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TOBACCO REGION REVITALIZATION COMMISSION

701 East Franklin Street, Suite 501
Richmond, Virginia 23219

Executive Committee Meeting

Friday, January 8, 2021
9:30 o'clock a.m.

(Electronic Conference Call Meeting)

1 APPEARANCES:

2 The Honorable Terry G. Kilgore, Chairman

3 The Honorable Lashrecse D. Aird

4 Dr. Alexis I. Ehrhardt

5 The Honorable Chris L. Hurst

6 The Honorable Edward Owens

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9 COMMISSION STAFF:

10 Mr. Evan Feinman, Executive Director

11 Mr. Andy Sorrell, Deputy Executive Director

12 Ms. Joyce Knight, Administrative Supervisor

13 Ms. Stephanie Kim, Finance Director

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16 COUNSEL FOR THE COMMISSION:

17 Ms. Elizabeth B. Myers, Assistant Attorney General

18 Richmond, Virginia 23219

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1 January 8, 2021

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3 DELEGATE KILGORE: Let's go ahead and get Andy to
4 read into the record what's required, and then we'll call the roll.

5 MR. SORRELL: Thank you, Mr. Chairman. I'm going
6 to read the brief electronic meeting ground rules. Due to the
7 Governor's declared state of emergency, this meeting is being
8 held electronically without a quorum of the public body physically
9 assembled at one location. The nature of this pandemic makes it
10 impractical and unsafe to assemble a quorum in a single location.

11 In addition, the purpose of this meeting is to discuss
12 or transact business that is statutorily required to continue the
13 operations of the Commission. Public notice of this meeting was
14 provided on both the Commonwealth's calendar and the
15 Commission's website contemporaneously with the notice
16 provided to the Commission members. A recording of this
17 meeting, as well as the minutes, shall be posted on the
18 Commission's website as soon as practical after the conclusion of
19 this meeting. The agenda and all other meeting materials can be
20 found on the Commission's website. And there will be an
21 opportunity for public comment at both the beginning and the
22 end of the meeting.

23 Relating to the electronic meeting ground rules, for
24 those that are just calling on the telephone, you can mute
25 yourself if you're not speaking. If you are participating only by

1 phone, you can do that by pressing Star 6, and you can mute or
2 unmute yourself. All participants are unmuted at the start of the
3 meeting, and participants will be returned to mute if background
4 noise or disruptions occur. If repeated disruptions occur,
5 participants will be removed from the meeting.

6 As mentioned, public comment will be provided at the
7 beginning and at the end of the meeting. And if a member of the
8 public desires to speak or address the Commission, please
9 reserve your questions until this portion of the meeting.
10 Participants may also use the raised-hand feature or send a
11 comment in the chat box feature of the electronic meeting
12 program, and the comment will be read during the public
13 comment session.

14 At the time of public comments, please state your full
15 name, your location, and the organization that you may
16 represent. Please keep your comments to two minutes each.
17 Thank you, that's all I have, Mr. Chairman.

18 DELEGATE KILGORE: Thank you, Andy.
19 Evan, if you'd like to call the roll.

20 MR. FEINMAN: Thank you, Mr. Chairman.
21 Delegate Kilgore.

22 DELEGATE KILGORE: Here.

23 MR. FEINMAN: Delegate Aird.

24 DELEGATE AIRD: Here.

25 MR. FEINMAN: Ms. Coleman.

1 MS. COLEMAN: (No response).

2 MR. FEINMAN: Dr. Ehrhardt.

3 DR. EHRHARDT: Here.

4 MR. FEINMAN: Ms. Hensley.

5 MS. HENSLEY: (No response).

6 MR. FEINMAN: Delegate Hurst.

7 DELEGATE HURST: Here.

8 MR. FEINMAN: Ms. -- (unintelligible).

9 MR. FEINMAN: Mr. Owens.

10 MR. OWENS: Here.

11 MR. FEINMAN: Mr. Chairman, we do have a quorum,
12 just barely.

13 DELEGATE KILGORE: Delegate Aird is here. We saw
14 her earlier.

15 MR. FEINMAN: You do have a quorum, Mr. Chairman.

16 DELEGATE KILGORE: All right. Do I have a motion on
17 the 4-29-20 minutes on our website?

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19 NOTE: The motion on the 4-29-20 minutes is moved
20 and seconded.

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22 DELEGATE KILGORE: All those in favor of approving
23 the minutes, say aye. (Ayes). Any opposed? (No response).
24 The minutes are approved.

25 Now, do we have any public comment? All right,

1 none.

2 Evan, let's go through the bylaws. The bylaws were
3 included in the packet that was sent to you with the
4 recommended changes.

5 MR. FEINMAN: This stems from or when we finished
6 our Strategic Plan, we needed to update our bylaws and we made
7 some substantive changes to the bylaws at the adoption of the
8 Strategic Plan. And when we got in there, what we saw was not
9 maybe the best drafting of subsections, but rather than do
10 substantive changes and technical clarity all in one, we wanted to
11 make sure that we were just dealing with substance in our
12 September meeting.

13 So, what we have before you today is from the Staff's
14 perspective, merely clean up and codification of the actual
15 practice and things like clarifying that the Chairman and Vice
16 Chairman serve for a period of two years, and upon expiration
17 may serve until the next meeting, if that expiration occurs
18 between meetings, clarifying that nonprofit organizations are
19 permissible as per the Code, and the correct Code sections that
20 you see on the bottom of page 6. One that could be substantive
21 is permitting at the bottom of page 7 either the Chairman or the
22 majority of the Commissioners to call a special meeting. And
23 then on page 8, conforming to the new meeting rules.

24 Other than that, these were merely technical
25 changes, and I'm happy to discuss any of them, specifically if a

1 member has any issue with them. Otherwise, it's the Staff's
2 belief that this is merely in the nature to clarify the operation of
3 our bylaws.

4 DELEGATE KILGORE: Evan, on the one you talked
5 about on the Chairman calling the meeting, that's true with about
6 any organization or any committee that I've been on, and the
7 Chairman did have the ability to call a meeting. I don't think
8 that's such a big deal.

9 MR. FEINMAN: No, it isn't. Either the Chairman or
10 the majority can call a meeting. That's pretty much the practice
11 for governmental or nongovernmental organizations. Most of
12 these are technical, but they are your bylaws. So, if you have
13 any objections or concerns, let us know. Otherwise, the Staff
14 would recommend that you adopt these moving forward.

15 DELEGATE KILGORE: Any member of the Executive
16 Committee have a question or have concerns about the bylaws?
17 This looks like really cleanup to me. Does anyone else have any
18 issues with any of the proposed changes?

19 MR. OWENS: This is Ed Owens. For clarity sake, I
20 see this as the Chairman and Vice Chairman to -- which one is
21 it?

22 MR. FEINMAN: That's a good catch, Mr. Owens.
23 Which word we use is not of particular importance, I think
24 elected is probably the better choice.

25 DELEGATE KILGORE: We'll change that if we can get

1 a motion, and that way it'll be consistent.

2 UNIDENTIFIED: The Code, that's why you're changing
3 it. I think the point wasn't Code.

4 MR. FEINMAN: Yes, it is, Mr. Chairman, that would be
5 found in 3.2-312, Subsection B -- Chairman and Vice Chairman,
6 and continues on.

7 DELEGATE KILGORE: Liz, I know you're on. If that's
8 what the Code says, you advise.

9 MS. MYERS: Mr. Chairman, I was on the phone and
10 then I switched. What was your question?

11 DELEGATE KILGORE: Would you advise us that the
12 Code section, it says appoint a chairman, would you advise us to
13 use the word appoint then?

14 MS. MYERS: Yes.

15 DELEGATE KILGORE: It's still going to be an election
16 from the members, but appoint would be fine with me, if it's fine
17 with everyone else. We just need to change it, the Commission
18 shall appoint from the Commission a Vice Chairman. That would
19 be the best way to go with that, if it's all right with everyone
20 else. Do I have a motion to amend the bylaws for Vice
21 Chairman, instead of elect, be appoint?

22 MR. OWENS: So moved.

23 DELEGATE KILGORE: It's seconded. All those in favor
24 of making that change, say aye. (Ayes). Anybody opposed?
25 (No response). All right, that change is completed.

1 Any other questions? Do I have a motion that we
2 recommend approval of the bylaw changes to the Full
3 Commission which will meet later on today?

4 MR. HURST: I so move, Mr. Chairman.

5 DELEGATE KILGORE: Delegate Hurst, thank you.

6 Any more discussion? All those in favor, say aye.

7 (Ayes). Any opposed? (No response). That motion carries.

8 Evan, now, we're to the legislative update.

9 What's going to be going on, I know there have already been
10 some bills piled up on a couple of them, but go ahead.

11 MR. FEINMAN: Yes, Mr. Chairman, I had hoped to be
12 able to share more information today. There are two bills that
13 we should discuss. The first has already been filed and filed by
14 Lee Ware, which is a fairly straightforward bill. It seems to add
15 the County of Powhatan to the Commission's Footprint. No other
16 action. The Commission's Footprint is what it is.

17 The Commission can expand or contract its Footprint
18 by its own action, but would, of course, need to be deferential to
19 the Code should one section or another of the Code actually
20 declare that an area is eligible for Commission funding. That is
21 not a bill on which the Governor's Office has any position. For
22 folks who are members of the legislature or are frequently
23 engaged with the legislator, we just had an organizational
24 meeting inside the executive branch yesterday and the
25 Governor's Policy Office has made it pretty clear that given the

1 challenges of a virtual session and what may be a short session,
2 the Governor's Office is going to be taking positions on
3 extraordinarily few pieces of legislation this year.

4 So, for those of you all that reach out to me, by and
5 large my response is going to be we don't have a position. There
6 would be no direct physical impact from the Ware bill, and there
7 would, of course, be an additional new recipient of Commission
8 funds, so there's a potential fiscal impact to us. We'll leave it up
9 to the body to decide how they want to approach it.

10 The second piece of legislation is one that I had hoped
11 would already be filed so that we could have a more potent
12 conversation, and it has not yet, but the Governor's Office is
13 going to be filing a Governor's bill on changes to the Commission.
14 The Governor and leadership in the General Assembly would like
15 to see that. There have been some discussions of those, of the
16 principles of that legislation with a variety of different folks on
17 the Commission. In general, I can report that there's nothing
18 final yet, and I don't want to go point by point, but I can report
19 what I've seen so far has looked good and it is largely codifying
20 actions that the Commission, itself, has requested, things like
21 increased lending capacity, ability to create a foundation, and
22 higher development person, all pretty good stuff.

23 A couple of areas that are not final yet, but that are
24 being discussed are changes potentially to the way the
25 Commission's governance works and changes to the interaction

1 between the Commissioners when voting on specific projects or
2 voting on design, and then, also, potentially changes as the Ware
3 bill approach to the Footprint. None of that is final yet. We put
4 this on here knowing that that bill was coming, but we don't have
5 it yet. So, unfortunately, I can't walk you through it, it's not
6 there yet, but I'm happy to answer any questions to the best of
7 my ability. The last draft, I'd seen a while ago, so we're going to
8 need to see how it comes out.

9 DELEGATE KILGORE: Any drafting or anything like
10 that?

11 MR. FEINMAN: The drafting so far has come directly
12 from the Governor to Legislative Services and they don't have a
13 patron or patrons selected yet, but that's a process that's
14 ongoing. The Policy Office says they would have started that
15 process much earlier in the year, but there usually is not a
16 special session going in the beginning of the fall, so that has
17 pushed everything back. They've got to move forward where
18 they're trying to move all the pieces around and make sure
19 particularly in the context of bill limits, so they can get
20 everything filed to accommodate priorities of all the members.

21 DELEGATE KILGORE: When you find out, please let
22 the legislators know so we can look it up and maybe Delegate
23 Hurst and Delegate Aird and several of us can talk to whoever
24 the patron is, if we need to.

25 MR. FEINMAN: Mr. Chairman, the moment there is a

1 final tag team before it's filed, I'll be sure to send it, so that you
2 all with have the ability to weigh in and for other people, too.

3 UNIDENTIFIED: I'm sure it'll be Lee Ware, Mr.
4 Chairman.

5 DELEGATE KILGORE: Yes, he's already got the
6 Powhatan one. The Senator called me yesterday or the day
7 before yesterday, I said, well, today's my last day as chairman,
8 and then when we find out who the chairman is, probably need
9 to talk to him or her. All right, that's great.

10 But keep us informed, Evan, as you always do, and
11 it's going to be a challenging session anyway with Zoom and
12 everything like that, but changes to the particular people,
13 legislature, it's going to be fast and furious, as you know, so
14 we've got to keep up on that.

15 Any other, any other legislature we hear that would
16 affect us?

17 MR. FEINMAN: Not that I've seen so far, Mr.
18 Chairman. There is usually one or two additional bills, a frequent
19 flyer piece of legislation that directs portions of the endowment
20 to whichever project they think is more meritorious than
21 continuing to leave it at the discretion of the Commission. And I
22 haven't seen that yet, but a version of that would be filed as it
23 always is, is my strong suspicion. As soon as we've gotten some
24 final bills out, the whole Senate is basically not drafting bills right
25 now because they're not quite sure what the rules are going to

1 be, but as soon as we've gotten all the legislation out, I'll send it
2 to everybody and an update and including a detailed walk-
3 through of any that will make changes.

4 Because we anticipated the bill being filed, we took an
5 hour for this meeting, but, Mr. Chairman, I think you'll see we
6 don't have a heck a lot more business on the agenda at present.

7 DELEGATE KILGORE: That's okay, we can all get
8 ready for Delegate Hurst, Southwest. I'm sure everybody has
9 already read it.

10 MR. FEINMAN: No member of the Commission, Mr.
11 Chairman, was the person who showed up unprepared for class.

12 DELEGATE KILGORE: All right. The bad thing about
13 these snow days down here is our students are in school today,
14 because it's all online.

15 Any other business that we have?

16 MR. FEINMAN: None, Mr. Chairman.

17 DELEGATE KILGORE: I've already asked for public
18 comment, but is there anybody else that has a strong desire to
19 speak, public comment? If not, we'll adjourn and thank you all.
20 And we shall see you and Chairman Hurst in a few minutes.

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PROCEEDINGS CONCLUDED.

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CERTIFICATE OF THE COURT REPORTER

I, Medford W. Howard, Registered Professional Reporter and Notary Public for the State of Virginia at Large, do hereby certify that I was the Court Reporter who took down and transcribed the proceedings of the **Tobacco Region Revitalization Commission, Executive Committee Meeting**, when held on Friday, January 8, 2021, at 9:30 o'clock a.m., (By Electronic Conference Call).

I further certify this is a true and accurate transcript, to the best of my ability to hear and understand the proceedings.

Given under my hand this 16th day of January, 2021.

Medford W. Howard
CCR