

FOIA RELEASE

**REPORT TO THE RUSSELL COUNTY BOARD OF SUPERVISORS FOR THE
REGULAR MEETING TO BE HELD ON MAY 1, 2023**

Dated April 27, 2023

ATTORNEY-CLIENT PRIVILEGE

DO NOT DISSEMINATE

Board Members,

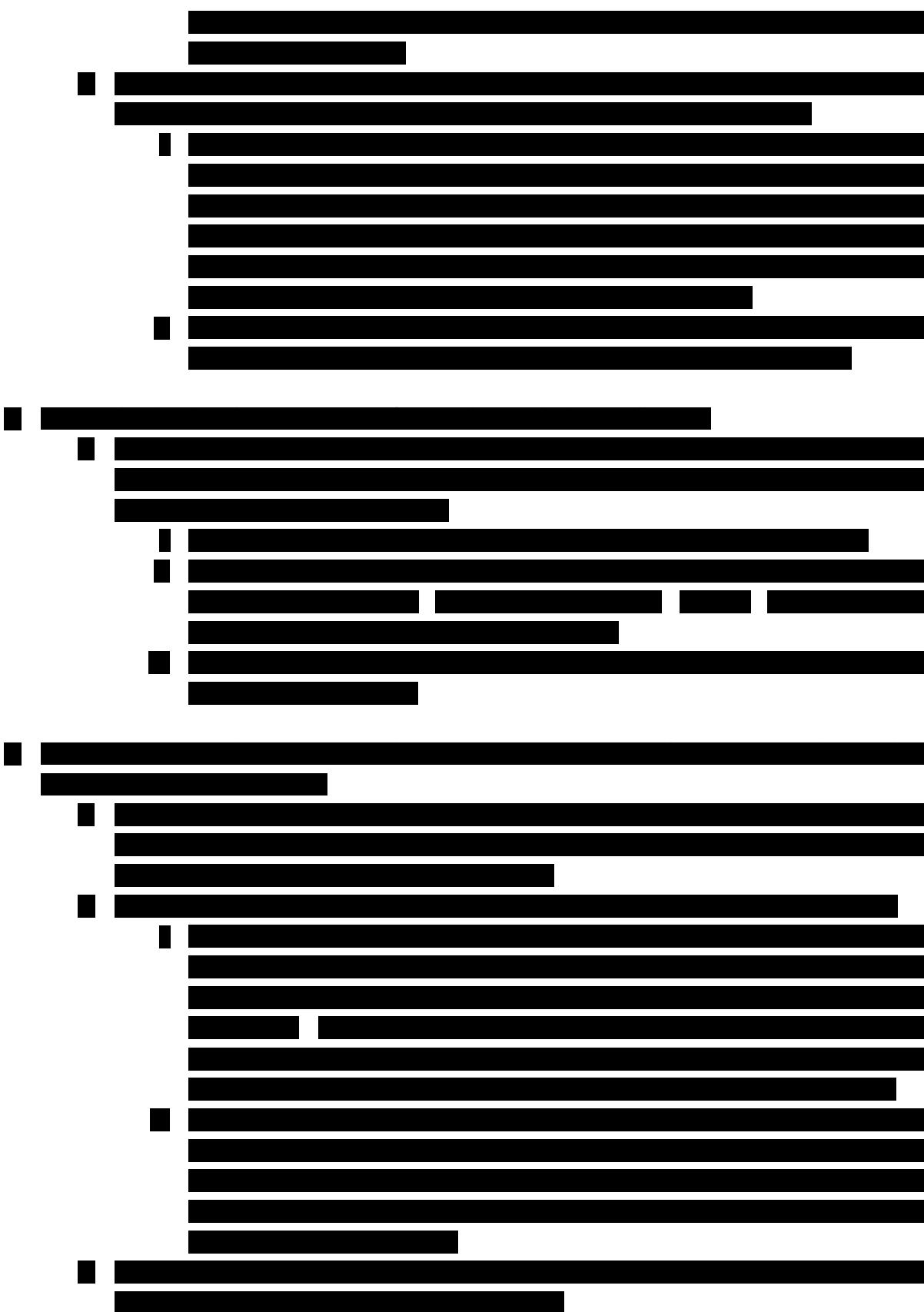
The following is a list of matters that I will be prepared to discuss and where necessary request approval of certain documents, resolutions and ordinances from the Board of Supervisors. Where the approval of one of the above-referenced documents will be requested I will attach that document for the Boards review. As always if any Board Member has any questions or concerns, please feel free to contact me to discuss prior to or the day of the meeting.

1. Landfill Project

a. In conferring with Lonzo it is my understanding that David Paylor has advised that if the Board wants to proceed forward with the project, without ultimately committing to it, the next step would be to start negotiations for a host agreement.

- i. My advice if the Board wishes to begin negotiations of a host agreement that the Board should hire special counsel.
- ii. Mr. Paylor gave me a contact at Gentry Locke who is very familiar with the laws and regulations regarding waste management.
- iii. I reached out to him and he has worked on a host agreement before so he does have experience.
 - 1. The Board is of course able to hire special counsel of its choosing and I can try to find additional attorneys for the Board's consideration.

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- d. There are also other non-legal concerns that the Board should consider when exposing children as young as 13 to emergency and/or trauma situations.
 - i. I have spoken with Lonzo and as the EMS Director, I believe he agrees this is not the best course for the County.

5. **Legal Liability of the County in regard to Volunteer Firefighting Companies**

- a. Pursuant to the Virginia Code 27-6.02. "In cases in which a county, city, or town elects to contract with or provide for the provision of firefighting services by a fire company pursuant to clause (ii) of subsection A, the fire company shall be deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to fighting fires therein."
 - i. Therefore, the County does have liability for the actions of the all the volunteer firefighting organizations as we do not have a "government operated" firefighting services.
 - ii. Sovereign Immunity does apply and will cover most instances of negligence, however sovereign immunity is not absolute and can be lost as a defense if there is gross negligence.