

July 14th, 2026
Town Council
Regular Meeting
RES-26-07-06

**RESOLUTION TO ADOPT INVESTIGATION PROTOCOL AND RECORDS ACCESS PLAN
AND TO INITIATE SELECTION PROCESS FOR INDEPENDENT COUNSEL TO THE
WARRENTON COMMISSION ON OPEN AND TRANSPARENT GOVERNMENT**

WHEREAS, the Warrenton Town Council established the Warrenton Commission on Open and Transparent Government ("Commission") on January 14th, 2025;

WHEREAS, on March 5th, 2026, the Commission approved a Mission Statement, which among other objectives, directs the Commission to conduct discovery on three land-use applications: The Amazon Web Services data center on Blackwell Road, the Warrenton Village project, and the Arrington Voluntary Settlement Agreement, with support of the Town Attorney,

WHEREAS, with the appointment of Philip Carter Strother as Town Attorney on January 13th, 2026, a review of Commission procedures has been conducted, establishing a comprehensive and legally supportable framework for the Commission's records review, discovery, and investigation;

WHEREAS, an Investigation Protocol and Records Access Plan ("IPRAP") has been developed, defining the process required for access to Town records by the Commission ("Phase One document review and interviews"), and subsequent investigation protocols;

WHEREAS, at its July 10th, 2026 meeting, the Commission approved the IPRAP;

WHEREAS, as specified in the IPRAP, its implementation will require the retention of an Independent Counsel by the Town Attorney to conduct Phase One document review and interviews;

THEREFORE, BE IT RESOLVED:

That the Warrenton Town Council:

1. Adopts the Investigation Protocol and Records Access Plan (IPRAP) as the governing document for the Commission's investigation, superseding all prior discovery plan documents;
2. Authorizes the Town Attorney to conduct targeted searches of the Intradyn archive through the Town Clerk, limited to date ranges and subject matter consistent with this Plan;
3. Authorizes the Town Attorney to seek bids from attorneys or law firms qualified to serve as Independent Counsel to the Commission, and to provide bid amounts and a recommendation to the Commission Chair on a timely basis, with appropriation of funds for the Independent Counsel's implementation of the Phase One document review to be introduced as a separate resolution subject to approval of the Town Council;

4. Authorizes the Town Attorney and/or the Independent Counsel to initiate compulsory process under Va. Code § 15.2-1409, directed at such parties as the Phase One record identifies as holding material records not otherwise accessible, upon the Town Attorney's advice that the Phase One foundation is sufficient to support a targeted Circuit Court petition;
5. Authorizes the Town Attorney and/or the Independent Counsel to establish contact with the Fauquier County Commonwealth's Attorney for the purpose of coordinating the investigative process with any parallel criminal inquiry;
6. Extends the Commission's mandate for twelve months from the date of this resolution, with a final report due at the end of that period, subject to extension by Town Council vote;
7. Directs the Town Attorney to provide a status report to the full Council in closed session no later than sixty (60) days from the date of this resolution, with a final report no later than ninety (90) days from the date of retention of Independent Counsel.
8. The Transparency Commission will provide a report to the Town Council at the next regularly scheduled work session with an update on the status and work done to date.

ATTACHMENT:

Votes:

Ayes: Mr. Roy Francis; Mr. William Semple; Mr. Larry Kovalik; Mr. Eric Gagnon; Mr. Paul Mooney; Mr. David McGuire

Nays: Ms. Michele O'Halloran;

Absent from Vote:

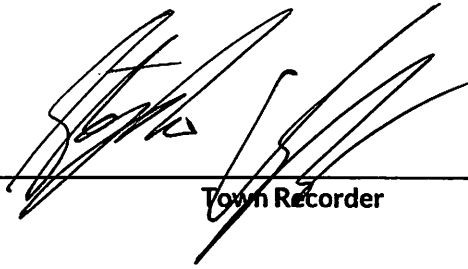
Absent from Meeting:

For Information:

Transparency Commission

Town Attorney

ATTEST: _____


Town Recorder