available as they were previously. In all these cases, because of what we were doing during COVID, we had continued thereafter, but we just couldn't maintain it because on the arraignment dates or on the first dates, because the way that

[00:58:20] the docket came out, it comes out like one identified. It was always ADJ, which was adjudication which says that that's set for trial. We then required our attorneys to prepare them as if for trial so that when they came to court, they could talk to... And that's, sorry, again, I'm on the clock. So that's what you were proposing not to do as of January 16th. Right, because what we would use that first date for is for the screening of those matters so that we would know whether or not they would be for trial because we also know that some people are willing to plead guilty and they're welcome to but we shouldn't invest two or three hours in that if we don't have to

[00:58:56] so that was the change that we were asking the court letting the court know that we okay so let me take that and then let me also sort of merge onto it a question about we just heard about the drug court

the other night which is a great program that i've i've supported but we had established a drug court with a capacity of 50 individuals, and we currently have 12, which is about 25 percent. If we looked at that, and then we looked at these other cases that you are sort of freeing up some resources for, wouldn't it just sort of logically stand to reason that the

[00:59:32] workload would be less and that resources in your office would be freed up to handle these other cases? Supervisor Letourneau, if this office had been appropriately resourced, you're right, We're just trying to catch up. We're no different than mental health.

[00:59:49] So we put two FTEs, sorry, we put two FTEs on the drug court specifically. What are they doing with only 12 cases? Have they been allocated elsewhere? So what they do is they have other responsibilities that are absorbed by the needs of the courts. So, yes, they handle other responsibilities.

[01:00:05] If I also may share about the drug court part, and I'm sorry, I don't know if you turned it off because you didn't want to talk. No, because I'm out of time. Okay, so let me just, if I could quickly answer that question. So what it is, is with the drug court, as you are well aware, I think we have 10 multidisciplinary members of different teams.

[01:00:22] So they are all part in the same process where they don't all just work in one unit or for one caseload. They work in other spots, and that just becomes one of their other responsibilities, their primary responsibility. Just to be clear, a point of clarification, we started off with 25 positions slots for the drug court.

[01:00:45] At the beginning of this term, we added 25 more because as we were coming in, the drug court was not only full, they had a waiting list. And now there are only 12 people in the drug court.

[01:01:02] And all that time, there were two people who were serving the drug court, just to be clear. Mr. Kirshner. Thank you, Madam Chair. Ms. Bibberi, thank you for coming today. I appreciate your presentation. I'm going to call the—I am utterly aghast.

[01:01:18] I do not understand what you're talking about. I read this memorandum dated December 30th saying we are not going to prosecute certain crimes. What you have come and told us today is, no, we're going to continue to basically follow the same process that is going now. You know I work in the courts on a regular basis. First-time offenders on these offenses who come to the court do not interact with your commonwealth attorneys.

[01:01:39] We all know that. So what you've told us is we're not going to waste resources on that, but you're not wasting resources on it right now. They go to the judge. If they want an attorney, they get an attorney. Am I correct about that? No, sir, you're dead wrong. I'm dead wrong. The first-time offenders of these offenses, if they don't have an attorney, they come and talk to the Commonwealth attorneys.

[01:01:57] No, I didn't say that. You said whether or not we work on those cases. That's the correction. So what you're aware of, as an attorney, we have an obligation to look at those cases. Part of that preparation is for us to review the body-worn camera, read the police reports. Let me stop you there. Are you involved in those cases at all in the first time?

[01:02:12] Yes. So those pro se individuals talk to your assistant commonwealth attorneys? So why are you preparing for something if they're not going to talk to the assistant commonwealth attorneys? You're

conflating the two, because we have to make a recommendation to the court whether or not we're waiving. But you don't make recommendations, generally. The officers deal with those matters.

[01:02:29] One of us has to talk and answer. So if you want me to answer the question, I'd be glad to. Yes, I would be glad to, because I don't feel like you're being honest with this board up here. I practice. There is no interaction with a pro se and your assistant Commonwealth attorneys in the normal general district court setting for the first time in court.

[01:02:47] So you're talking about that. Hey, wait a minute. Hold it, hold it, hold it. Stop Mr. Kirshner's time. Stop his time. Mr. Kirshner, take it down a notch. Ms. Bibber, I take a breath. We will have another round of questioning, and maybe two more if we need to, but everybody take a breath.

[01:03:04] Give him 10 more seconds on this clock. Mr. Kirshner, start again, please. So my understanding is you prepare for all those cases for pro se's that will not interact with commonwealth attorneys on the first offense?

[01:03:20] We have an obligation to make sure not only that they would be eligible for first offense, but that the facts are appropriate for that. So, yes, we would run a V-CIN to confirm the fact that they would be eligible. The second thing we would do is to make sure that we're looking at a police report and talking to law enforcement as to whether or not there's something maybe weird about the case or has nuances that although they may be statutorily eligible, they may not be appropriate for it.

[01:03:44] So, yes, we do prepare for that. That's the task and the dictation that we have for them is to state that they should be preparing those cases on the front end, which is why we changed it. Now we're saying, Judge, what we're going to do is we'll run a VEASAN, we'll talk to the officer, but we're not going to watch the body-worn camera and all those other things unless that person says, no, thank you, I'm not going forward with it.

[01:04:05] But the point you made is you're exactly right. It's not the contact with the accused that we have. Ms. McBride, you don't say that anywhere on the first offense in this memorandum, that you are going to have that interaction. You don't say anything like that. I think what's going on here is you have written a memorandum and you're changing how you're going to handle matters.

[01:04:25] There's no question in my mind. And it's not fair to this board to state those things. Now, I do have a couple other questions. I would like a second round on the actual resource requests and the resources that we have, Madam Chair. Everyone will have a second round if they'd like to have a second round.

[01:04:41] Mr. Sains? All right, thank you, Madam Chair. Okay, I'm going to do a quick rapid fire for Ms. DeBriott, if you can. This is our fourth budget session, correct? I believe so, sir. I think we had a mid-year, so it might be a little bit more, but about.

[01:04:57] Yeah, so probably four and a half for you, I guess you could say. And would it be accurate to say every time you came in front of us, you've put in a request for staffing and you've received some staffing every time? I want to say there were maybe two occasions I did not.

[01:05:12] One was a mid-year and one might have been in 2020, but thereafter, yes, sir. So majority of the time you got staff? Yes, sir. Real quickly, you gave us four positions. Can you quickly rank those in order for us, one through four? I think that's an unfair question to ask because of this reason.

[01:05:32] They all serve different responsibilities, but all of them are integral to the fair running I understand they're all priority. I get that, but we have other departments. We were very constrained this year. A lot of departments, we asked that very question. Okay, you came in with four. Can you please rank them in order, please, for us real quickly?

[01:05:52] Mr. Sainz, if I had to do that, I would make the priority one the executive assistant because that would be a resource that would help between the commons attorney and the chief deputy to be able for them to execute their responsibilities.

[01:06:14] If I had to go then thereafter, I would choose the two LSAs and then the paralegal. Thank you for that. And you mentioned before that you have a lot of boxes in the halls, bathrooms, office areas, et cetera.

[01:06:29] Which of these four positions would be the one to take those boxes and do the copying? Every one of them. Every one of them. So even the executive assistants for yourself and the deputy would be doing the copying and the legal services person in the...

[01:06:46] That role is a temp position right now actually does that and assists with trying to receive and enter the cases for our other LSAs. Okay. All right. And then you mentioned earlier, and I remember this conversation quite clear last year, You guys came in with your presentation showing you had, I wouldn't say floppy disks, but you had CD-ROMs saying you could get this.

[01:07:08] It takes months at a time to get the CD-ROMs from the sheriff's department. Then we said, wait a minute, you guys are still sharing CD-ROMs. Laptops don't even come with CD drives anymore. And you said, yep, we have to get a disk player and then hook it up to the TV on the cart like we used to have in schools back in the day and watch the videos.

[01:07:29] And we asked, can you guys please work together to figure out the technology? And the Sheriff's Department said, yes, our system is capable to actually email or do, you know, lack of a better word, Google Drive the files to your office. So you're saying that that still has not taken place where it's electronic between the two offices?

[01:07:49] It has not. We're still receiving the disks. But as Ms. Clark-Nelson indicated, I think we're on the cusp of having that changed. We're just now beta testing how to be able to do it so that it works. But I think that process started maybe in November, October, November 1st, to be able to, from the sheriff's office, what they needed to do to be able to do that.

[01:08:10] So, yes, so we're almost there. So it's taken almost one year to get to beta testing? Yes, sir. All right, we'll have a second round and dive into that a little bit further. Thank you. Thank you, Vice Chair. Ms. Bibberite, was there an executive assistant when you came into the office? Not a specifically identified role, no.

[01:08:29] There was nobody in the executive assistant role when you came into the office. There was no such role. There was no such role. Okay, you're going to stay with that. Do you know what your vacancy rate is? I think it's over 20% right now.

[01:08:46] Does that sound about right? Actually, if you give me one second, I will tell that to you. And why are you doing that? Yes, ma'am. I'm ready whenever you are. What's your vacancy rate? Okay. I just

need a number. I was going to do that. Okay. Okay. So what we have is right now our vacancy rates for our office is, and I said I had it in a whole lot of a second.

[01:09:18] Yeah, I have it as 20.69%. That's what I have your vacancy rate at. It might be because I know when we were looking at this, we have the FY23 vacancy rates for the county is 58%. FY22 is 39%.

[01:09:34] Do you know how many positions have been assigned to your office from this board since you came into the office, Ms. Bibberi? I believe that that was, we came in with 36, so we are, I want to say maybe about 19.

[01:09:52] We have onboarded, you have onboarded and successfully hired 58 regular employees since the start of 2020. I'm sorry, I thought you were asking how many positions we added. No, since you have been in office, we have given you and onboarded 58 positions.

[01:10:09] How many did you start with, Ms. Bibberi? 36. So, you started with 36. We've given you 58 in the past three years. Added 58, you're saying? That's what I have. No, ma'am. We're a total of 58. Yeah, a total of 58. Yes. So, just depending on how you're doing it.

[01:10:25] I have, however, despite these changes, the common attorney has successfully hired and onboarded 58 regular employees since the start of 2020. That's what I'm reading. That's turnover, ma'am. That's because of turnover. But you still have onboarded that many, which leads us to the turnover discussion. Do you know what your turnover rate has been, Ms. Biberai?

[01:10:43] So, as I indicated to you, what we have is we have the same issue that the county does. Do you know what your turnover rate is, ma'am? I'm going to ask if you would allow me to answer. Well, I'm only saying I'm running out of time, and I don't want to. So, let me just handle it this way. Your FY21 turnover rate was 56.7%.

[01:11:02] Your FY22 turnover rate was 27.98%. That is the county's turnover rate at its highest was 11%. Not even close, ma'am. Well, I will tell you that in the first year. In FY21, you had 16 new hires and 19 separations.

[01:11:20] In FY22, you had 22 new hires and 13 separations. The turnover rate is extraordinarily high, although it has slowed down, and I do appreciate that it has slowed down. It has been, especially in the first year, extraordinarily high. I don't know that that's really unusual because it's especially for the attorneys versus the staff.

[01:11:42] I realize that. I recognize the difference there. So, guys, if we're going to have one more round, and let's see if we can get this done in one more round. And so if there are any motions that need to be made in this round. May I respond to your question regarding the turnover? Because I would love to share the fact that when our administration came in on the first turn, it was a 77% turnover.

[01:12:02] And in the last term, it was still a 53% turnover. Ms. Biberi, with all respect, I didn't ask you a question. Now I'm going to move on. I've told you what the turnover rate is. I didn't ask you a question. And the numbers you just gave are worse than the numbers I gave. So you may want to stand on my numbers right now.

[01:12:18] That was the prior administration first and last terms because lawyers have turnovers. Ms. Biberi, you know what I'm going to do? I'm going to move on. Thank you very much. Ms. Rixman. Thank you, Madam Chair. Ms. Bibari, you have cited the crime rate in Loudoun County has gone down by 12%.

[01:12:37] Is that, what's the parameters for that data? So as I indicated, I'm sorry. Go ahead. What year? So that would be from this past year, and that was based on the reports from the sheriff's office to the Virginia State Police.

[01:12:52] As I indicate to you, we don't have any internal data, so we use the data that was reported out. Okay, but the fact remains that the crime rate's gone down by 12%. Yes, ma'am. And that includes also the serious crimes. It is predominantly in that direction. Predominantly like armed robberies and assaults and those sorts of things have gone down.

[01:13:11] Yes, ma'am. Okay, thank you. There's a motion on the dais tonight to divert nearly \$500,000 from your office to go to another office to prosecute misdemeanors.

[01:13:28] What would a \$500,000 deficit do to your office? I want to refer to Supervisor Sane's comment about the number of times that I've been before this board asking for resources. And every time I've been in here, it's been a situation where the resources we've requested have never been filled as requested.

[01:13:48] To take \$500,000 or three positions from our office to direct to low-level nonviolent offenses or traffic infractions, where do we all think it's going to come from? violent crimes domestic violence sexual assaults that is not what serves our community the best that's not public safety so if we want to go ahead and put our community in jeopardy then that would be an action but i would just also suggest the following for this board to look at this position my position as office of the as the lead for the commons attorney it is in an effort trying to

[01:14:24] dictate what one level does to the other we have independent roles yeah and i would suggest to the following is this, is that we've always focused on public safety in our office, and we have to fax that. We have cases that come before the court. I'm sorry. That's okay. I think you stated clearly that we're basically separate branches of government. We are. Do you agree with that?

[01:14:47] Yes, we are, ma'am. And just so we can maybe finally put this issue to bed, what I hear you saying is prior to COVID, the practice was not to engage your attorneys on uncontested, low-level misdemeanor offenses you were helping out because you had extra time because there weren't jury trials and there wasn't a heavy load basically in circuit court where all the trials are so you were helping out with your time on those cases and now you're going back to the original practice was that also the practice of your predecessor yes ma'am okay thank you this is where i think

[01:15:24] what's happening oh i'm sorry i'm sorry i think uh she would like to answer and i guess just to to add to the practice previously, in addition to that, the body worn cameras were not rolled out in a way that would be that the attorneys would not have all of the video that is here to view. And I only bring this up because we have a number of the attorneys that handle the misdemeanor dockets. And if we were to pull them right now and ask how many of them, as their caseload exists today, are overwhelmed, what would their show of hands be?

[01:15:57] Everybody would say that. If everybody in the Commonwealth Attorney's Office believes that their caseload overwhelming today. Please raise your hands. Ms. Bivari and Ms. Clark Nelson, I think what's happening, and this is not really fair to you all, is you all can't see the camera. I mean, I'm sorry, you can't see the clock. So supervisors are actually, when they stop you, it is because they're running out of time. And because you can't see the clock, you don't know that people are like, let me jump in there, let me jump in there, let me jump in there, because they're running out of time.

[01:16:30] And I am a stickler about time on the dais and that. So you all are at a little bit of a disadvantage and i apologize for that so if we can turn one of those clocks around so that they can see it that might be really very helpful for them to that and may i get a minute to elaborate okay no ma'am i tried it thank you we fully got your answer and thank you but i just wanted to let you know what i don't think we're trying to be rude i think we're trying to the people are trying to get the questions yeah but thank you okay um miss glass thank you madam chair uh i

[01:17:04] I believe you answered it earlier, but I just want to be a little bit more clear about this. I believe Supervisor Briskman had asked the question. So are county sheriffs, deputies, and town police officers empowered or able to prosecute the certain crimes that you had discussed earlier?

[01:17:27] Are they able to prosecute those offenses themselves in the court proceedings? So what happens is when a court calls the case, the court calls them as a witness. So they're not prosecutors, they're witnesses. Okay. So that's how those cases get to be prosecuted.

[01:17:44] Okay. Okay. And so would these offenses by deputies? Okay.

[01:18:02] All right. You can tell I have nothing to do with the court. So when you talk about you didn't say prosecuting, what word did you say again? that they don't prosecute, they... They are witnesses.

[01:18:17] They're witnesses. They're witnesses. Okay. All right. Well, okay, so would this, the work that they do, would they be overwhelmed by the job that they need to be doing, or can they be taken on with the current workload?

[01:18:43] So it doesn't change anything. What happens is in the presentation it would be, if I'm the prosecutor on that docket, And if you were the officer, I would ask you to state your name. You're going to do that anyway to the judge. On this particular day where you're working for the sheriff's office, you're going to do that anyway. Tell us what happened. You're going to do that anyway.

[01:19:00] So it doesn't change anything for them in their presentation. If they have any challenges or nuances about the case, we're still in the courtroom. They can still consult with us. If there's something that's challenging for them, then we would be able to assist them. So they're not taking on any greater responsibility.

[01:19:17] Because I think if we look at the report from the sheriff's office, that question was asked, and he said, we're not expecting any broader need of resources because it shouldn't impact that. So that's why I say that nothing is changing from that presentation part. Okay, thank you.

[01:19:35] Ms. Umstead. Thank you, Madam Chair. I reached out, as you probably know, given that I sent you an email Saturday that included this question to our chief law enforcement officers.

[01:19:52] whether it was their experience prior to the pandemic that there had been little or no assistance in the prosecution of the cases that you outlined in your December 30th letter.

[01:20:09] I've heard back from one of our chief law enforcement officers, one of the town chiefs of police, who said that prior to the pandemic, there was always assistance from the Commonwealth's attorney in prosecuting these cases, but what you appear to be proposing now is a lack of that support.

[01:20:32] So could you address that, please? Okay. Nothing has changed. We're still in the courtroom, so we still support them. I wish each and one of you would come to court and just see the process, because I think it'll make more sense to you. Nothing has changed. We are there.

[01:20:49] If you see, we have every one of our attorneys that predominantly deals in that courtroom is here today. They're in a side rooms. If there's any need to consult with them, they're there. They also will reach out to the officers as to what is going on. Do you need anything on those low-level cases? Most of the time, those officers are in a courtroom, and the judge is calling cases.

[01:21:08] If that person has an attorney, the case is passed. If he doesn't, then the judge literally says, Officer, tell us why you came into contact with John Doe. So none of that has changed. So this idea is to, we assist them. we still assist them. Nothing about that is changing. We are there to back them up and be there side by side with them because we want to make sure that they're able to go forward in these cases, get presented to the court in the best fashion. So would you then agree to send a clarifying letter to the judges of the general district court rescinding your statement of

[01:21:44] December 30th? I'm not trying to be difficult here, but I feel like I've already answered that question there's no other so let me let me do it this way if I may what we will do is we will put in writing what exactly these processes are but we're not rescinding anything because there's nothing to rescind that's the way I'm getting caught on the lawyer terms right so maybe I'm just going to step away from that we are putting together a layout in a letter to the law enforcement to the courts just laying out what we agreed with the courts the defense bar and also law enforcement because we met with them and we shared with them and most of the responses we got from the law enforcement officers who were in court

[01:22:24] was like, oh, nothing's changing. Exactly. But for full transparency, we would put it in writing. All right. Thank you. Mr. LaTourneau. Okay. First of all, housekeeping-wise, what is the fully loaded cost of the executive assistant position, which is probably a question for the budget staff more than it is you.

[01:22:47] I think I have that cheat note, though. But I think it might be... The cost of the executive assistant is \$107,648, so \$107,648. Okay. And that is currently a position that exists in the office, but it's a temp position?

[01:23:07] Yes, sir. Okay. When did that position get added? Was it last year as a temp? I don't know. I want to say maybe like about the May timeframe. I'm sorry, it couldn't have been because it had to be this fiscal year. It was in this fiscal year.

[01:23:22] yeah okay maybe july or august but it's it's been almost a full uh full year term okay i see obviously it's your desire to keep that and so if you're going to keep it i would agree the best practice would be to make it a position and not just the temporary position if it's gonna if it's gonna be part of your office um okay i i don't necessarily want to go back and relitigate the memo i'm just going to sort of make the point once again and maybe you can correct me the confusion is maybe the word change, because the memo literally says something's changing. So I'm still

[01:23:59] struggling to understand exactly what changed, not during COVID, but as of the date proposed in the memo, what was proposed to change, and whether that change is still actually happening. Okay. So if I may put it in context, that letter was to the judges. I understand. Right. So to the judges, how we've been operating in during the COVID and slightly post COVID time was in a certain way where we were literally touching almost every case, right, even coming before the court.

[01:24:28] So the change was that we asked them to allow us to screen the cases. So there's no expectation on that first day that we're going to be putting anything for trial or have anything more. But where we would facilitate in the general district court docket management is we would let them know which cases

are eligible. And sorry, so what you're saying is that's how it was handled previously prior to COVID as well?

[01:24:50] Yes, sir. Okay, so essentially going back to the policy that previously existed, which had been changed in practice for a period of time. So if I may just clarify something, and thank you, Ms. Clark Nelson reminded me there is a distinction.

[01:25:06] The specific change, if you would say that, is that we made it very clear that on the Class 3 and Class 4 misdemeanors, that we would not be presenting those directly to those who would go through law enforcement. So that is a change, so to speak, or modification as to how we present it.

[01:25:21] Okay, and that wasn't the case previously, Class III and IV misdemeanors. Correct. If they were contested, correct. If they were, okay. Okay, I'm out of time. I'm sorry, contested and with an attorney. Thank you. Mr. Buffington. Thank you, Madam Chair.

[01:25:38] And I am also still trying to understand the change that was mentioned in the memo, and I apologize for my voice. I'm sick. Is the change, Ms. Pivera, that from a judge's perspective, for certain Class III and IV misdemeanors, There won't be a Commonwealth Attorney representative standing there sort of facilitating the discussion, and that's what they're used to having.

[01:26:07] And instead, it will just be the law enforcement officer there answering questions directly from a judge. Is that what you're saying is the change that you're considering implementing or planning on implementing? You touched a couple of different issues. One is you indicate as far as the class three and the class fours, if there are cases where somebody is making an allegation that's a constitutional challenge, we would be part of that because the law enforcement can't be lawyers, right?

[01:26:37] So they can't be able to participate in that. I'm going to ask you this way. I'm sorry. Are there certain class three and class four misdemeanors that you currently stand before the judge with the law enforcement officer and help present? Do you plan on not doing that after a certain date in January?

[01:26:57] So let me answer your first question, then I'll answer the second question. The Class 4 misdemeanor that sometimes involves us if it's contested is a drunken public, because it has sometimes some nuances as to the probable cause, reasonable particular suspicion, and all those other things.

[01:27:15] So that is something where if that is still an issue where the person is represented by an attorney and they are making those claims, then we would be involved. otherwise the expectation would be that we would not be participating those unless they were part of a broader case that had the class one and class twos because that class four misdemeanor has a maximum fine of two hundred fifty dollars and mr. Buffington just to add to that in the time allocation um that would be as relates to the the presentation of those cases in the general district court the Commonwealth Attorney's Office is always involved in any and all misdemeanor appeals in the circuit court and that would also include

[01:27:50] those classes of offenses as well well i'm not getting a clear answer so relative to the class let me let me assume that there's a certain class four misdemeanor where currently you are standing there and presenting with the law enforcement officer to the judge only if they are same minor offense were to happen again after the january date will you no longer be present standing there beside the law enforcement officer presenting to the judge.

[01:28:24] I feel like this is an easy question that you're dodging. I'm not saying yes. Am I wrong? With regard to the class three and four misdemeanor offenses, if there is an attorney present and they're represented by counsel, those would be cases that our office would typically be involved in.

[01:28:41] If they are not represented by counsel, those would be an inquiry between the court and the officer. The only change would be on the class three and four misdemeanors regardless of counsel at the general district court level that would be still be a direct presenter of evidence however if there's something nuanced like a motion to suppress or something that would require litigation on behalf of our office we would be involved in those cases in addition to that any and all cases that are adjudicated in the general district court that come with a finding of guilt there is an automatic right to appeal any appeals in the circuit court

[01:29:15] or office handles no matter the class of events thank you mr buffington mr kirschner thank you Madam Chair, Ms. Bibari, I looked up the Attorney for the Commonwealth 15.2-1626. It says the voters in every county and city shall elect an attorney for the Commonwealth unless otherwise provided by general law.

[01:29:34] The attorney for the Commonwealth shall exercise all powers conferred and perform all the duties imposed upon such officer by general law. And then it says he may or she may perform such other duties not inconsistent with their office as the governing body may request.

[01:29:51] So I don't think prosecuting misdemeanors, low-level misdemeanors, and traffic offenses is inconsistent with your office. Offices do it all around the Commonwealth. I actually think it's dangerous. I actually think that by not engaging in those at some low level doesn't mean you have to be harsh on those individuals, but you have some level of oversight, I think, is dangerous.

[01:30:15] So as a governing body here in Loudoun County, one of nine individuals on this dais, I ask that you continue to do that. I've heard all the questions. I don't get a clear presentation of what you're actually going to do. I think sometimes that when you're presenting, you're going to involve yourself if an attorney is involved, which is presently what your practice is as a general rule.

[01:30:36] I'm also very confused as to why we sent a memorandum to judges for something that was done internally and not in front of the courts. You can answer those if you want, but those are, it's very confusing to me. Why would we send, I actually think your plan initially was not to prosecute those.

[01:30:53] There was some level of blowback, and you've now told us that, hey, I'm still going to do those if attorneys are involved, or we're going to kind of, it's not clear to me exactly what you're going to do. With that said, I appreciate you coming, asking for additional resources.

[01:31:09] However, I went back, and as you mentioned before to Chair Randall, you started with 34 FTEs, and I think you currently, for FY24, are scheduled to have 58 FTEs. That's a 62% increase over the last four years.

[01:31:29] And yet the workload is too overwhelming is what I'm hearing. I don't know what the problem is. I don't know if it's a management issue. I certainly don't think, certainly during COVID, that the dockets got any bigger. I know our jury trials dropped dramatically.

[01:31:45] I also know when you tell us that you have 70 dockets a day, that seems a bit disingenuous because we have nine courtrooms and that would mean you would have approximately seven dockets per

courtroom. And I know all of those are running criminal and that's just not the case. So I'm really struggling with a resource request when we've increased 61%, 34 to 58 or 36 to 58 since you first came into office. And the reason we got last year and the reason we continue to get is well we have to watch too much video or my my assistant commonwealth attorneys are watching

[01:32:24] video prior to a first return court date i think i'm out so any of those questions you'd like to answer thank you i do and thank you for the opportunity to do that so for starters uh i think we just have to talk about a couple of things one is this county grew between 2005 to 2020 by almost 200,000 people. Between 2010 and 2020, the population also grew in excess of 100,000 people. This office netted one extra position. So they didn't grow with the county. You also are very familiar, I think, by being in the court process that prosecution used to be you could go

[01:33:02] into court with a police report, a page and a half, and kind of wing it. That's just not the way it is anymore because of the obligations that we have to watch the body-worn camera. So I don't know how many cases are being handled in the courts by yourself directly, but I would tell you that if you look at the dockets, we have some dockets that have 400 cases. We have some dockets that are excessive, and then those are going to be the traffic ones. And then you have the criminal ones.

[01:33:27] When you're talking about it, and I apologize, I think you misspoke, but if you were quoting me, then I misspoke. About the 70 dockets a day, it's 70 a week. So if I said 70 a day, my apologies, I did not infer that. I was trying to say 70 for the week. And as you're aware, we have arraignments We have trial dockets.

[01:33:45] You have review dockets. You've got criminal. You've got traffic. You've got JDR. You've got the circuit courts, and you've got motions. And if that's something, if you look online, I will tell you, we'll give you a copy of that calendar that shows all of those dockets because they are in existence. So that number is not disingenuous, and I take offense to being that because I feel like that's the tenor here.

[01:34:06] It is not disingenuous. I'm a lawyer. I don't come before anybody without paper. So that's something I'll be glad to show you if you want to. As far as how we're dealing with our cases, you also may reflect, because I remember when you were a prosecutor, going to court and you didn't work with the individuals who didn't have an attorney, you didn't talk to them, right?

[01:34:24] As a prosecutor, you didn't. How many cases were before the court and you did allow the attorneys to present them to the judges? Very many of those that were traffic infractions, low-level, nonviolent offenses are those that were not represented by counsel. That has not changed, so I'm very much disappointed and saddened by that approach.

[01:34:40] Ms. Bibbera, that's not what you said in your letter. No, no, no, no, no, no, no, no. Your time's up. We're not going to do that back and forth. No, Mr. Kirshner, we're not doing that. Ms. Weber, I need you to wrap that answer up. Are you done? I'm done, ma'am. Thank you, ma'am. Mr. Sainz. Thank you, Madam Chair.

[01:34:55] When it comes time for motions, I have a motion that I would like to make. Okay. Just for point of clarification. I'm trying to get my numbers, but I don't have the hard numbers, but I just want to clarify. You do. I gave them to you when we started. No, the staff is working on another number for me.

[01:35:12] Okay. Can we get the salary number for the other positions, the two legal services assistants and the one paralegal, please, real quickly? Yes, so both of the legal services assistants, each position costs

\$115,379, and then the paralegal is \$105,749.

[01:35:42] May I ask for clarification? Did you say the LSAs each were 115? Correct. There are 115s. That may not be correct. Check those numbers while Mr. Sainz asking any of the questions he has.

[01:36:02] Mr. Weitz, thank you. Mr. Sainz, do you have any other questions? Thank you. Well, like I said, I don't have my other numbers, but I was just going to say that Ms. Bibberi, earlier asked, if you come in front of us every year for budget cycle, you ask for some headcount. We've actually given, granted that request numerous times now.

[01:36:22] I'm going to use dummy numbers here because I don't have the exact numbers in front of me, unfortunately. But say if you came in one year, you asked for 20, we gave you 15. You came in another year, you asked for 25, we gave you 17 or so. So to say that we have not been funding positions is, I wouldn't say, is 100% accurate.

[01:36:40] But we have been funding positions. I'm sorry, I don't think I ever said you didn't fund any positions. I said we've never had our request fully funded, if that's a distinction on my words. Nobody gets fully funded most of them. No, no, but that's why I used that. I didn't say you didn't fund me because that's not.

[01:36:57] Well, I just wanted to clarify that because maybe it came across that we're not funding positions from the Commonwealth Attorney, but I think, would you agree we have been funding positions for the Commonwealth Attorney? I never said it otherwise, but yes, sir, I would agree. Okay, very good. All right, like I said, when it comes time for motions, I do have a motion that I'd like to make.

[01:37:12] Thank you. Well, actually, I have 42 seconds, so one last thing. Sorry, Madam Chair. That's okay. In regards to the letter that my colleagues have been discussing with you during this presentation i'll just simply say you know you said nothing has changed so i'll just simply say if nothing's changed why write the letter and why want to sit down with the judges if nothing's changed because it was the process so are you saying the process changed or it did not change okay the process as to what we were doing during covid set those expectations and we needed to reset so then they clarify so you said during covid before covid we had one process covid hit

[01:37:52] we changed that process and made a covid process once covid when we came out of covid we went back to the process that was before COVID or did we stay in the COVID process? I'm just trying to follow what we did. So what we did is we reset to the pre-COVID process, but for the class three and the class fours, right? Because those, we also were dealing with drunken publics if they had an attorney and they were contested pre-COVID. That probably is the

[01:38:24] one type of case that we strayed away from once we made that change. And would it be safe to say that possibly, and I think your deputy was quoted as saying that the wording was probably not. Oh, Mr. Sandro, you're out of town.

[01:38:41] You're out of town, you're out of time. Thank you. Thank you. So I'm not an attorney and what I know about law could fit in the thimble. So I'm not gonna ask you questions about those other things because I don't know what I'm talking about and I don't know what I'm doing.

[01:38:57] And so those are not my questions. My question's about this budget because this is a budget presentation. I'm going to ask you one more time. Was anybody in your office when you came in, maybe it

was a different name, maybe it was office manager or something else, that was assigned to the Commonwealth Attorney and the Chief Deputy that filled the role or close to the role of an executive assistant?

[01:39:19] I can't answer that question. We had an office manager. And what did she do? I was going to finish that. And she was there for maybe about six weeks. She filled the role. I'm not saying she did it for you. I'm saying the role she was doing was the role. Her job description was the role of an executive, the same description you're asking for.

[01:39:40] I know she left within six weeks of you getting there, and by the way, I know why she left. But the description of the job, whether called an office manager, executive assistant, or a candy apple, was the same description that you're asking for right now.

[01:39:55] So I think it's important to say that. Her job was office manager, and she handled admin as well as? She was assigned to the Commonwealth Attorney and the Chief Deputy. That's what she, yes, she was. I'm telling you what her role was in the office while I was in that office.

[01:40:10] Wait, but you only, you had her for six weeks, though, right? That's when she retired, yes, ma'am. So she was there for six weeks. Okay. Right. All right, Ms. Bibberi, have you ever, because Mr. Kirsten made a good point, you have received 62% increase in your staffing, which is probably far more than almost any other department in the county government.

[01:40:36] The truth is, Ms. Bibberi, I wish we could fill every request of every department. I do. I do. And there were some departments, and I think yours included. I'm going to say that. I think that your predecessor probably didn't ask for enough positions. And so I think you did have some catching up to do.

[01:40:54] But when I look at 62% of increase, that is some catching up. I wish we could do every one for every department. We absolutely and simply can't. But let me ask you this. As we've given you those 62% increase in staffing, have you ever even once been fully staffed?

[01:41:13] That's a yes or no question, ma'am. I'm going to answer it as I would. It's FY23, the county's vacancy rate is 58%. Ma'am, have you ever been, Ms. Bibberi, listen, we don't need to do this. Have you ever, have your office, has your office since you've been here ever been fully staffed?

[01:41:29] No, I don't know. Okay, you haven't. Neither has other offices. Neither have other offices. Right, so I want to put in contact, right? Neither have other offices, but your office has not been fully staffed. I'm making that point because it's the question we ask everyone who comes here. Everyone who comes here, we go, you haven't been fully staffed.

[01:41:44] Why would we give you more positions right now? We're not doing anything that we don't do for every other department when they ask a question. That's why I'm asking you the question, because I'm going to ask you what everyone else gets asked as well. All right, Ms. Bidbright, thank you for coming in. There is going to be a motion on the dais that's going to be made by Mr. Sains.

[01:42:03] Ms. Umstead, do you plan on making a motion? I do. Okay. Mr. Sains, would you like to make a motion first? Yes, thank you, Madam Chair. I would like to make a motion that we have an informational item presented to the Finance Economic Committee with the Commonwealth Attorney in the Sheriff's Office to come to us and present in regards to, give us an update regarding the body-worn cameras in the process, please.

[01:42:28] Second. Ms. Bibberweiss said second, so, I mean, Ms. Bricksman did. So Mr. Sains made the motion, and Ms. Bricksman strongly seconded the motion. Discussion on the motion, Mr. Sains. Thank you, Madam Chair. Yes, as it was discussed, and like I said, I'm pretty sure most of you guys can remember that conversation from last year, and we were assured by your office and the sheriff's office that, oh, yeah, we can work together.

[01:42:52] Our system is set up to do the digital back and forth and whatnot, And here we are, 365 days later, and it's still not implemented. I understand you just said you're going to start the beta testing, but we'd like to get some more information regarding this process and see what we can do to accelerate it.

[01:43:11] Because I think if you're saying this is one of the issues and it's time-consuming, then we need to figure something out here and get it working. So let's have an information item, come back to the Finance Committee, and figure this thing out. So thank you. Mr. Sands, will you please repeat the motion one time for me, please?

[01:43:27] It is to ask for information items so the Commonwealth Attorney and the Sheriff's Office can come back to the Finance Committee to present and give us an update on where they're at with the body-worn cameras data sharing. May I ask a point? I'm going to take a point of clarification.

[01:43:42] Ms. Bibberi, do you also get body-worn cameras from our towns, from Leesburg, from Percival, from Middleburg? Am I missing one? Leesburg, Percival, Middleburg. Is that the right side? It's those three. Do you get body-worn camera from them also?

[01:43:59] I don't think Percival has body-worn camera yet, but Middleburg does and Leesburg does. So, Mr. Sainz, may I ask for a Finley amendment to have the Leesburg acting police chief and the Middleburg police chief to join us as well? Sure. If I may, just for point of clarification, we already shared the video with those other two agencies.

[01:44:21] So if that impacts your request to invite them, they may not serve a purpose. You guys share those digitally already with them? You have to put your light on. Yes. I would still like for them to come, because if they're sharing digitally, and here we have the Sheriff's Department not sharing, we need to figure out.

[01:44:41] And that's fine. I just didn't know if that impacted your request, but we would welcome them being there. Yeah, let's do it. The only other law enforcement agency that has not been contemplated is the Metro Transit Police Department. They are in the process of implementing body-worn cameras. I don't believe it's been out. It's not rolled out yet, but they're actively in that.

[01:45:00] So within that same context, it may be worthwhile to have that department there, too, because there will be an increase in workload once that's up and running. Thank you. And I will add that to my friendly. Madam Chair, just to point in that, we currently have no ordinance related to any transit-related activity. Oh, that's right.

[01:45:15] That's correct. So we can't do them. Until that point, well, we can, but they won't be. Well, it doesn't make any sense, too, though. Yeah. Yeah, thank you. You there? Okay. We're on the motion. Ms. Bricksman. Thank you, Madam Chair. Yes, I did strongly second this, and that was on my list of questions for this evening to see if you were electronically getting that information that we talked about a year ago, but Vice Chair Sains had already asked all those questions, so I find it absolutely appalling that that's not happening yet.

[01:45:47] We were told that it would not cost anything either to have it happen, because we had this whole discussion last year about do we need to put funds in the budget so that we can accomplish this? And we were told by the Sheriff's Department, actually, it's just like a little upgrade and it should be free.

[01:46:03] So I very much look forward to you guys coming to the Finance Committee on that. Thank you, Madam Chair. Thank you, Ms. Bricksman. Ms. Umstead, is your light on for this motion? Yes. Yes, ma'am. Yes, thank you. One of the things I would hope that the Finance Committee could also look into is the skepticism in the legal community, the criminal defense bar, about whether any Commonwealth's attorney or assistant Commonwealth's attorney has actually watched body-worn camera footage prior to an arraignment or prior to a preliminary hearing.

[01:46:42] So if you want that added, you'd either have to ask Mr. Sains to have that as a friendly or make a second motion to have what you're asking for, because that goes beyond the scope of his motion. Very, very well. Mr. Sains, would you accept that as an addition to your motion?

[01:47:02] Let me make sure I understand you're right. You're asking to get information on if it is necessary for the Commonwealth Attorney and the Deputy Commonwealth Attorney to review the footage from the body-worn camera. Prior to an arraignment or prior to a preliminary hearing, because there is skepticism in the defense bar that any ACA assistant commonwealth's attorney actually has to view that footage or does view that footage prior to arraignment or preliminary hearing.

[01:47:37] Can we make that as a... I think that's a separate motion. Yeah, that's what I was going to say. Let's vote on this motion first. I think that's a separate motion. All right, okay. Thank you. All right. I have no discussion on this motion at all. Anybody else have a discussion on this motion? Mr. Buckingham, do you have any questions for this motion, sir?

[01:47:57] No, Madam Chair. All right. On the motion, as made by Supervisor Sainz, seconded by Supervisor Brixman. All in favor, say aye. Aye. Any opposed? That motion will pass 9-0. Ms. Umstead, would you like to make a motion or two? Yes, ma'am.

[01:48:12] I have two motions. The first one is that as part of the Finance Government Operations Economic Development Committee meeting on this, on the body-worn camera issue, we get information as to whether the Commonwealth's attorney or any assistant Commonwealth's attorney is actually, has been actually reviewing any body camera footage prior to arraignment or prior to a preliminary hearing.

[01:48:43] And so that is my motion. For the purposes of discussion, I will second that motion because I don't know that I know what you're asking, to be honest. And so I need to have more clarity around what you're asking. And I'd like them to, I'd like, I don't know if I'm going to vote for it, but for discussion purposes, I'll second the motion. So you're open. You can have an opening and help me understand what you're asking. The main, the main message from the Commonwealth's attorney tonight is that the body worn camera footage has become overly burdensome to her and her staff. From what I hear

[01:49:19] from the criminal defense bar, it is not nearly as burdensome as we are hearing it is tonight. And I would just like to make sure we know exactly whether her staff is reviewing this footage prior to arraignment or prior to preliminary hearings.

[01:49:39] Are you asking whether they're doing it or whether they're required to do it? Asking whether they're doing it, since what we're hearing tonight is what they are having to do now is overly burdensome. So are they doing it now? But you can ask them that. I'm out of questions. I'm sorry, I really do apologize

because I am completely confused. So you talked about what the bar thinks is normal. And are you saying that you're asking them if they do it,

[01:50:16] or if you're saying you want to know if they do it, it's not required because other CAs don't do it? I would just like to know whether the statement of the degree of burden is entirely correct as part of what the Finance Committee will be looking into vis-a-vis body-worn camera footage.

[01:50:39] How would you get to that answer? Well, one could certainly go to the sheriff, what is his experience, what is the chief of police's experience. You could get that answered that way. You could request it from the commonwealth's attorney. You could request it from the defense bar. There are multiple sources that might have some insight into this.

[01:51:04] In your time, if I can ask you one more question, does that decision, whether they do it or not, Does that decision not sit in the purview of whatever commonwealth attorney sit in an office? So whether or not another one might think it's appropriate or not, doesn't that sit in her purview anyway?

[01:51:24] Certainly what we're hearing is she feels she is doing what she is required to do, and that is overly burdensome. So I'd like to know, first, is it required? And second, is it being done? Okay.

[01:51:42] Okay. All right. Discussion on this motion. Mr. Letourneau. Okay, so I do think the question of body-worn camera utilization is actually a very central question to the entire discussion around resource requests, and it's one that I have had some back and forth with the Commonwealth Attorney about in previous budget work sessions in previous years, and I've kind of moved on from the topic because I don't think that we see eye-to-eye on it.

[01:52:08] What I would suggest is rather than being such a, and perhaps Supervisor Rumpster would be open to this. Rather than being such a narrowly focused topic, I think the question would be the utilization of body-worn cameras, simply as a matter of policy for the Finance Committee. Because we're, you know, our purview is resource requests. So if we're going to get into a discussion about data sharing around body-worn cameras, then I think what Supervisor M said is saying is we should also get into a discussion around whether they whether they require the amount of resources that

[01:52:48] we that what what resources do they require and we've had that discussion before we have had that discussion before and clearly there's a disagreement if you were if you recall the commonwealth attorney has said that the amount the board has given for that is not sufficient in previous in a previous request if you all remember that discussion so it may be worth and that was prior to us actually having body-worn cameras and utilizing the footage so it would be sensical to me to go back and revisit that question at this point now that we actually do have body-worn cameras and they have been utilized and we are hearing about the resource request because the last finance committee

[01:53:27] discussion about this which occurred i think when i was chairman was more theoretical so that is i don't know how to word that but i think and i don't want to put words in your mouth but i think that's probably the sort of the question that we're getting at yeah I so I would accept that did you offer a friendly I will if that's helpful the friendly would be that that the motion would be um that the board discuss the resources needed for the body one camera program all right I will

[01:54:04] accept that do you want it to be the finance committee first yeah I think the finance committee As the seconder of the motion, I haven't accepted that yet. As the seconder of the motion, I'm not going to accept that, actually, because I think that that sits in the purview of the Commonwealth Attorney.

[01:54:28] Well, if I have any time left. With respect, Madam Chair, the Commonwealth Attorney is asking us for more positions because she says that body-worn cameras are using all of her resources. So, yes, it falls within the purview of the Commonwealth Attorney, but we wouldn't be here today if it wasn't within the Board's purview to decide whether to fund those positions, And I don't know how to evaluate it any other way.

[01:54:54] No, no. I'm going to stay with Ms. Misham. Because I don't think there's a big difference between what you, Mr. Umpstead, are saying anyway, to be quite honest. So I think her motion is sufficient. Ms. Bricksman. Thank you.

[01:55:09] Very quickly, in my time, Madam Chair, may I ask Ms. Bibri in her office, are you reviewing body-worn camera video prior to arraignment and prior to the other term that Ms. Umstead used? And then I think we need to clarify prior to arraignment because sometimes arraignment can be I was arrested the night before and I'm in court the next day.

[01:55:31] I'm being noticed for what the charges are appearing in court. So evidently we wouldn't even have the body or camera prior to an arraignment to even make that determination. Okay, okay, okay. As it relates to preparing. Can we stop the clock for just a second? Because just, I'm sorry, I'm sorry, Ms. Brooksman.

[01:55:47] Again, what I know about the law can fit in the thimble. Tell me what prior to arraignment means. So an arraignment traditionally means that someone's first appearance in court where they're advised of their charges, and then if it's a jailable offense, they're given an opportunity to either see if they want an attorney to represent themselves or appointed a court.

[01:56:06] Because the first time they see a judge? Yes, first time you see a judge is what an arraignment is. Okay, I'm good, I'm good, I'm good. Thank you. I'm sorry, Ms. Bixby, try to time again. You know, I think this motion is inappropriate. I think it's reaching into another branch of government and trying to tell another branch of government how to manage your office.

[01:56:24] And I think it's inappropriate, even if we are talking about resources through the finance committee. I think that we added four positions to the department based on federal standards for how many positions you should have for body-worn cameras.

[01:56:41] Four positions for 75 body-worn cameras, roughly, as I recall from our last discussion. We did that. I feel like we have heard actually very little about body-worn cameras tonight compared to what we heard a couple years ago, the last two years, because we have funded four positions.

[01:56:59] Yes, they feel overburdened, but it may be, what, 10%, 20%, 30% is the body-worn camera, and then the rest of it's everything else, digitizing all the files, everything else they have to do in the office. So I'm not going to be supporting this motion.

[01:57:15] Like I said, we're overreaching into another department. It's not our purview unless it's directly related to a resource request. And they're not asking us specifically for resources for body-worn cameras this year. They asked us for resources for body-worn cameras in the two previous years.

[01:57:31] We got them those resources. So we've done that. We've had this discussion. So I won't be supporting the motion. Thank you, Madam Chair. Thank you. Sorry, may Ms. Clark Nelson. Clark Nelson, may she make a comment in my time, Madam Chair?

[01:57:47] She had something to say. Yeah, absolutely. And I think relative to the comment that there is information that the Commonwealth Attorney's Office is not reviewing body-worn camera footage, I would be remiss not to comment on this because as a supervisor of attorneys, I know that when I consult with my attorneys, the first question that I typically ask is, have you reviewed the body-worn camera footage and what does it show?

[01:58:07] That is common practice in every supervisor here, every attorney knows it, and we absolutely review that footage. Well, now you're talking me into supporting the motion, and I wasn't going to until you started talking. There were times people should stop talking. And Madam Chair, I say that because to leave that comment hanging in the balance without clarification, I think, is not appropriate and gives a false perception of the work that our attorneys put in.

[01:58:34] Okay, I'm going to talk to Mr. Buffington and Mr. Kirshner, and Mr. Sands, and then we'll come back. Mr. Buffington, you have questions on this motion? Thank you, Madam Chair. I would support the motion. do think we need to have the discussion around the body-worn cameras and what level of review is actually occurring at the commonwealth attorney's office because i feel like almost every request that they have presented in the last few years uh the part of their justification has been how overwhelming the review of body-worn camera footage is and i can imagine that that would be

[01:59:12] extremely overwhelming if they're reviewing every bit of every CD that they are receiving from all of our law enforcement agencies. And so my question is, is that what happens or not? And then I guess another question I would hope that we would ask our staff to come prepared with to finance is just to research whether or not there's any state law on this requiring them to do so or if each commonwealth attorney has the authority to decide his or her own

[01:59:47] procedures on that thank you madam chair thank you sir mr kirschner yeah i would agree with mr buffington i would like further discussion even though i'm not on finance committee anymore i would i would certainly tune into that and just come to discuss it because i i struggle with this too i think i'm not sure how many body worn cameras we have at the moment it's 300 and certainly we want to make sure those resources are provided if it's four per 75 and we have 300 cameras is that correct that's about 16 lawyers that would be needed to cover those if they are all lawyers and not required but these are sort of questions this is really not the proper forum

[02:00:24] to kind of discuss that in I think having that discussion within finance and even asking our county attorney to do some research on that in terms of what kind of the standards are whether there's other states are doing what's what's occurring within other jurisdictions it I think would be very beneficial for us in making future decisions for the Commonwealth Attorney's Office in this particular situation.

[02:00:45] So I would certainly support a motion that would discuss the actual resources needed because I feel like sometimes we're kind of stabbing in the dark a little bit when discussing this. I know kind of what the standard is, but we can kind of put all those pieces together that are loosely associated with each other and would be, I think, a very helpful discussion.

[02:01:05] Thank you, Madam Chair. Thank you, sir. Mr. Sains. Thank you, Madam Chair. May I ask Mr. Hemstreet, our staff, a question? Mr. Hemstreet? Yes. Okay, thank you. Through the chair. Thank you, yes. Mr. Hemstreet, didn't we kind of already have this conversation during the last budget cycle when we mapped out our body-worn camera program, and there was so many body-worn cameras we had had, so

many staff in the sheriff's office and the commonwealth attorney's office, and there is a, I guess you could say, standard for the state or federal, But go ahead, if you want to.

[02:01:42] Mr. Hamstreet. Yeah, Mr. Vice Chair, my recollection is the only thing we reviewed was the state standard of one assistant Commonwealth's attorney for every 75 body-worn cameras. And then we recommended the addition of additional assistant Commonwealth's attorneys based off of that standard.

[02:02:02] If I understand the motion that's on the table correctly, the motion is for the Commonwealth's attorney to provide additional information as to the basis of her standard is what I'm hearing, as well as asking the county attorney or perhaps others to also provide their professional opinion on whether or not those standards are best practices elsewhere.

[02:02:25] So that would be very different from what we have done in the past. And just to get the information out there, when are we going to do another wave of body-worn cameras coming into the county? So the program that the board has implemented over your term was to roll that out to the sheriff's office positions that are in the field.

[02:02:50] So body-worn cameras under that program would only be added as additional operational deputies are added. Unless the program was going to expand to other types of sheriff's office staff, there's not additional phases planned at this point.

[02:03:09] Okay, so we already did our two phases then already. Is that correct? Correct. Okay. All right, thank you. And just, colleagues, if you want to go to page 218, volume one of your book. This book or the last book? This book, volume one. And 218 has the information regarding the standards and whatnot from that previous conversation.

[02:03:32] E218? 2-18. I will go ahead and support the motion to send this over to Finance. We can have more dialogue and flesh this out a little bit more. it doesn't hurt to do so. So thank you. Thank you, Mr. Vice Chair. So if this had been in years past, I might have supported this, but I didn't hear them and I stopped them more than once while they were talking and asked them to clarify why they were asking for these four positions. And they may have mentioned body-worn cameras once or twice, but for the most part, they didn't talk about body-worn cameras a lot today. They've done it in the past, but they haven't today.

[02:04:07] I'm also, if nothing, I am consistent. And we haven't done this level of digging with other constitutional officers when they come in and ask for whatever they come in and ask for. We just don't. We just haven't.

[02:04:23] No, no, no, no, no, uh-uh, uh-uh, uh-uh, no, no, no, no, no, no. So I'm not going to be inconsistent. Listen, there is nobody who doesn't believe that I have questioned Ms. Bibberwhite hard in the past and will question her hard in the future if I need to. But consistency is consistency, and I'm not going to do something different for her, with her, than I do with other departments or that I do with other constitutional officers.

[02:04:51] And so we know what we've given her in the past for body-worn cameras. We know in the book what the state requirement is, and we know that she has some leverage to do what she thinks is right. So I'm not going to decide that she has to do what this standard is or what that standard is.

[02:05:13] She's an elected official like all the rest of us, and if she thinks she's doing the right thing with those body-worn cameras, then she thinks she's doing the right thing with those body-worn cameras. And this request this time was not about body-worn cameras. It wasn't. I listened to her closely. I stopped him a couple times and asked.

[02:05:30] So I yelled about this last year or the year before. I probably would have supported this. But this year I'm not going to support it, And I don't believe it's consistent. Well, let me speak for myself.

[02:05:48] It's not consistent for what I've done and what I've said to other constitutional officers. And I am always going to be consistent. Having said that, I go back to Ms. Bibberi, when I asked you, have you been fully staffed? You say no, but you have gotten a lot of staff. And no one's been fully staffed, but your vacancy rates have been higher and your turnover rates have been very high.

[02:06:11] And so although I don't believe it's my job to micromanage your office, nor do I know what I'm doing, even if I try to micromanage your office, I'm here for the budget. And I'm going to make decisions, I'm going to make budget decisions for what I think is the right thing to do.

[02:06:27] And you should expect that as well. Thank you. Miss Umstead, would you like a closing? I did second that, but I wanted to have the discussion. Thank you. Thank you very much for the discussion. No, I would just ask for my colleague's support. Thank you. All right. Madam Chair, can I read the motion as we have it on the table board, just to make sure we've captured it?

[02:06:47] Yes, yes, yes. Request additional information on the requirements for and practices of the Commonwealth's attorney as it pertains to body-worn camera footage viewing prior to arraignment and or preliminary hearing. Correct. Okay. That's correct. Mr. Buffington, since I can't see you, I'm going to ask you yay or nay first.

[02:07:07] I'm a yay. I support the motion. Thank you, Madam Chair. Thank you, sir. All in favor on the dais, please say aye. Aye. Opposed? Nay. All right. With the opposed, raise your hand. Okay. So that motion will pass, 5-4. Supervisor Glass, Chair Randall, Supervisor Bricksman, and Supervisor Turner voting.

[02:07:31] I said Supervisor Glass. Listen, I'm confused enough. Don't help me be confused more. I don't need help being confused. Thank you very much. That motion will pass with four of us opposing the motion. Ms. Umstead, do you have another motion?

[02:07:49] Yes, ma'am. Before she does it, can we just ask a question, a clarification? Yes. When the point says request additional information, will there be some guidance as to what information is being requested? That's a fair question. I will leave it up to the maker of the motion to send you that additional information.

[02:08:08] Very good. Thank you. Ms. Umson, do you have a second move? Yes, ma'am. Thank you, Madam Chair. On a yellow sheet of paper, everyone has a draft motion. After consultation with budget staff, I have taken out a dollar amount and replaced it with two attorney positions and one staff support position.

[02:08:34] This is the motion. I move that two attorney positions and one staff support position be removed from the FY24 base budget of the Commonwealth's attorney and reallocated to the FY24 budget of the county attorney for the purpose of allowing the county attorney to hire two attorneys and one

support staff to assist law enforcement in general district court misdemeanor and ordinance violation cases.

[02:09:04] I further move that in order to accomplish this, The board directs staff to remove any currently vacant positions for two attorneys and one support staff in the Commonwealth Attorney's Office and reallocate those positions to the county attorney's office.

[02:09:22] Second. Motion was made by Supervisor Amstead, sing by Supervisor Kirchner, Supervisor Amstead for cycle opening. Yes, thank you, Madam Chair. I have tried, I think twice this evening, to get the Commonwealth's attorney to agree to rescind her letter of December 30th to the general district court judges.

[02:09:46] She has not agreed to do that. Based on that, I am very concerned that law enforcement is going to be left without adequate attorney support in the courtroom for serious misdemeanor and ordinance violation cases.

[02:10:06] The county attorney has the legal authority to hire attorneys and support staff to backfill what the Commonwealth's attorney has declared she is not willing to do in general district court.

[02:10:23] And I think in the interest of public safety, we need to make sure that these cases are fully prosecuted with adequate support from attorneys to law enforcement. It is my wish that we not have any employees currently with the Commonwealth Attorney's Office lose their jobs.

[02:10:48] And that is why I'm asking that we take these positions from currently vacant slots in the county attorney's office. Thank you. In the Commonwealth Attorney's Office? In the Commonwealth Attorney's Office, yes. Okay, right.

[02:11:05] Thank you. Mr. Letourneau. Can the county attorney come forward? Mr. Letourneau, I mean, Mr. Rogers, would you like to come to the podium or the dais? Either one. So, Mr. Rogers, what I think we heard is the change, such as it is, is related specifically to Class III and IV misdemeanors, which would not receive Commonwealth Attorney's support.

[02:11:30] So you gave us a resource request that we asked for, that you didn't request, but we asked for, related to what you, I think, think it would take to essentially staff support. But I think we had a lot of misunderstanding about exactly what was and what wasn't being covered.

[02:11:50] So do you still believe that the resource request that you made, it would be accurate and necessary, knowing now that we're talking solely about class three and four misdemeanors, if your office were to handle it? Yeah, I do think that the request would be less.

[02:12:05] I also want to say that I've had many substantive discussions with Ms. Bibari. and I think this is a process change rather than a substantive change and she has offered to write a new statement I'm not sure if that's different than the letter that would identify the process going through the general district court which may eliminate the need for these positions if I were to get these positions we would have to identify in the local codes that's the county code and the town codes the misdemeanors to be prosecuted and that's to be done with the concurrence of the Commonwealth's attorney. So that's a rather long process, and we don't have a lot of time to do it

[02:12:44] in 2023. Okay. So I think we need to have further discussion about this topic. I don't think we're ready tonight to make a decision about your office versus this office and the resources. I share the

concerns of Supervisor Umstead. I do wish there to be support for these offenses in court, but I'm concerned about the organization of it, and I also don't particularly want to take resources away from the Commonwealth Attorney's Office, so I'd be more interested in this as an addition to the budget if it's something that we felt we needed to do.

[02:13:24] So I'm not sure I can support the motion exactly as it's drafted tonight. What I would like is more discussion on this topic to flesh out what is needed if it's the board's desire to have attorney support for Class III and IV misdemeanors.

[02:13:40] I think that's ultimately what the crux of the question is. So I can either make that as a subsequent motion, depending on how this is dispensed with, or we'll see. How about you wait and see how this is dispensed with? Yeah. Okay. Ms. Kless. Thank you, Madam Chair. I will not be supporting this motion.

[02:13:58] I'm not comfortable with taking away positions that the Commonwealth's Attorney has. Thank you, Madam Chair. Thank you. Mr. Turner. Thank you, Madam Chair. I completely empathize with Sue Buzzer-Umstadt's intent and completely concur with the emotional aspects of what it is you're trying to do.

[02:14:24] I feel the same frustration level. I think that this motion could have unintended downstream consequences that we, A, don't have enough time to anticipate, and B, even if we had enough time, probably would be able to completely evaluate before we implemented this.

[02:14:40] it's just there's just a whole lot of strings here that we would end up having to pull and i'm i'm just not ready to do it on the fly but uh i i sympathize with you but i'm gonna vote on this thank you mr buffington thank you madam chair um i understand the motion i haven't made my mind up yet i appreciate the comments of supervisor letourneau i think there's probably somewhere we can get here tonight with a little bit of a different motion to continue this discussion during our budget uh this current budget session and not actually make this decision right now here

[02:15:17] tonight um madam chair i am confused still as to the answer to my questions a couple of times tonight i've tried to get an answer to what is changing i still do not understand it um our attorney uh mr rogers appears to possibly understand it could i ask you to have him come back up and and explain his understanding of what would actually change no you're saying what would actually change if this motion passed or would actually change when we're having a discussion

[02:15:49] madam chair i'm trying to understand what may change as far as when um cases are being presented to judges yeah i haven't gotten a clear answer yeah you want a point of information and i and i appears to understand and i wanted to get his take on it mr mr very straightforward into the point with his answers mr weffington with respect you're asking for a point of information about another thing in the middle of a motion about something totally different so i'm not going to have mr rogers do that right now however at the end of this whole discussion if you want a point

[02:16:26] of information that you have i'll let you do that but not in the middle of a motion okay um as long I would like to ask him his understanding at some point. So if you could give me that opportunity, I think it would be helpful.

[02:16:42] I'll give you a point of information later, but we're going to finish the motion first. Ms. Bricksman. Thank you, Madam Chair. With all due respect to my colleague from Leesburg, I find this

motion offensive. I find it completely disrespectful to the Office of the Commonwealth's Attorney, a duly elected constitutional officer, and a separate branch of government.

[02:17:04] In fact, it's anti-democratic. I find it highly offensive that we would try to micromanage this office. We haven't tried to micromanage the sheriff's office, the treasurer's office, or the commissioner of the revenue. If we do not agree with how she's running her office and her policy, well, then we can find someone to run against her.

[02:17:22] It is up to the voters to decide how they want them to be represented in the Commonwealth's attorney's office. It is not up to us. If we don't want her in the Commonwealth's Attorney's Office, then we should find someone to run against her, and the voters can fire her in November.

[02:17:40] But I am not going to support this motion. I find it highly offensive, and in fact, the first motion was for \$500,000, which is a big chunk of money to be taking out of one office and putting into another office, which has, I'm not going to say no expertise in this, but he is not a criminal prosecutor.

[02:17:56] It's wrong, it's offensive, it's micromanaging, and I won't be supporting it. Thank you, Madam Chair. Thank you, Ms. Brookman. Mr. Kershner. Thank you, Madam Chair. I think this boils down to a level of confidence. I don't want to take any positions from the Commonwealth fighter. I don't think that is the best practice. But as Mr. Buffington pointed out, as I have sat here and heard, I don't think anyone up here, not a single person on this dais can say we really understand what Ms. Bibera is going to do with these low-level misdemeanors. I certainly don't understand it. I've heard several different answers. We're not going to change anything. We're only going to do it with attorneys.

[02:18:34] well, we're going to do it kind of when we decide. I don't know. And I think the only, I don't like this motion, but I think it's almost out of necessity because as the statute says, the Commonwealth Attorney may perform such duties not inconsistent with her office as the government body may request.

[02:18:52] I think it's pretty clear that this governing body is requesting that these misdemeanors be performed. And I can't get a straight answer. I don't, I am confused. I am utterly confused as to, and clearly the memorandum was pretty clear to me, But now we've had a reinterpretation of that memorandum.

[02:19:08] And so I don't want to go this route. I think this is not the best route. But I think, you know, our voters and the people who put us in office, we have some level of oversight. We are funding these positions. And we want to make sure that our community is protected. And I don't have that confidence.

[02:19:25] So that's why I'm supporting this motion. I'm not sure if there's the votes to pass it tonight. But I would urge my colleagues to think about this. We are not getting rid of, it's not your responsible. We're just transferring and saying, hey, if we can't get a clear answer over here that these sorts of crimes are going to be prosecuted, then we're going to ask another body to do it.

[02:19:49] Now, other jurisdictions do it. Towns sometimes will contract it out and other places. We certainly can authorize it. I don't see there's anything in the law that prohibits it. I think it's worth the extra money. Actually, it won't be any extra money. It'll be just a transfer of money.

[02:20:05] And remember, these are positions that have not been filled. I think, what was it, 12 positions or 10 positions not filled? I can't remember. But there are many. These are only three positions, two attorney and one admin. So that's why I will support the motion tonight at this. I wish we did have more

time to discuss this, but I was hoping we would get a much clearer presentation as to what exactly is going to happen.

[02:20:29] I don't feel like we did. I mean, I really, I was honestly hoping that Ms. Bitbury would say, listen, we're going to keep proceeding the same way we are now. We have been, and that's not what I got. Thank you. Thank you. Mr. Sainz? Thank you, Madam Chair. Can you ask Mr. Rogers to come back to the podium?

[02:20:49] Mr. Rogers, could you come back to the podium still? And while you're walking up, I'll just ask my question, Mr. Rogers. Please clarify, did I hear you say correctly earlier that you talked to the Commonwealth Attorney and she stated to you that she might be redoing the letter? No.

[02:21:04] She's sitting right here. We can ask her. No, sir. We never talked about redoing the letter. We talked about the process and procedure. I attended some of her information sessions that she had, and my understanding is that the process at the general district court would change.

[02:21:21] But not whether or not she's prosecuting the cases. It's only after they've reached the return date in the general district court. If the person's represented by counsel or there's a trial, then the commonwealth attorney would get involved. If that's her plan, then that's the plan that I would support as well.

[02:21:39] All right. Thank you. Well, I'm not going to support the motion. I don't think it's appropriate, but if the Commonwealth Attorney and the Deputy Commonwealth Attorney would possibly be looking at redoing the letter and putting it in non-lawyer talk for the general public, that would be great.

[02:21:58] But if not, you know, it's okay. But I'm not going to support the motion. Like I said, I think it's just not the appropriate thing at this time. So thank you. So, first of all, I wouldn't say put a letter in non-lawyer talk that's going to go to judges because that's what the lawyer was going to.

[02:22:14] It doesn't make sense to put it in. If it's going to go to me, put it in non-lawyer talk. But if it's going to go to judges, it's supposed to be in legal terms. This is why I'm not supporting this motion for a lot of reasons. But at the heart of it, it's illogical to do it right now.

[02:22:30] Ms. Bibberi is an elected official like all the rest of us. None of us are guaranteed to be in these positions. These positions are, we're honored to borrow them for the moment. We have no idea if Ms. Bibberi is going to be in this position in January.

[02:22:46] So to take three positions that would be in her office, sit them in the county attorney's office permanently, and she may not even be here next year, and the person who may be here next year may go back to prosecuting things a different way.

[02:23:01] It doesn't make sense to do that. If next year she's here and she still has this discussion, then let's have that discussion at this time. But in the final year of her term with 10 months to go, and by the time we did it, it would be five months to go?

[02:23:17] By the time the positions were, the fiscal year rolled around, July 1st, by the time they were hired and approved, less than five months to go. It just doesn't make any sense to do it now. I'm going to be as blunt as I've ever been on this dais, and I don't think, I think my chief of staff is probably going to send me a text in five seconds. Ms. Bibberi and I have rolled around in this room. We have, because there have

been some things about what she said to me that I disagreed with. There have been some things that she said that I did not believe were honest. There's some things she said tonight that I don't

[02:23:55] believe were particularly honest. I think she actually knows that the executive assistant's position or something like that was in that job. And so I will be blunt, and I will be factual, but I'm not going to be inconsistent I'm just not going to do it and so we haven't said hey sheriff chapman we don't think you should we like the way you investigated this position so we're going to take three positions from our security department and put them in and take them from you and give them to us to our to our private security we haven't done that we haven't done that and you

[02:24:33] and you can't tell me everyone's happy with everything the sheriff's done we haven't done that. So I'm not going to sit here and be a hypocrite and be completely inconsistent with what we did with Ms. Biberi. I'm just not going to. And it doesn't make sense to do it in March of an election year. None of us know where we're going to be next year. None of us. So I'm not going to support this motion. Ms. Umstead, I wish I could close it. I have a headache.

[02:25:03] Thank you very much, Madam Chair. The reason I asked for this solution is because I couldn't get a better solution out of the Commonwealth's attorney tonight, despite giving her a couple of different opportunities. The problem is that in her letter of December 30th to the general district court judges, it wasn't just minor misdemeanors. She was saying she was not going to lend attorney support to law enforcement for petty larceny cases and hit and run. And these

[02:25:37] her class one misdemeanors. So unless she is willing to rescind that letter and send another assuring the judges, the board, and the public that she is going to aggressively prosecute these cases, I think this is the only option for keeping the public safe. Thank you.

[02:26:01] So can I ask you to ask her, I know you have already, but kind of one more time, What exactly would you like her to rescind? I would like a rescission of perhaps the entire letter, but certainly a rescission of that part of the letter that indicated that you would no longer lend attorney support to law enforcement on the range of misdemeanors that you included in that letter and town and county ordinances.

[02:26:37] because you also said you would not prosecute town and county ordinance violations. And I would like a rescission of those statements. Okay, I understand. Ms. Baberoy, do you want to respond to that before we take a vote? I already answered that question where I said we were in the process of setting up those processes.

[02:27:00] Those processes will be clearly stated. As far as rescinding, I think you're still disinforming people as to what that means, and that's unfortunate because of your role as an attorney. That letter did not say we would not be offering services or assistance to our law enforcement.

[02:27:16] So I'm disappointed that that's how you choose to phrase that. The letter speaks for itself. We have indicated here, and we've answered everybody's question. As to what we are doing with Class 1 and Class 2 misdemeanors, we are the primary presenters of that evidence, except in certain circumstances, which by statute people might be eligible for deferment.

[02:27:37] These are the things that what we're doing is what we continue to do. This is something that we've cleared with the courts. We've cleared with the defense bar. We've had those conversations with law enforcement. Those are the people that we have to be able to make sure that we're providing public safety

to. The more resources that we take and we redirect in areas that are not primarily high-violent offenses ends up.

[02:27:58] I think you've answered the question. I think you've answered the question. No, I'm going to stop you. I'm harming our people in the community. I think you've answered the question. Thank you. Ms. Umson, before we take a vote, would you read your motion one more time to decide we understand what we're voting? I know what's... Yes, yeah.

[02:28:14] Thank you. I move that two attorney positions and one staff support position be removed from the FY24-based budget of the Commonwealth's attorney and reallocated to the FY24 budget of the county attorney for the purpose of allowing the county attorney to hire two attorneys and one support staff to assist law enforcement in general district court misdemeanor and ordinance violation cases.

[02:28:40] I further move that in order to accomplish this, the board directs staff to remove any currently vacant positions for two attorneys and one support staff in the Commonwealth Attorney's Office and reallocate those positions to the county attorney's office.

[02:28:59] Okay. Motion made by Simplivizer Umstead, Simplivizer Kirshner. Mr. Buffington, where are you at in this motion? Madam Chair, I still feel like I can't get a clear answer from the attorney's office. so I will support the motion. You will support the motion.

[02:29:15] Okay. Thank you, sir. On the dais, all in favor, please say aye. All opposed. That motion will fail 6-3 with Supervisors Umstead, Kirshner, and Buffington supporting the motion. Supervisors, are there any other motions regarding Ms. Bibberwey's office, I'm sorry, come with attorney's office on the dais?

[02:29:39] Yes, Madam Chair. Yes, yes, sir. I would like to move that the board requests that the county attorney provide information to the Board of Supervisors about the resources necessary to provide attorney support for Class 3 and 4 misdemeanors in consultation with the Commonwealth Attorney.

[02:30:01] Motion made by Supervisor Letourneau, seconded by Supervisor Umstead, and I need an aspirin, so Mr. Sainz, will you take the dates for a second? My pleasure. All right, Mr. Letourneau, your opening, please. Okay. What I'm trying to do is really continue this discussion because I think it's an unsettled issue at this point. With all due respect, and I really don't mean it, there's a lot of confusion up here, and it's not all just because we read a memo that was intended for judges. Whether it's intentional, unintentional, I don't really care. At this point, no one really understands exactly

[02:30:36] what happened and what's going to happen, period, for whatever reason. So it sounds like Mr. Rogers has had some productive discussions around this, given the board interest. Mr. Kirshner did clearly state that the board, the governing body, does have the statutory authority to request this.

[02:30:53] To use Chair Randall's analogy, we did not reallocate resources from the sheriff's office to security, but we did add resources for security once the sheriff's office pulled out. You all know that we did that. So what I'm asking now is that, is that something we need to do here or is it not?

[02:31:12] And I honestly don't, I can't evaluate that yet. I think it's pretty clear that if we even, if the previous motion had passed, Mr. Rogers had already said he doesn't believe that's the resource level that would be needed for it. So I don't know exactly what it would be.

[02:31:28] And we just need to, we need to get more on this. We need to understand this situation better before we can make any kind of informed judgment. I generally have the same concerns about whether

there's going to be attorney resources for these types of cases. we are hearing different things from law enforcement on this topic and what their level of comfort is.

[02:31:49] So let's at least continue the conversation, come back to the board with more information, come back to the board with perhaps a plan, and hopefully an agreement that everybody can live with on how we're going to handle these things so that the public understands it, we understand it, the judges understand it, law enforcement understands it, because right now that's not the case.

[02:32:11] Okay, thank you. Mr. Kushner. I support the motion. Okay, Ms. Bricksman. I don't know how you can assume that the judges don't understand this. Ms. Bibbereri wrote a letter to the judges and informed them that they were going back to the same process they had before COVID.

[02:32:29] She has explained herself. I understand it, and I'm not a lawyer. Leah Rogers said, this is the process that I would also support, that she's going back to. I would support this process. the words came out of our county attorney's mouth that he supports the process that she has returned to, which is the same process she did before COVID. This is, it's law, but it's not rocket science.

[02:32:56] She has stated very, very clearly, I am not going to expend prosecutorial resources on cases that are uncontested, don't have jail time attached to them, and that are very minor misdemeanors.

[02:33:12] It's common practice across the state and probably across the country. The only reason we're having questions about this is because it's gotten all kinds of media coverage and misinformation going out all over the press and the television stations to get everybody riled up that maybe we have some sort of safety concern in Loudoun County.

[02:33:33] Loudoun County's crime rate has gone down by 12%. Ms. Bibbereri is a duly elected official who is allowed to practice prosecutorial discretion. We are not here and we are not elected to micromanage her office.

[02:33:50] I don't need more information on this. I have enough information on this. Ms. Bibari is operating in a way that she chooses to operate her office. She has explained herself ad nauseum this evening. And I would rather not drag her and her office back to this room to try and explain herself again.

[02:34:11] She has a phone number. She has an email. If you don't understand it, call her. Go visit her office like I did. Have you visited her office? I have. I sat with them and talked to them about how they handle cases. That's the way to have understanding with someone, not talking in the press, not even talking here on the dais.

[02:34:33] I will not be supporting this motion. I will not be dragging Ms. Bibbereri through the mud again, even with all the disagreements I have had with Ms. Bibbereri. It's not right. She's a duly elected official in our county. Just because there's certain political corners that don't appreciate how she runs her office doesn't mean that we get to use the budget book to knock her over the head with.

[02:34:56] Let's not have political discussion on this day. With motion after motion. I won't be supporting the motion. Thank you. Ms. Umstead. Thank you, Madam Chair. I will be supporting this motion. I think Supervisor Letourneau is correct.

[02:35:11] It's been very hard to discern exactly what process the Commonwealth's attorney plans to use. And I think that Supervisor Kirshner has done a very good job on legal research tonight indicating that the Board of Supervisors, in fact, could request that the Commonwealth's attorney continue to fully support

law enforcement in the prosecution of a range of misdemeanors and ordinances that clearly the Commonwealth's attorney does not want to render that support at this moment.

[02:35:50] So I will very happily support this motion. Thank you. Thank you. Mr. Buffington. Thank you, Madam Chair. I will be supporting the motion. I appreciate the motion. Unfortunately, I have not been able to get the clarity here tonight that Supervisor Briskman has.

[02:36:11] I also saw an email from Mayor Littleton this afternoon before this meeting started that he still is unclear as to what the letter means and what will actually change. I saw an email from Mayor Burke of Leesburg that she still is unclear as to exactly what the letter means, exactly what will change.

[02:36:38] again i am very unclear still as to what will change i've tried to ask direct questions and get a simple answer and i just did not seem to get a simple answer that anything will change so i'm clearly at least on my part we need more discussion so i'll be supporting the motion thank you um i won't be supporting the motion and let me be clear ms bear part i don't think you've been clear in your answers. I think you've been evasive, and I do believe had you been clear,

[02:37:13] it would have been more helpful. So I don't think you've been clear, but I won't be supporting the motion because I don't support the goal. Again, especially not in the election year, by the time we got to July 1st when these positions were advertised, and then advertised and hired these positions, we are literally probably in August or October, September-October time frame. That doesn't make any sense for elections that happen in November. It just doesn't.

[02:37:47] And then we'll have an election, and we'll see what happens, and depending on what happens next year, we can revisit something. But it doesn't make any sense to do it right now, and I have too many questions, and my questions are not about the letter. I have Mr. Rogers' office. I would ask him some questions that I wouldn't have time to ask him right now. I would ask the police chiefs of all three of our towns. I would ask our sheriff's department. There's just too much unknown for me to do this. And so I think clarity and brevity is your friend, and you have not

[02:38:26] embraced that friend tonight. Okay, that's up to you. And so it's not that I think that you've been clear on the answer is why i'm not not supporting this i'm not supporting this i think it's a logical it's it's an illogical thing to do right now it just makes no it just makes no sense to do it right now randall this i've never been more confused by anything you've ever said the the motion provides no no i'm is my closing right i when i finish oh i'm sorry you're time with okay you you looked over at me i looked up at you because when you learned i'm but i was I was going to call you because you're closing.

[02:39:05] Now it's coming back. Now I messed all my time up and lost my flow. Well, look at what the motion is. I'm going to, okay, okay, well, I don't have the... I know. Okay, so maybe this. Say the motion to me again. Maybe that'll help. Request the county attorney provide information about how Class 3 and 4 misdemeanors be prosecuted by the Commonwealth's attorney, which is what you said.

[02:39:26] By the Commonwealth's... Request, what I said, the motion was that we request the county attorney provide the board information about how class three and four misdemeanors could be prosecuted. About the commonwealth attorney?

[02:39:42] No, in consultation with the commonwealth attorney. You're asking Mr. Rogers for information about how his office would prosecute? Or if the commonwealth attorney's office is prosecuted. Okay, but in my opinion, it wouldn't happen this term anyway.

[02:40:01] I'm not asking for anything to happen, though. I know you're not asking for it, But giving me information for something I'm not going to vote for this term doesn't make any sense to me. So I wouldn't support it now. If you'd made this, if we're back here, all of us and Mr. Puffington, if we're all back here next year at the same time, having the same discussion, let's have a discussion.

[02:40:25] But right now, the information is not going to make me support the motion because I wouldn't be supporting motion this late in the game anyway. So I don't need the information. Would you like to close? Yeah. So I'm sorry, Megan, you had your, did you have your line?

[02:40:41] He answered my question. Okay. Mr. So this is a motion about, there is a change. We've established that there's a change tonight. With all respect to Supervisor Brissman, everything that she just said was in the letter is not actually in the letter. There is no mention of COVID-19.

[02:40:57] There's no mention of going back to a prior procedure. That's exactly what was said. That is not there. What is there is a discussion of crimes and how there's going to be a change starting January 16th, 2023. That's what it says. So we've gotten more information in discussion about that.

[02:41:14] And what we did here was that the material change will be related specifically to class three and four misdemeanors will not receive attorney support moving forward. They were previously, both before COVID and during COVID. So that is the change.

[02:41:29] I think we're in relative agreement about that. Some of us have a concern about that. And I understand you want to argue that we shouldn't have a concern about that. That is a difference of opinion that we can have. But prosecutorial discretion does not mean entire classes of offenses suddenly don't get to be prosecuted.

[02:41:47] Prosecutorial discretion is on a case-by-case basis deciding not to pursue charges given the totality of circumstances on a case. And I would never attempt to get involved with that sitting up here. But given what this governing body's responsibility is, I am interested in ensuring that class three and four misdemeanors are still going to be pursued and that they can be adequately handled, adjudicated by the courts.

[02:42:15] Whether that is with the existing process that the Commonwealth Attorney has outlined, if that's the answer, that's fine. This is not an accusatory motion. Maybe it is. If the county attorney is telling us, you know, I've talked to the Commonwealth Attorney and I think that this process that she's outlined makes a lot of sense, great.

[02:42:30] I just want us to be able to have another discussion about it and hear that, because we only heard it for 30 seconds with Mr. Rogers standing here. But it would certainly answer a lot of questions in the community. I actually think this motion could help the Commonwealth attorney more than anything. But I'm really just trying to get to the facts here.

[02:42:50] And if the board does desire to have Class 3 and 4 misdemeanors prosecuted, which I believe they still will be, but without assistance, what would it look like if we wanted to do it? Obviously, that's different than saying we're going to do it. It would probably help whoever's coming in next if there's somebody different, or it would help understand the process now, and it would clarify whether what we're doing and what we are having in place now is adequate to handle the need.

[02:43:17] So it's just simply an opportunity to finish a conversation, which I don't think the budget is completely well-suited for, and I don't think anybody is walking out of here feeling very satisfied about. Okay. Thank you, sir. The motion made by Ms. Letourneau was seconded by Ms. Umstadt.

[02:43:35] I'm sorry to keep doing this to you, Mr. Buffington, but will we be your vote in the motion? No worries, Madam Chair. I support the motion. Okay. Thank you, sir. All in favor on the dais, please say aye. Opposed? No. Opposed, raise your hand, please.

[02:43:52] Okay, so the motion will pass with Supervisor Brixman, Supervisor Randall, Chair Randall, Vice Chair Saines, and Supervisor Glass voting against the motion. The motion will pass. It's 5-4. The motion will pass. Okay.

[02:44:08] Are there any other motions on the dais as it relates to the Commonwealth Attorney's budget request? Yes. Mr. Sains. Thank you. I move that we fund the executive assistant position.

[02:44:26] The motion has been made. Second. The motion was made to fund the executive position assistant. Yeah, which is at 170, and help me out, Mr. White. 107-648.

[02:44:43] And the motion was seconded by Ms. Bricksman. Discussion on the motion, Mr. Sainz. Yes, I think we learned through Mr. Letourneau's questioning earlier on that we currently have a temporary person in this position, is that correct? So I think we should just go ahead and fully fund the position.

[02:44:59] Thank you. Mr. Kirshner. I have some questions with that. So maybe Mr. Hemstreet or Megan can answer these. If we vote for this motion, what happens if we don't vote for this motion? Will that temporary position still be in place, or does it go away because it fails to fall into the budget?

[02:45:17] I just need that. Temporary positions are approved for a period of one to two years, typically one year. So when that position expires, it would go away. So do we know when this one expires of this year? June 30 was the answer. Thank you.

[02:45:36] So, and this position, Ms. Bivera, it's the executive position for you specifically and the deputy? Okay. And that is a funded position that is filled presently? Yes, sir. And has been since when? I think it was maybe July or August, but it was this fiscal year.

[02:45:55] So, you've become accustomed to this. Now, Ms. Tavener used to work in that position. Was that different? She was an office manager. She was duly utilized. I have no idea, right? Because I didn't work with her. Her title was office manager. Okay.

[02:46:12] And do you currently have an office manager? Yes. Were you utilizing the office manager prior to getting a temporary assistant position? The office manager serves a different role as far as overseeing our admin team as well as our, obviously, payroll and HR liaison responsibilities.

[02:46:28] I would imagine her responsibilities have probably grown since the office has grown by 62%, so that makes sense that she would not necessarily be available for you. Will it cost us any additional money than what we're currently paying? In other words, it will be slightly more, correct, because it's the same?

[02:46:47] Temporary positions are not budgeted, so that's being currently funded through the department's vacancy savings. So adding this position to the budget will have an impact. And it's \$107,000? Okay. And that position comes with retirement and full benefits. Okay, thanks.

[02:47:03] Thank you, sir. Mr. Letourneau. Yeah, I'm not a fan of temporary positions that extend for a while. It's a budget gimmick, honestly. It allows us to have something funded in a role filled that we then don't have to put in our budget.

[02:47:19] But I think you should have an executive assistant. You've become accustomed to the function. It shouldn't go away when the temporary position expires. So I will support the motion. Thank you. Mr. Buffington, do you have any discussion on this motion? Yes, Madam Chair.

[02:47:37] I will support the motion. I think the elected Commonwealth Attorney for Lavin County should have an executive assistant. I'll support the motion. Thank you. This is one of these moments where I'm frustrated because what I know for sure was that the office manager was an executive position by a different name.

[02:48:03] I know for a fact that she was assigned to the Congress Attorney and the Chief Deputy. So maybe you don't know that, but I do know that. And so that position existed and left. And now you have another office manager that you call by a different name I mean, you want an executive assistant.

[02:48:20] Okay, but let's not play with semantics when we talk about what the position actually was because I actually know what the position actually was. You have a 20.6% vacancy in your department. Right now, you've never been fully staffed.

[02:48:35] You've never been fully staffed. Is this position... Let me see how I can answer this. I'll make the assumption that this position is not a politicalist position like our chiefs of staffs are.

[02:48:55] And so whether or not you win or not, the position remains in the office for whomever the next Commonwealth attorney would be. Is that correct? That obviously would be the decision of the board. The position. I'm answering your question.

[02:49:10] No, you're not. The position. You're not. Not the person, the position. The position is not related to the election or that it's to the office. So then the answer is yes, it remains in the office. Unless the board makes a different decision, so yes. The board, the board, it's the answer is yes.

[02:49:27] The board wouldn't come back and take the position out. It wouldn't. So the answer, Ms. Biberright, you know what? You will really help yourself if you, I mean, no kidding. You help yourself more by going, yes, I'm willing to give a position that will stay in the office no matter what. I'm less willing to give a position that moves with an elected official.

[02:49:44] You will help yourself by just answering the questions. We have no position. Ms. Biberright, I need, I am literally, I know you don't believe me right now, but promise you I'm trying to help you right now. Just answer the question. It'll go faster, smoother, and you're going to get more. You really will.

[02:50:00] I promise you will. Just answer the question. This position stays in the office no matter who the next comrade attorney is, whether it's you or somebody else. That's the answer. That's a good answer. It helps me go, this is a position that's needed in the office. If it's a position that moves because it's a political position, I might say no to that one.

[02:50:20] But we have no such positions. I didn't know any questions. Oh, good. Lord Jesus in heaven, help me God. Yes. Every position. You should stop talking right now. You should stop talking right now. You're actually winning. Stop talking. Anybody else want to talk on this position?

[02:50:36] Motion was made by Supervisor Sains. Was there a second? Who seconded this motion? Did you second this motion? Mr. Buzzer and Bricksman. Ms. Sains, do you want to close him? No, I think we're good. All right, thank you. All in favor, please say aye. Any opposed? Nay. That motion will pass.

[02:51:00] No, I don't know what I am.

[02:51:20] That motion will pass 7-2 with Mr. Turner and Ms. Umstead voting against the motion. Is there another motion on the day as to come with the Attorney's Office?

[02:51:40] Seeing none, have a nice evening. I know we have a whole staff here for the CIT, and I really, not CIT, the CIP, and I'm so tired.

[02:51:59] I really do appreciate you all, but we need to walk up and dance for a second, if you all don't mind. So supervisors, let's take 10 to 15, and no kidding, no more than that.

[03:09:27] One, two, three, four, five.

[03:11:26] Okay. And we have the finance chair and the finance vice chair, so we're cool. All right, we're going to start. Everybody else will come out. All right. Good evening. How are you all doing?

[03:11:42] Would you like to make introductions? I'm just answering your question, Nikki. You can answer the question. Yes. May I please introduce what I have at the table, Madam Chair?

[03:12:06] No, we are ready when you are, we promise. Okay, great. Okay, good evening, Madam Chair and board members. I have with me Truman Horowitz as the Capital Budget Manager, and then we have DTCI staff here that I'll let Mrs. Boyd introduce.

[03:12:30] Hi, Nancy Boyd, Director of DTCI. We have Jim Zeller, Assistant Director for Transportation, Scott Warris, Assistant Director for Capital Facilities and Acting Deputy Director. And then Lou Moserak, Assistant Director for Planning and Traffic Engineering.

[03:12:47] Thank you. And I know Mr. Lewis is in the room. Mr. Lewis, at some point we may ask you to come to the podium from LCPS. Where'd you go? Yeah. We may ask you to come to the podium at some point. Thank you. Thank you, sir. Supervisors, the finance staff has seen the presentation and we had the discussion.

[03:13:07] but not everyone was there and so and this is kind of an important moment how many how many slides is this so I'm actually going to ask you all to do the presentation this please thank you all right thank you madam chair board members you have an item in your packet that details the actions the Finance Committee took during their CIP work sessions on February 28th and March 8th as you've stated we do have a presentation here so we'll go to slide two My presentation this evening will touch on the following items, the CIP development guidance

[03:13:46] and standing CIP development priorities, the school board's adopted CIP, projects identified for future development, the finance committee's CIP deliberations, and review of the motions for the board's consideration. In the fall, staff presented budget development items to the finance committee.

[03:14:08] One was an increase to the annual debt issuance guideline, and the other was overall CIP guidance. The FY24 budget process is an amendment year for the CIP, meaning there are limited new projects added to the plan and cost increases on existing projects are prioritized. The recommendation to increase the annual debt issuance guideline was presented in part to address cost increases in roads

projects and the anticipated addition of Parkview High School replacement rather than a renovation. The overall guidance staff received was to keep the adopted CIP intact. In terms of

[03:14:47] CIP development priorities, staff has adhered to the following criteria, which the board has typically confirmed, which is to prioritize existing and recurring project needs over new projects, generally maintain funding ratios over the six-year period of 30%, 40%, 30% for county, transportation, and school projects, respectively, fully incorporate enrollment-driven facility needs from the school board's adopted CIP, adequately fund CIP contingencies and land acquisition accounts, and fund town requests only if county and school projects will not be

[03:15:24] impacted. In the development of both the county CIP and the school CIP, LCPS and county staff work together to determine what could be included in the CIP based on school board priorities and available funding capacity. The school board's adopted CIP prioritizes cost increases for existing projects and the replacement of Parkview High School. Significant decreases were made to the LCPS Renewals and Alterations Program to address cost increases on critical projects.

[03:15:58] The school board's adopted CIP is represented in the county CIP. Projects identified for future development. There have been a few questions over the last two CIP work sessions related to this section of the budget, so I wanted to take a few moments to explain the intent of this document.

[03:16:20] This section was created as a way to catalog projects that were directed to the budget process but for which funding has not been identified. It is used for managing the growth and priorities of the CIP. In other words, this gives staff a starting place for evaluating projects to move into the six-year period.

[03:16:39] This section also ensures that the future fiscal years of the CIP include expenditures and revenues only for projects with funding during the six-year period and needing additional funding beyond the six-year period to continue progressing the project. A project does not need to first appear in this section to be considered for future prioritization.

[03:17:02] There are processes by which staff is directed to prioritize projects. A project that is aligned with the board's adopted capital facility standards, capital needs assessment, or countywide transportation plan does not have to appear in this section for the board to accept profit improvements through rezoning applications.

[03:17:21] There are more identified projects than funding, so this list serves as a basis for prioritizing which projects move into the CIP as part of guidance from the board. Most projects on this list are based on strategic plans endorsed by the board, such as space plans, the CTP, the CNA, and other board priorities.

[03:17:46] LCPS projects identified for future fiscal years in the school board's adopted CIP are also shown in this section. I will now discuss the Finance Committee deliberations. The Board's budget process directed the proposed CIP to the Finance Committee for deliberations, resulting in a recommended CIP for the full Board's review and approval.

[03:18:11] The Committee's CIP work sessions occurred on February 28th and March 8th and resulted in one amendment to the funding proposal and several other motions for the Board's consideration. The funding scenario that the Committee directed staff to prepare includes delaying Prentice Drive from Loudoun County Parkway to Lockridge Road and consideration of accelerating the following projects.

[03:18:37] Shellhorn Road, Imwa property to Moran Road, Route 7 widening from Loudoun County Parkway to Route 28, Westwind Drive, Braddock Road widening from Paul VI to Loudoun County Parkway, North Star Boulevard from Tall Cedars Parkway to Braddock Road, the Bus Shelters Program, and from the resulting capacity created in this scenario, acceleration of land acquisition for the Route 50 and Loudoun County Parkway interchange.

[03:19:09] The map on this slide shows the two active segments of Prentice Drive. The segment on the left, from Wax Pool to Loudoun County Parkway, is active and funded primarily with NVTa 70% funding. Staff recommends that this segment continue as planned.

[03:19:27] The segment on the right, Loudoun County Parkway to Lockridge Road, is also active, but construction is recommended for delay as part of this funding scenario. As detailed in the item, development in this area has occurred differently than expected, which provides an opportunity to reconsider the best timing for constructing this project.

[03:19:49] Staff conferred with NVTa staff about implications for the \$76 million of 70% funding if the county deferred construction of this segment of the project. NVTa's direction to staff is that an MOU would be required, stating that the county intends to complete the project on a county-estimated timeline, and the county's failure to adhere to this would require a return of MBTA funds in reasonable proportion of construction of the two segments, which staff estimates would be roughly \$39.8 million.

[03:20:20] Staff anticipates that construction... Can I stop you? Mr. Moserak or Mr.... The MBTA call... I asked them to call you all when I saw them last week to have the discussion because there was some confusion about this. Did anyone from MBTA call any of you about this? I did not hear from them, no.

[03:20:37] Okay, all right. Staff anticipates that construction could begin in FY29. The Finance Committee recommended this project be delayed, so the funding table on this slide shows the recommended funding compared to its original funding in the proposed CIP, with that funding moving into future fiscal years.

[03:21:00] There were only two projects recommended to accelerate in this scenario. The Shellhorn Road project was recommended to accelerate. Therefore, the funding table on this slide shows the new funding scenario, which includes additional land acquisition funding in FY24 and advances each phase of the project by one year.

[03:21:23] Construction would now begin in FY26 rather than FY27. The Route 7 widening project was also recommended to accelerate. The funding table on this slide shows each phase of the project advancing one year. Because land acquisition and utility relocation is expected to take two years, construction would begin in FY29 rather than FY30.

[03:21:48] The scenario resulted in \$25.8 million of debt capacity being available in FY28. The Finance Committee voted to allocate that debt capacity to advance the land acquisition on the Route 50 Loudoun County Parkway Interchange Project from future fiscal years to FY28.

[03:22:07] The main motion in the packet reflects this funding scenario. The next few slides state the motions the Finance Committee recommended for the board. At the February 28th meeting, the committee received a presentation from LCPS staff on the school's capital facility planning guidelines, and the motion was to recommend the board direct staff to include the Loudoun County Public Schools capital facility planning guidelines in the FY24 appropriations resolution for approval.

[03:22:39] The committee also recommended the board send funding consideration for the weight room expansion, Press Boxes and Tennis Court Lighting at Dominion and Heritage High Schools and the Press Boxes and Tennis Court Lighting at Potomac Falls High School in the amount of \$7.94 million to the FY23 fund balance discussion.

[03:23:00] The committee also recommended the board terminate the Waterford Traffic Calming Project in the Capital Projects Fund and transfer funding from that project in the amount of \$500,000 to a new project to be named Village of Waterford Preserving the Landmark Infrastructure Improvements Project in the FY23 through FY28 amended capital improvement program.

[03:23:23] The committee also recommended the board add a community arts center to the projects identified for future development list and direct staff to return to the finance committee with a budget development item with scope options for this project. The committee also recommended the board create a CIP project to be assigned to the future fiscal years for the Southern Services Center.

[03:23:45] And finally, the committee recommended the board add a shared use path to the scope of the Ashburn Road parallel pedestrian bridge over Beaver Dam Run project on the projects identified for future development list. Madam Chair, that is the end of my presentation.

[03:24:01] We are happy to take your questions. My gosh, that was concise and excellent. Thank you very much. I wasn't, no, I'm serious, it really was. Supervisors, Ms. Humpter, do you think we can go to a motion?

[03:24:17] I would be happy to go to a motion. This is a long motion with many sections. Well, just a motion in the packet. It's in the packet. But you can ask for a friendly or make a second motion after this motion.

[03:24:34] I can. You can. If she makes the omnibus motion, can I make another motion? You want to ask for a friendly? Okay, let's take questions right now. Ms. Umstead, I'll go to you in just a second. But let's try to ask questions quickly and get to any other motions.

[03:24:55] By the way, are there any motions on the dais except for the motion in the package? I don't think there is. No, sorry, I didn't. Okay, there's one person that wants to make a motion that's not in the dais, but there's no other motions on the dais except for Ms. Brixman. Okay, Ms. Brixman, do you want to ask a question and make a motion?

[03:25:14] Then Ms. Umstead will go to. Thank you, Madam Chair. Can you explain one more time the justification for the delays in the school projects at Dominion Potomac Falls and Heritage High School? Or maybe Mr. Lewis would like to answer that. I would ask Mr. Lewis to come to the table, please.

[03:25:41] Hi, Mr. Lewis. Is this on? I think it's on. Can we turn it on? I think it's on. You've got to put it closer to you, though, not farther away. Sorry. There you go. There you go. Yes, thank you for the question, Ms. Brissman. And so the overall capital budget was discussed through staff and with the superintendent and presented to the school board.

[03:26:04] And we took all the projects, included many things that affected the cost this year, including a significant amount of inflation. So all of our projects, we look at each one, the estimated costs, re-evaluate each of those. And so each of those projects, including the change to the Parkview High School project from an additional renovation to a full replacement.

[03:26:27] We changed the scope of the Banneker project to a restoration of that building. We also added some scope and a great deal of inflation to the high school 14 project. So all those things put a lot of pressure on the total of available funds for that.

[03:26:43] And so difficult decisions had to be made. And so the school board always prioritizes seats, new seats and ability to deliver instructions. So that's what put pressure on the capital renewal project. The slide that was presented to the school board in November said a confluence of events including soaring construction demand, inflation, pandemic-related restrictions, supply chain disruptions, and labor shortages have spurred rising costs and uncertainty across the construction industry.

[03:27:13] So you would agree that those were, in addition to some of the changes on Parkview, Those were really the things that were causing a great amount of pressure on the CIP that caused those projects, some of them to be delayed, all the way until 2030.

[03:27:30] But the Dominion High School weight room, do you know, I think you had told us that it's at 100% design, 100% construction drawing, ready to go to bid. And so is it true, in fact, that that weight room was planned to be finished this summer and ahead of all the other projects that were delayed?

[03:27:49] - So not exactly, I'd like to clarify, the plans are done as you described, but we have not got them permitted yet. So we do have to still go through the permitting process, and they're on the FY24 list to be funded for this summer. So we wouldn't get funding for the construction until the summer, so to have it done this summer and in operation, that would not have happened.

[03:28:10] And so it's at least six to nine months after we get the project started. The other thing we do with all these projects that directly affect the school operations as we go and meet with the school staff and find out when is their best time to do that. So we may alter the start and completion time based on that conversation.

[03:28:27] - Okay, thank you. - Mr. Lewis, stay there. I'm gonna go to Mr. Turner 'cause he has a question for him too. Oh, you do too? Okay, Mr. Turner. - Thank you. Mr. Lewis, what's the status on the music rooms for storing the instruments for the kids? It seems to me there was an item in there for 17 high schools and middle schools.

[03:28:45] Is that deferred? Is it still active? What's up with that? So yes, sir, that has been deferred as well, and that project started as a single project for a storage for musical instruments, as you mentioned, and mostly to be able to have the instruments related to outdoor events like football games and marching band, those types of things, closer to the stadium, so when the band goes out every day, they can operate.

[03:29:09] What we learned as we started digging into that, that our fine arts programs have exploded over the last 15 years and none of our buildings except for the two we just most recently built are adequate to manage all of the music programs and drama programs those types of things so we embarked on a study that included and you mentioned 17 it's actually 17 middle and 17 high schools okay so it's 34 projects across the county that include not only the outdoor storage but indoor storage for uniform and instruments so what we did is we took a step back this year and in FY23 we funded an architect study to pick six schools that were represented what we thought would happen in all the schools.

[03:29:49] And those studies are just now coming in. And so what we'll do is we'll revisit that with the Department of Instruction, get priorities for that. But at this point, that was a group of projects that got

pushed out as well. And it's in the future fiscal years as well. Then I have a quick follow-up question in my time.

[03:30:05] If I wanted to introduce a specific school's music room as part of the general fund balance discussion later on this year. The way you just framed that tells me that would really be inappropriate because you need an architectural study to look at the problem holistically across all 34 schools.

[03:30:28] Would that put you in an awkward position if we got fund balance money for just one school's project? So it might depend on the school and whether or not that was one of the first six schools that we studied. So I'd be happy to have a conversation with you about that. And we can, I know we've had school board questions about the same thing, so we can find, you know, estimates to try to do that.

[03:30:49] So if it's one that we've already studied, it might be a simpler question. Stonebridge. And I should know that off the top of my head, but I don't know if that was one of them. Okay. I'll talk to you. Actually, I will say it was one of the ones. Stonebridge was one of the ones we already studied. Okay. Thank you. Thank you. Mr. Letourneau.

[03:31:04] So I asked a question about the full schedule of improvements in the capital renewable and alterations program. And I got back the chart that shows, you know, in FY25 to 29, high school baseball, softball, press boxes, high school practice, field turf, and lights.

[03:31:21] So what I was actually looking for is the actual list of schools and what schedule. And I'll give you a little context. And we all have our own things. My particular one was I've been telling people that Freedom High School was getting lights for the tennis courts for like three years. Because we've asked the question before and we've been told, no, no, there's a school project to add lights for tennis courts.

[03:31:42] So I'd like to be able to tell people when that might actually happen. I don't know if the school board has decided that. So can you shed some light on that? And if there's a schedule for which of these actual press boxes and turf, all this kind of stuff is actually going to happen when?

[03:31:58] Sure. So the easy answer is that we haven't decided exactly what the sequence of those projects are. And the tennis court lights was one of the projects in the renewal program that got pushed out due to the future fiscal years. And as an example of how we do that, you know, there are dozens of projects on the list.

[03:32:14] And some of those projects include dozens of other projects. And so how we typically do that, we try to package them as much as possible. We get a better bid price if we do 10 or 3 or several of the lighting projects, as an example, at one time. The other thing that plays into that is how quickly can we get approvals to do that.

[03:32:33] So as an example for Stonebridge and Heritage and Dominion, not Stonebridge, Heritage. Yes, Stonebridge. Tom McFalls, thank you. For those schools, we'd already had site plans in place.

[03:32:48] We added the lights to the site plans. So those would be quicker to do. So those would probably end up in the sooner section. Sometimes it takes longer to get site plans approved in some places than others. And so that would play into it. And so we would package them as best as possible and then have a better answer to that when we get closer.

[03:33:04] So the tennis courts themselves, is that handled separately as just a group? We're just going to do lights for tennis courts? Possibly. And so that's one of the things we've been talking about, and we

haven't made that decision because they're not in this year's list, is that we would do some design work and then put out RFPs.

[03:33:23] And that type of project would probably be better done as a construction manager rather than individual bids. So then we would get a construction manager on board to try to figure out how's the best way to manage that and do as many of them as quickly as possible. Do you think there's a point in time where you may be able to give either the school board or the Board of Supervisors or both some guidance on the sequence of schools, or it just depends too much on exactly which components we're talking about?

[03:33:48] This far up, in particular with the lighting project, I think it's too soon to do that. As we get closer to that in the year prior, we try to get, because we have some flexibility in that, we would try to get design work done like we've done with the press boxes in the weight rooms to try to get design work ahead of time.

[03:34:03] we can start making some of those assessments on how to group the projects and better do that so probably a year in advance as quick as we could do that thank you mr saynes well thank you mr materno got to actually my question our statement was if we can just somehow get a better understanding of how you pick which schools are going to be um you know for whatever project it might be because as you can see we all you know have our our schools in our district are going to be oh i want to you know accelerate this project oh i want to celebrate the the music room or you know whatever so we'll be here all night making motions and stuff so if you can get a better understanding

[03:34:43] of how the projects are picked and how schools are are putting you know in in the in the ranking order is it done by the oldest is it done by what the last lights were done at the tennis courts you know how does that all get get uh get the fact if you get more detailed obviously you don't have to give this to us now and then probably splitting hairs here but on one two three four five. I further move number five. It says Community Arts Center. I think the motion was, correct me if I'm wrong, Ms. Glass, it was supposed to say Eastern Loudoun Community Arts Center.

[03:35:17] But I don't know if that needs to be. Ms. Glass, is that correct? Yes, it is. All right. Thank you. So if we can correct that for the record. She can correct it in the motion. When she says the motion.

[03:35:35] Okay, so Ms. Bricksman I will go to you first for a motion before we go to the larger motion because I think if we did that, then we'd have to.

[03:35:52] So I'll go to you first for a motion that you might have. Thank you, Madam Chair. I move the Board of Supervisors accelerate the Dominion High School weight room expansion project by allocating county CIP contingency funds in the amount of \$1.6 million to the LCPS renewals and alterations projects for FY23.

[03:36:13] Okay. Ms. Glass second that. And Ms. Bricksman? Thank you, Madam Chair. I just want to explain why I think that this project should be accelerated with contingency funds and taken out of the fund balance discussion.

[03:36:33] The schools and us have already spent \$280,000 on this project. Dominion High School was literally up next in that list of three that we've been talking about, heritage dominion and potomac falls they're literally on the cusp of getting their weight room done and when they found out they weren't getting their weight room done i got a barrage of emails about from parents from coaches um i spoke with

the athletic director over there as well they were expecting the weight room to be done this summer um it's at 100 design it's at 100

[03:37:07] construction drawings like i said they've already spent 280 000 on this if it's not fixed, we could be waiting. And I sent everyone charts of what the delays were set out and suggested to be. If we don't do something like this, it's going to be 2030 before Dominion gets their weight room if we leave it to what's been proposed in the delays. And the reason I think we're justified in using contingency funds for this is because, as I mentioned earlier, the justification for delaying the projects were a confluence of events, including soaring construction

[03:37:44] demand, inflation, pandemic-related restrictions, supply chain disruptions, and labor shortages. These are all the reasons why staff comes to us and says we need contingency funds to get projects done. So I hope my colleagues can support on this motion. I appreciate it. Thank you, Madam chair thank you miss umstead thank uh thank you uh could i madam chair ask uh staff for some advice on this sure all right so this issue of whether to go to contingency funds or whether

[03:38:21] to go to a fund balance uh came up in relation i believe to um mr saynes's district as well And staff at that time, as I recall, strongly urged us to bring these up during fund balance discussion rather than using contingency funds.

[03:38:42] Is there something so unique about Dominion, as Supervisor Briskman alludes to, that we should break with that basic rule?

[03:38:59] Supervisor, staff's recommendation would still be to send this to the fund balance discussion. Staff still would not recommend using CIP contingency funds for this purpose. All right. I would really like to support Supervisor Brisbane's motion, but I know what's going to happen.

[03:39:18] We're going to get Potomac Falls and Heritage wondering why they're being treated differently, so I cannot vote for this. I'm sorry. Mr. Letourneau. Yeah, first of all, Supervisor Brisbane is fighting for her school and her district, so I will never criticize somebody for doing that.

[03:39:38] But as I recall, Mr. Lewis, I don't know if, Madam Chair, if Mr. Lewis can come to mind. Sure, I wish, yeah. When we discussed this at the Finance Committee, it really didn't sound like from a timing perspective it would make a dramatic bit of difference if the money came now versus in the fund balance discussion in a few months.

[03:39:57] is that is anything is would you clarify anything that you told us that night or is what you told us still no i think that's accurate yes that it wouldn't wouldn't accelerate that be now versus december that's your question right that's my question that's correct yeah so it wouldn't get it done faster i think that's the bottom line it really is not a good practice i promise when it comes to f by 23 fund balance unless there's something absolutely catastrophic that means we can't fund it i will support it there along with whatever else we can do for a few others that were pushed off but I just don't want to get into the one particular project being treated

[03:40:34] differently type of thing I get the argument it was close it stinks that it was pushed off hopefully the board can take care of it soon and I think from a practical standpoint it's important for the community to hear that doing this is not going to delay it in reality because at the end of the day this is their their project and their their construction program and you know we're just supporting it so um my question would be why couldn't we use the school's contingent lcps contingency fund to do this rather than our

contingency fund i'm just asking the question miss brixman that's a question to you oh to me well i i actually don't think that they have a

[03:41:13] contingency fund quite yet we're actually just starting a contingency fund in the schools for about 25 million with this budget is that correct mr lewis yes ma'am okay okay that's on the record because I have already been asked that. Okay. So the motion was made by supervisor. And oh, by the way, I want to, yeah, you want to close it? I want to say, I want to associate myself with Mr. Letourneau's comments. Sometimes I stay a little more quiet during the CIP because you all are doing what you're supposed to be doing, which is fighting

[03:41:50] for your districts, for your schools. You are. And I feel like when I put my finger on it, It just feels kind of not cool. But I do appreciate every one of you when you go in and kind of go hard for your area, because that's what you're supposed to absolutely be doing that. So, Ms. Brickson, would you like a closing?

[03:42:06] Yes, thank you, Madam Chair. I mean, I would have looked at trading something out that's happening in Algonquian District, but we aren't doing any CIP projects really in Algonquian District. And the reason I brought up the Dominion project is not necessarily to pick one school over the other.

[03:42:26] The school's already decided Dominion would be first out of that list. Like, Dominion is the next one out the door. And so it's not necessarily kind of picking one over the other. It's just the next one that could get done. And, you know, I feel like, yes, we can do it at the fund balance discussion, but using contingency funds, I think we could probably get it done a little bit faster because I'll just talk to Kevin Lewis about it until now.

[03:42:50] I'm just kidding. But anyway, thank you, Mr. Lewis. really appreciate all your cooperation and work you're always available to me when to talk through issues from school zone signals to weight rooms to lights and all that so thank you very much I still would love support from my colleagues thank you you know what thank you miss Brix but I forgot to check when we came back mr. represent are you still there madam chair I am and I agree with with the process reasoning for why you, Supervisor Letourneau, and Supervisor Almstead said they were not going to support it.

[03:43:29] I'm happy to support this from fund balance, but not through this process. Okay. A motion made by Ms. Brickspence and seconded by Supervisor Glass, I do believe. I'm going to say aye. Opposed. And I'm going to abstain, and I don't know what the count was.

[03:43:45] If you said aye, please raise your hand. 1, 2, 3, 4, that's a 4, no, I can't, this is why I can't do it, right there, that motion is a 4, 4, 1 motion, which means it will not pass, with Supervisors Turner, Bricksman, Sains, and Glass voting for the motion, and that's exactly why I abstain on these motions.

[03:44:10] I'll keep the recording for our fun balance discussion, the promises of my colleagues. Okay. All right. Thank you. Ms. Umstead, would you like to make a motion? Yes. Thank you, Madam Chair. I move the recommendation of the Finance, Government Operations, and Economic Development Committee that the Board of Supervisors adopt the FY 2023 to FY 2028 amended capital improvement program, capital asset preservation program fund, major equipment replacement fund, metro garages fund, public facilities fund, and transportation district fund as amended by the committee on March 8, 2023.

[03:44:48] I further move the recommendations of the Finance, Government Operations, and Economic Development Committee that the Board of Supervisors direct staff to include the Loudoun County Public

Schools Capital Facility Planning Guidelines in the FY2024 Appropriations Resolution for Approval.

[03:45:04] I further move the recommendation of the Finance, Government Operations, and Economic Development Committee that the Board of Supervisors send consideration of funding for the weight room expansion, press boxes and tennis court lighting at Dominion High School and Heritage High School and the press boxes and tennis court lighting at Potomac Falls High School in the amount of \$7.94 million to the FY 2023 fund balance discussion.

[03:45:31] I further move the recommendation of the Finance, Government Operations, and Economic Development Committee that the Board of Supervisors terminate the Waterford Traffic Calming Project in the Capital Projects Fund and transfer funding from that project in the amount of \$500,000 to a new project in the name, to be named, Village of Waterford Preserving the Landmark Infrastructure Improvements Project in the FY 2023 to FY 2028 Amended Capital Improvement Program.

[03:46:03] I further move the recommendation of the Finance, Government Operations, and Economic Development Committee that the Board of Supervisors add a Eastern Loudoun Community Arts Center to the projects identified for future development and direct staff to return to the FGO EDC with a budget development item with scope options for the project. I further move the recommendation of the Finance, Government Operations, and Economic Development Committee that the Board of Supervisors create a new cip project for the southern services center i further move the recommendation of the

[03:46:41] finance government operations and economic development committee that the board of supervisors add a shared use path to the scope of the ashburn road parallel pedestrian bridge over beaver dam run project on the projects identified for a future development list and that's it a motion was which was made in second i don't know if i've ever heard a longer motion i really i think that might have been it that might have been the longest one um discussion on the motion miss umstead no no i'm good i would just ask for the board's support thank you

[03:47:14] um anybody else on discussion emotion mr mr buppington happy to support the motion And thanks to Supervisor Thad for reading it. Ms. Glass?

[03:47:30] Thank you, Madam Chair. I'd just like to thank my colleagues for supporting the Prentice Drive reduction. What is it called? It's an area that isn't going to be developed right now.

[03:47:49] I won't say reductions. We're just not doing it right now. You know, I've had a couple of my, not a couple, I've had a number of constituents to talk about a couple of these projects and they've been very voice, very, very, I'm trying to think of word.

[03:48:20] I must be getting tired. They're very excited, especially about Loudoun County Parkway, the Route 28 expansion. I've had some neighborhoods in our senior developments that said that they had been a little nervous of taking that exit to get on to 28, and that, you know, they're glad that we're finally doing something about that.

[03:48:47] I've also had a constituent to speak to me the other day, and she said that it was a group of them that actually watched the finance meeting because they were excited that the Eastern Community Center was being talked about.

[03:49:06] So I just want to thank my colleagues. You mean the Arts Center? Yes, the Arts Center, yes. Very, very excited about that. Thank you, Madam Chair. Thank you. I want to just thank staff. You guys do a great

job every year.

[03:49:22] The CIP, we started early, and it's not easy to do. Lots of, every project's a good project, and lots of input from supervisors because they want to see their project. And then also lots of talking to other agencies like NVTa.

[03:49:41] And so the CIP is a hard thing to do, and we realized that, and I realized that, and I just want to thank you guys for it. All right, all in favor to say aye. Aye. Wow, any opposed? That motion will pass, 9-0. I know, thank you.

[03:49:57] Supervisors, before we leave, I want to remind you again that you're ignoring my email that you got today and that we will have more discussions, more departments coming on Thursday than we had planned before, so be ready for that. But I don't think that's probably all that's going to be requested, the ones that were requested today.

[03:50:18] So I want to remind you of that one more time. And everyone else, thank you all. Thank you very, very much. I appreciate the staff so much. All right, I think that's all. We are adjourned.



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