

REVIEW OF DRAFT MOU

Chesterfield County and Economic Development Authority

Authorship determination, supporting analysis, and one-page summary

Best-supported conclusion: The PDF metadata identifies Gerard Durkin as the author. The evidence strongly supports that he created or saved the Word file used to produce the PDF and likely participated in drafting its substance. It does not prove that he was the sole drafter.

1. Authorship Determination

Confirmed metadata. The embedded PDF properties list "Gerard Durkin" in the Author field. They also identify Acrobat PDFMaker 23 for Word as the creator and Adobe PDF Library 23.8.197 as the producer. The file was created on June 2, 2025 at 2:54 p.m. Central Daylight Time and modified seconds later.

What this establishes. The most defensible conclusion is that Durkin's name was embedded in the underlying Word document or associated Office profile when the PDF was generated. This is strong evidence that he created, owned, or last saved the source document.

What it does not establish. PDF metadata alone cannot prove who wrote every provision, whether language was supplied by County Attorney or Economic Development staff, or whether Durkin was the sole author. Metadata can be inherited, copied, or manually changed.

Document-level evidence. The MOU itself does not name an individual author. Its signature page contains titles only - Board of Supervisors Chair, County Administrator, EDA Chair, and Director of Economic Development - with blank signature lines.

2. Deeper Findings and Supporting Context

Why Durkin's substantive involvement is plausible

Chesterfield County identifies Gerard Durkin as Director of Budget and Performance Management. That role closely matches the MOU's subject matter: annual appropriations, EDA operating budgets, project funding, financial controls, accounting, audits, reporting, and County oversight. Section 4.1 requires the EDA to submit an annual operating budget for County review, while Sections 7 and 8 assign recurring reporting and audit responsibilities involving the County's budget and finance functions.

The January 22, 2025 Board of Supervisors minutes provide a second connection. They state that Matt Harris and Gerard Durkin alternated in discussing major EDA-related projects, including Meadowville Technology Park, Cloverleaf/Stonebridge, Upper Magnolia, and Springline at District 60. That places Durkin directly in the County's financial review of EDA projects several months before the PDF was created.

Indicators that this is a working draft

Unresolved date. Section 4.1 states that the annual lump-sum appropriation would be effective "July 1, 202X," leaving a drafting placeholder unresolved.

Incomplete execution fields. The cover has a blank effective-date field, and the signature page contains four unsigned lines with position titles but no names or dates.

Drafting character. The document includes operational examples, internal instructions, and several awkward or unfinished formulations. Together, these features are more consistent with an administrative working draft than a final executed agreement.

Confidence assessment

High confidence: Gerard Durkin created, owned, or last saved the Word document from which this PDF was produced.

Strong but inferential: Durkin likely contributed substantively because his official responsibilities and documented EDA-project involvement align closely with the MOU's financial provisions.

Not established: The available evidence does not prove sole authorship or identify every contributor, reviewer, or source of legal language.

Best next step for definitive proof

A focused Virginia FOIA request should seek the native .docx file, all earlier drafts, tracked-change and comment versions, document properties and revision metadata, and emails transmitting or reviewing the MOU. Those records may identify the original creator, last editor, reviewers, and substantive contributors more reliably than the PDF alone.

3. One-Page Summary of the MOU

Draft Memorandum of Understanding between Chesterfield County and the Chesterfield Economic Development Authority

Purpose and structure. The proposed MOU establishes a formal framework for the relationship between Chesterfield County and the Chesterfield Economic Development Authority (EDA). The EDA remains a legally separate political subdivision with powers granted under Virginia law, but the agreement formalizes County oversight whenever EDA activities involve County funding, personnel, assets, infrastructure, incentives, or other public resources.

County oversight and EDA authority. The EDA retains its statutory economic-development powers and remains responsible for its own affairs, while agreeing to coordinate closely with the County on significant initiatives. The Board of Supervisors appoints the EDA Board, and County Administration retains oversight of public resources and economic-development policy. Real-estate transactions, bond financing, incentives, and other actions may require County coordination, concurrence, or approval. County employees supporting the EDA remain County employees and cannot independently make commitments that bind either entity without proper authorization.

Funding and financial controls. The County provides most EDA operating funding and all staffing, but every County funding commitment remains subject to annual appropriation by the Board of Supervisors. The MOU therefore cannot obligate future Boards to multi-year spending. The EDA must submit an annual operating budget, remain within the approved budget, and consult the County before undertaking new recurring obligations or exceeding authorized funding.

Projects and incentives. Land acquisition, site development, business incentives, professional services, infrastructure, and other major project costs are treated separately from routine operating expenses. If County funding is needed, the EDA must seek approval before beginning the project or incurring costs. The request must include a project budget, pro-forma financial analysis, return-on-investment projections, and expected economic or community benefits. The EDA also may not promise County services, infrastructure capacity, funding, or regulatory outcomes without advance County agreement.

Land and public assets. Property acquired with County funds is treated as a public asset even when the EDA holds title. Significant transactions may require Board concurrence. With County approval, certain net land-sale proceeds may be used for EDA operations or projects after outstanding incentive obligations are reserved. If the EDA is dissolved, its remaining assets ultimately transfer to the County.

Transparency and accountability. The EDA must provide quarterly activity reports, monthly financial statements, and an annual report. The MOU states that both entities are public bodies subject to Virginia FOIA and calls for meeting information, annual reports, audits, and the MOU itself to be publicly available. It also requires annual independent audits and compliance with procurement, conflict-of-interest, records, internal-control, information-security, and other legal requirements.

Bottom line. The MOU does not eliminate the EDA's statutory independence. It does, however, create a much more formal County-control framework when taxpayer money, County staff, public assets, incentives, or County services are involved. The version reviewed appears to be an unexecuted draft because it contains a "July 1, 202X" placeholder, a blank effective date, and blank signature lines.

Sources and Evidentiary Notes

Source MOU. Memorandum of Understanding Between Chesterfield County, Virginia and the Economic Development Authority of Chesterfield County, Virginia, MOU_EDA.pdf, 33 pages. Relevant provisions include Sections 2-8, the signature page, and Appendix A.

Embedded PDF properties. Author: Gerard Durkin; Creator: Acrobat PDFMaker 23 for Word; Producer: Adobe PDF Library 23.8.197; created June 2, 2025 at 2:54:11 p.m. CDT; modified June 2, 2025 at 2:54:18 p.m. CDT.

Chesterfield County role confirmation. [Budget and Performance Management](#) identifies Gerard Durkin as Director of Budget and Performance Management.

Board of Supervisors record. [January 22, 2025 Board of Supervisors minutes](#) state that Durkin and Matt Harris discussed major EDA-related projects, including Meadowville Technology Park, Cloverleaf/Stonebridge, Upper Magnolia, and Springline at District 60.

Interpretive note

Authorship fields are evidence of file provenance, not conclusive proof of sole drafting responsibility. Statements in this review are therefore divided into confirmed facts, reasonable inferences, and matters that remain unproven. This review is an informational document, not a legal opinion.