

Honorable Delegate,

I respectfully ask that you oppose HB 904, repealing Town of Pound's charter.

In my opinion, considering this bill and taking action will set a precedent for future general assemblies and county boards to determine the fate of other smaller localities within Virginia. It is not the responsibility of either of these bodies; rather, it is up to the residents, business owners and taxpayers. Ultimately the very existence of the Town of Pound, and its charter rests solely on the voters to rectify the situation by any and all means allowed in the Code of Virginia and the Town of Pound charter. If the Town of Pound voters decide to approve a referendum to surrender the Town of Pound charter, then it's by their choice not by anyone else's.

Over the past several months residents have made numerous efforts toward accountability and a new governing body. During the November Special Election to fill one of the vacant council seats, the most voters in several years turned out and showed that they desired change with Leabern Kennedy receiving 220 votes and other write-in candidates receiving 25. In addition, residents and business owners have spent nearly ten thousand dollars in civil litigation trying to fight against the corruption and wrongdoing by some of the elected officials and town staff.

The citizens and taxpayers have filed legal actions in Wise County courts that have been delayed for numerous reasons including recusal of the Wise County Commonwealth Attorney and the 30<sup>th</sup> Circuit Court Judges. There is currently a petition in the Wise County Circuit Courts to fill three vacant council seats by temporary court appointment and request for special election. This action is delayed by a pending court case questioning the legality of two August Pound Town Council meetings where only two council members, of the charter required five-member council, were present. During one of these meetings, these two members took several actions including appointing James Pelfrey to one of the vacant council seats. The current chairing Circuit Court judge has said that no consideration or ruling towards appointing to fill vacant council seats will continue until the pending case is ruled upon.

Even after numerous requests, not a single member of the Wise County Board of Supervisors, including the two district representatives for Pound, Representative from the House of Delegates, or a Virginia Senator has attended a Pound Town Council meeting, except to campaign for election. None of these individuals have offered to discuss remedies, such as, aiding the Town of Pound with options like revenue sharing and/or provide fiscal and management advice.

All of these actions have put the Town of Pound in the public spotlight. The issue with what has been made public has ended up putting a negative connotation on what has tried to be accomplished. Instead of showing all the facts and why all this has happened, the spotlight is on the disagreements and turmoil.

I can understand this action being considered if all you know is what is in the news. I could understand you considering this bill and action if legal actions and charges had been filed towards the individual council members, mayor, manager, or appointees. I could understand you considering this action if the voters and residents were not fighting or wanting to take any action to rectify the situation. However, this is absolutely not what is happening. Quite the contrary, the residents and business owners are fighting for the town's survival, their livelihoods and successful future.

Honorable members, you are at the precipice of a slippery slope and your decision will decide the future, not only of the Town of Pound, but also for all smaller localities throughout the state of Virginia. It's the charter for the Town of Pound this time but next time it may be a locality that you are elected to represent.

Rather than supporting this bill, I ask that you address the Code of Virginia legislation that exempts oversight and enforcement for localities with less than 3500 population. Furthermore, I ask that you request Office of Public Accounts to conduct audit and review of Town of Pound financial accounting records and practices. I also ask that you ask the 30<sup>th</sup> Circuit Court and Wise County Circuit Court to expedite ruling on all the pending litigations and petitions. Finally, I ask that you authorize other state agencies and assets to review the past actions and practices and take all necessary corrective actions and help establish policy and practices that will prevent further future losses from being incurred by the residents, business owners and taxpayers of the Town Pound. If the findings, determine that the actions or practices rise to the requirements of civil litigation or criminal prosecution, then those individuals should be held both personally and financially accountable for those actions and corresponding losses.

I appreciate you taking the time to read my statement. I respectfully ask for the opportunity to address HB 904 during Public Comment period when it's considered by Counties Cities and Towns Committee. If you would like to have additional information or details concerning this matter, I will be happy to provide what you need.