

April 14, 2026

Town Council Regular Meeting

Res. No.

**A RESOLUTION OF THE WARRENTON TOWN COUNCIL URGING THE
RECUSAL OF MAYOR CARTER NEVILL FROM ALL MATTERS RELATING TO
AMAZON DATA SERVICES**

WHEREAS, on February 14th, 2023, the Town of Warrenton issued Special Use Permit 22-03 to Amazon Data Services (“Amazon”) for a data center in Warrenton;

WHEREAS, on March 16, 2023, certain Warrenton citizens filed suit in the Fauquier County Circuit Court in the matter of Cross et al. v. Town of Warrenton, challenging the Town’s approval of SUP 22-03, and said litigation remains pending before the Court;

WHEREAS, there are ongoing matters between the Town and Amazon concerning this project, including the potential for future litigation, which require the Town Council to engage in confidential legal and strategic discussions;

WHEREAS, as an elected official, Mayor Carter Nevill is privy to confidential Town information, including but not limited to written and oral communications concerning present and future litigation strategies, potential settlement discussions, and other privileged legal matters between the Town of Warrenton and Amazon;

WHEREAS, on April 11th, 2025, it was confirmed that Mayor Nevill retained the services of the Hirschler Fleischer law firm to represent him personally and in his capacity as Mayor on matters related to the Town’s relationship with Amazon;

WHEREAS, the Council has confirmed that the Hirschler Fleischer law firm also provides substantial legal representation for Amazon in at least four major data center projects in the State of Virginia, creating a direct legal and financial nexus between the Mayor’s personal

legal representative and a corporate entity with which the Town is in a potential adversarial position;

WHEREAS, this shared legal representation creates a profound and undeniable appearance of impropriety, suggesting the Mayor's interests are aligned with a private corporation rather than the public he serves, and establishes an irreconcilable conflict of interest;

WHEREAS, the Mayor's presence during any discussion of confidential Town legal matters concerning Amazon, while he is represented by Amazon's own legal counsel, creates an unacceptable risk of inadvertent or deliberate disclosure of the Town's privileged information, thereby compromising the Town's legal and negotiating positions;

WHEREAS, the Town Council has a fundamental duty to uphold the public trust and ensure the integrity of its proceedings, which requires that conflicts of interest and the appearance of such conflicts be addressed directly and publicly to protect the Town's legal and financial interests;

WHEREAS, the aforementioned facts establish a clear and compelling case that the Mayor has violated multiple provisions of the Town of Warrenton Code of Ethics, as follows:

WHEREAS, we cite the following violations under the following sections of the Town of Warrenton Code of Ethics

1. **VIOLATION OF SECTION 1 (ACT IN THE PUBLIC INTEREST):** Section 1 states, "Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Warrenton and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Town of Warrenton Town Council, boards, commissions, and committees." By maintaining a legal relationship that aligns his personal interests with a private corporation in a potential adversarial position with the Town, the Mayor has placed his personal legal

interests ahead of his primary duty to protect the public interest and the Town's confidential legal standing;

2. **VIOLATION OF SECTION 2 (CONDUCT OF MEMBERS):** Section 2 states, "The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, and committees, the staff or public." The Mayor's decision to share legal representation with a corporation involved in ongoing litigation and other matters with the Town creates a profound and undeniable appearance of impropriety, eroding public confidence in the integrity of the Town government;
3. **VIOLATION OF SECTION 7 (CONFLICT OF INTEREST):** Section 7 states, "In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist." The Mayor's retention of Amazon's legal counsel constitutes a "personal relationship that may give the appearance of a conflict of interest" and requires that he "abstain from participating in deliberations and decision-making where conflicts may exist," particularly in matters related to Amazon;
4. **VIOLATION OF SECTION 9 (CONFIDENTIAL INFORMATION):** Section 9 states, "Members shall respect the confidentiality of information concerning the

property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.” By being privy to confidential Town legal strategies concerning Amazon while sharing counsel with Amazon, the Mayor has created an unacceptable risk that such information could be used to advance his private interests, placing the Town at substantial risk for potential release of this information;

WHEREAS, the confluence of his legal representation and his official duties poses a clear and present danger to the confidentiality of the Town’s legal strategies and creates an irreconcilable conflict of interest for Mayor Nevill relative to the Town of Warrenton.

NOW BE IT FURTHER RESOLVED BY THE TOWN COUNCIL THAT:

1. The Town Council of the Town of Warrenton hereby formally finds that Mayor Carter Nevill has a profound conflict of interest and an appearance of impropriety due to his retention of a law firm that also represents Amazon Data Services;
2. The Town Council admonishes Mayor Nevill to immediately and comprehensively recuse himself from any and all participation in matters related to the Amazon Data Services data center project and any pending or future litigation between the Town and Amazon;
3. The Mayor’s recusal shall be absolute and include, but not be limited to, abstaining from all formal and informal discussions, communications, deliberations, and votes, including any tie-breaking vote, on any matter related to Amazon; physically removing himself from any public meeting, work session, or closed session where the Amazon project or confidential legal strategies involving Amazon are discussed; and refraining from any private meeting, discussion, or engagement of any kind with any

Town Council member, the Town Manager, the Town Attorney, or any Town staff member regarding these matters;

4. The Mayor shall be excluded from setting or scheduling any Town Council agenda items related to Amazon; all such agenda items shall be automatically placed on the agenda upon submission by any Council member, the Town Manager, or the Town Attorney to the Town Clerk;
5. The Town Manager and Town Attorney are hereby directed to establish and maintain separate, confidential communication channels (including but not limited to email distribution lists and document repositories) for the dissemination of all materials related to Amazon litigation or confidential strategy, which shall exclude the Mayor;
6. Should the Mayor receive any ex parte communication from Amazon or its legal or other representatives, he shall not respond and shall immediately disclose the communication in its entirety to the full Town Council and the Town Attorney.

ATTACHMENT:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Town of Warrenton

ATTEST:

Town Recorder