

MINUTES

Special Commission Meeting**January 20, 2004
Newport News, VA**

The special meeting of the Marine Resources Commission was held with the following present:

William A. Pruitt)	Commissioner
C. Chad Ballard)	
Gordon M. Birkett)	
Ernest N. Bowden, Jr.)	
S. Lake Cowart, Jr.)	
Russell Garrison)	Associate Members
J. T. Holland)	
Cynthia Jones)	
F. Wayne McLeskey)	
Carl Josephson		Assistant Attorney General
Wilford Kale		Senior Staff Advisor
Katherine Leonard		Recording Secretary
Andy McNeil		Programmer Analyst Sr.
Jane McCroskey		Chief, Admin/Finance Div.
Rob O'Reilly		Deputy Chief, Fisheries Mgt. Div.
Colonel Steve Bowman		Chief, Law Enforcement Div.
Lt. Col. Lewis Jones		Assistant Chief-Law Enforcement
Captain Ray Jewell		Supervisor-Northern Area
Captain Randy Widgeon		Supervisor-Eastern Shore Area
Captain Kenny Oliver		Supervisor-Southern Area
1 st Sgt. Steve Pope		Assist. Supervisor - Middle Area
Bob Grabb		Chief, Habitat Management Div.
Tony Watkinson		Deputy Chief, Habitat Mgt. Div.
Chip Neikirk		Environmental Engineer, Sr.
Kevin Curling		Environmental Engineer, Sr.
Jeff Madden		Environmental Engineer, Sr.
Jay Woodward		Environmental Engineer, Sr.
Benny Stagg		Environmental Engineer, Sr.
Tracy West		Environmental Engineer, Sr.

Hank Badger
Justin Worrell

Environmental Engineer, Sr.
Environmental Engineer, Sr.

Virginia Institute of Marine Science (VIMS)
Lyle Varnell

Other present included:

David S. Bailey	Frances Crutchfield	Robert Brumbaugh
Randy Hilderbrandt	Kelly Place	Sara T. Kadec
George Kushner	John B. Dawson	Tyla Matteson
Thomas I. Ellis	Fred Carroll	Lawrence Latney

and others.

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Commissioner Pruitt called the meeting to order at 11:05 a.m. with all Associate Members present.

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Commissioner Pruitt stated that he wished to make some announcements.

Commissioner Pruitt then introduced each of the Associate Members to the staff and public present and explained their backgrounds.

Commissioner Pruitt reminded everyone present that Bob Craft, former Chief of Administration and Finance, had retired as of January 1, 2004 and announced that Jane McCroskey had been promoted to the position of Chief of the Administration and Finance Division.

Commissioner Pruitt also announced that Colonel Steve Bowman had been promoted to the position of Acting Deputy Commissioner. He would also continue to serve as the Chief of the Law Enforcement Division.

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Associate Member Garrison gave the invocation.

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Commissioner Pruitt explained that pursuant to Section 28.2-102(E) of the Code of Virginia, the Commission shall meet on the call of the chairman or three members at such times as he or they may deem necessary and at such places as he or they may designate.

He further explained that he had called the special meeting to meet with Counsel regarding litigation matters.

CLOSED SESSION:

Associate Member Ballard moved that the meeting be recessed and the Commission immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, or other specific legal matters requiring legal advice by counsel as permitted by Subsection (A), Paragraph (7) of § 2.2-3711 of the Code of Virginia, pertaining to:

A discussion with VMRC counsel regarding pending litigation matters resulting from a court decision on an appeal made by the City of Newport News regarding the Commission's May 14, 2003 decision to deny the King William County Reservoir Project application for permit.

The motion was seconded by Associate Member Cowart and carried unanimously.

Associate Member Ballard moved for the following:

**CERTIFICATION OF CLOSED MEETING
OF THE VIRGINIA MARINE RESOURCES COMMISSION**

WHEREAS, the Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712.D of the Code of Virginia requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, the Commission hereby certifies that, to the best of each member's knowledge,

- (i) only public business matters lawfully exempted from open meeting requirements under Virginia law, and
- (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the Commission.

Associate Member Holland seconded the motion. Commissioner Pruitt held a Roll Call vote:

AYES: Ballard, Birkett, Bowden, Cowart, Garrison, Holland, Jones, McLeskey, and Pruitt.

NAYS: None

ABSENT DURING VOTE: None

ABSENT DURING ALL OR PART OF CLOSED MEETING: None.

The motion carried unanimously, 9-0.

**Recording Secretary
Virginia Marine Resources Commission**

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Commissioner Pruitt announced the meeting would be open for further discussion and/or action by the Commission.

Associate Member Garrison then made a motion to recommend that the Attorney General's office appeal Judge Jacobson's order regarding the Commission's decision in the King William Reservoir case under appeal by the City of Newport News. Associate Member Birkett seconded the motion. The motion carried unanimously.

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Commissioner Pruitt asked if there was any new business. There being no other business to be discussed, the special meeting adjourned at 12:34 p.m. The next regular Commission meeting will be held on Tuesday, January 27, 2004.

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William A. Pruitt
Commissioner

Katherine Leonard, Recording Secretary