

March 11th, 2025
Town Council
Regular Meeting
Res. No.

**RESOLUTION FOR APPROPRIATION OF FUNDS AND APPOINTMENT OF SPECIAL COUNSEL TO THE
WARRENTON COMMISSION ON OPEN AND TRANSPARENT GOVERNMENT**

WHEREAS, the Town Council of Warrenton ("the Council") is the governing body of a municipal corporation in the Commonwealth of Virginia pursuant to Subtitle I and Subtitle 2 of Virginia Code §15.2-100, et. seq.; and

WHEREAS, on January 14th, 2025, the Council, pursuant to Va. Code §15.2-1409, established the Warrenton Commission on Open and Transparent Government ("the Commission"); and

WHEREAS, the primary delegated function of the Commission is to conduct discovery on and review of selected development applications, and of particular interest is Special Use Permit 22-03 issued on February 14, 2023 issued to Amazon Web Services, and

WHEREAS, the Commission's investigation will require knowledge of and experience in both local government and development projects so as to form a discovery plan and gather information, including electronic and other necessary records; and

WHEREAS, Section 15.2-1409 authorizes the governing body of a locality to (i) seek the attendance of witnesses and production of records to provide evidence under oath and (ii) apply to its Circuit Court for a subpoena or subpoena duces tecum so as to order that production if it is not produced voluntarily; and

WHEREAS, per Section 15.2-1409, the Town through the offices of the Town Attorney is authorized to appoint outside counsel to support the goals of the Commission; and

WHEREAS, the above work of the Commission requires the appropriation of funds to discharge its duties, such as those expenses, including legal fees and costs, undertaken to obtain discovery on those selected development applications; and

WHEREAS, the Warrenton Town Council is charged by the Code of Virginia with the preparation of an annual budget for the Town of Warrenton; and

WHEREAS, on June 11, 2024, the Town Council adopted the Town of Warrenton Fiscal Year 2025 Budget; and

WHEREAS, Va. Code §15.2-2507 allows any locality to amend its budget and appropriate funds without publishing legal notice of a meeting and a public hearing, provided that the new appropriation amount does not exceed one percent (1%) of the total expenditures shown in the currently adopted budget

NOW, THEREFORE, BE IT RESOLVED, that this 11th day of March, 2025, the Warrenton Town Council hereby amends the Fiscal Year 2025 Adopted Budget to appropriate \$60,000 from the General Fund Balance for the appointment of special Council for the Warrenton Commission on Open and Transparent Government; and

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL THAT:

1. That the Town Council hereby authorizes an appropriation of \$60,000 (including \$10,000 to retain a third-party expert in information technology) to retain the legal services of Whitson W. Robinson, attorney, of the Robinson Law Firm;
2. That, with the concurrence of the Town Attorney, Mr. Robinson will serve as Special Counsel to the Commission, reporting directly to the Town Attorney;
3. That Mr. Robinson will be responsible for conducting legal discovery for the Commission, subject to authorization by the Commission and approval by the Town Attorney;
4. That this appropriation represents the maximum budgeted amount covering legal services under this Resolution which shall extend for a period of twelve (12) months from said authorization, with actual legal expenses to be billed on a monthly basis;
5. That if the total cost for services falls below the maximum budgeted amount (\$60,000), then the Town will only pay for actual fees billed to the Town

ATTACHMENT:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Town of Warrenton Commission on Open and Transparent Government

ATTEST: _____
Town Recorder