

COUNTY of  
CUMBERLAND  
VIRGINIA

FOUNDED • 1749

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*Board of Supervisors*

William F. Osl, Jr.

Clifton C. White

Van H. Petty

Elbert R. Womack

Jeremiah D. Heaton

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8<sup>th</sup> day of February 2005, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1  
Clifton C. White, District 2  
Van Petty, District 3  
Elbert Womack, District 4  
Jeremiah Heaton, District 5  
Darvin E. Satterwhite, County Attorney  
Judy O. Hollifield, County Administrator  
Sherry Swinson, Assistant County Administrator  
Sandy Sullivan, Deputy Clerk

The Chairman called the meeting to order and the Deputy Clerk called the roll. The Chairman gave the invocation and led in the pledge of allegiance.

**1. Approval of Agenda**

On a motion by Mr. Womack and carried, the Board amended the agenda as follows:

3) Add under Public Hearings

Information pertaining to the public hearing on rifle ordinance.

5) County Administrator's Report

e) Board of Supervisors By-Laws – for review

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

**2. VDOT – Alan Leatherwood and Mark McKissick**

Mr. Leatherwood explained the priority of road clearing during inclement weather. First priority is given to the primary roads with heavier traffic (Route 60 and Route 45). Second priority is giving to lesser traveled primary roads such as Route 13 and higher traveled

secondary roads including Route 600 and Route 622. Third priority includes the unpaved roads. The goal for road clearing is to be completed 72 hours after a storm.

3. **Public Hearings**

Rifle Ordinance

The County Attorney explained that the purpose of the public hearing is to hear public input on the proposed amendment to the current ordinance to consider the adoption of an ordinance amending §§46-111 and 46-115 of Division 2, Article III, Chapter 46 of the Cumberland County Code to allow the use of rifles for hunting purposes with or without a tree stand; and, prohibiting the hunting, with a firearm, of any game bird or animal while on or within 100 yards of any primary or secondary highway in Cumberland County, Virginia.

The Chairman opened the public hearing.

There were numerous speakers with the majority of hunters being in favor of being allowed to use a rifle from the ground, although there were some that felt the ordinance should not be changed. The majority of the speakers opposed increasing hunting distances from ditch lines due to safety issues.

The Chairman closed the public hearing.

The Board tabled the matter to consider the public comments and will consider at the March meeting.

4. **Department and Agencies**

a) David Hughes – Robinson, Farmer, Cox

Mr. David Hughes of Robinson, Farmer and Cox presented a report to the Board of Supervisors on the 2004 audit for the County and stated that the County's basic financial statement and compliance with Federal programs were satisfactory. A portion of the increase in the general fund balance is attributed to the rollover in current year's budget and rollover grant funds.

b) Jim Thornton, School Superintendent – Literary Loan Application

Mr. Thornton was not present, however, Mr. Dan Grounard, Assistant Superintendent updated the Board of Supervisors on the school's application for literary funding. There are currently 53

other school divisions in the state that have applied for loans and are on the waiting list to be considered by the State Board of Education.

Mr. Grounard stated that if the County submitted an application now, it would receive a twenty year loan at 2% that could fluctuate up or down by one percent. The schools are attempting to get on the waiting list at this time due to the low interest rate. This rate is based on the County's Composite Index.

Mr. Grounard stated that there is no guarantee that the school system would receive the requested funding. There is a \$20 million cap on the Literary Loan funding per school division. Mr. Grounard requested that the Board of Supervisors pass a resolution of support for the school system to begin the process of pursuing the loan.

It was the consensus of the Board not to take action at this time, however, they would further discuss the loan proposal at the budget work session scheduled for February 15, 2005.

c) Sharon Harrup – Application for regional transit system

Ms. Harrup stated that the transit system will not only serve STEPS workers, but Cumberland and its surrounding counties.

On a motion by Mr. Petty and carried, the Board adopted the following resolution:

**Resolution Authorizing the Application for  
State Aid to Public Transportation**

BE IT RESOLVED by the County of Cumberland that the Chairman of the Board of Supervisors is authorized, for and on behalf of the Cumberland County, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$10,000.00 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize Chairman of the Board of

Supervisors to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The County of Cumberland certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of up to \$10,000.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Chairman of the Board of Supervisors of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Cumberland Board of Supervisors held on the 8<sup>th</sup> day of February, 2005.

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

5. **County Administrator's Report**

a) Consent Agenda

The County Administrator explained each item in the consent agenda and the following actions were taken:

On a motion by Mr. Womack and carried, the Board approved the items in the consent agenda as presented:

1. Minutes for January 2005 will be approved at the March 8, 2005 regular meeting.
2. Approved bills for February 2005 totaling \$199,429.86 and ratified bills for January 2005 of warrants totaling \$184,556.42

with check numbers ranging from 43776 to 44048. Direct Deposit totaling \$73,549.64.

The County Administrator stated that there were three additions to the bills list from the Sheriff's department.

Vote: Mr. Osl – aye                      Mr. White – aye  
Mr. Petty – aye                      Mr. Womack – aye  
Mr. Heaton – abstained

b) Appointments

1) Planning Commission (District 1)

Mr. Osl did not have any recommendations at this time.

2) Water & Sewer Advisory Committee – need appointments from Districts 1, 2, and 5

There were no appointment for District 1.

On a motion by Mr. White and carried, the Board appointed Richard Meador to serve on the Water & Sewer Advisory Committee for District 2.

Vote: Mr. Osl – aye                      Mr. White – aye  
Mr. Petty – aye                      Mr. Womack – aye  
Mr. Heaton – aye

On a motion by Mr. Heaton and carried, the Board appointed Bill Eastlake and Stanley O'Neal to serve on the Water & Sewer Advisory Committee for District 5.

Vote: Mr. Osl – aye                      Mr. White – aye  
Mr. Petty – aye                      Mr. Womack – aye  
Mr. Heaton – aye

c) Update on Meals on Wheels program (Mr. White and Mr. Petty)

Mr. Petty stated that the group has started fund raisers, opened a checking account, adopted its by-laws and has filed papers with the State Corporation Commission.

d) Schedule budget workshops with departments

It was the consensus of the Board of Supervisors to start budget work sessions on Tuesday, February 15, 2005 through Friday, February 18, 2005.

- e) Board of Supervisors By-Laws – for review

On a motion by Mr. Womack and carried, the Board adopted the following Board of Supervisors By-Laws with the noted changes:

**CUMBERLAND COUNTY, VIRGINIA  
BOARD OF SUPERVISORS  
BY-LAWS**

**Statement of Intent and Purpose**

The intent of these By-laws of the Cumberland County, Virginia Board of Supervisors is as follows:

- (1). To establish ways and means by which the Board of Supervisors as the governing body of Cumberland County, Virginia shall conduct itself in the performance of its duties and responsibilities;
- (2). To establish certain procedures to be followed by the Board of Supervisors as individual members and as a governing body, and by appointed officials and employees of the Board of Supervisors, to help ensure legality, fairness and consistency in the conduct of governance of Cumberland County; and
- (3). To establish certain rules and guidelines considered vital to the conduct of the Cumberland County government and the proper functioning of its elected and appointed officials, employees, agencies, departments, organizations; and the promotion and protection of the interests of the citizens of the county.

To these ends these By-laws are so adopted.

**By-laws Definitions**

As used in these By-laws, the following terms are defined:

Action of Record: An action taken or decision made by the Board recorded in the Minutes of the Meetings. Action of Record may take the following forms:

- a. Motions and seconds with votes of the members of the Board recorded.
- b. Consensus agreement of the Board without vote by the Board.
- c. Directive of the Chairman in the exercise of that office during the conduct of an official meeting of the Board.

Advisory Board: Pursuant to § 15.2-1411 of the Virginia Code, a designated group of persons other than members of the Board formed by the Board for the purpose of undertaking work on matters germane to the interests of the Board or county.

Board: The Cumberland County Board of Supervisors.

Committee: Pursuant to § 15.2-1411 of the Virginia Code, a designated group of persons that may be formed by the Board for the purpose of undertaking work on matters germane to the interests of the Board or county.

County Code: The *Cumberland County Code*.

Directive: An exercise of discretionary authority granted to the Chairman from the Board empowering the Chairman as follows:

- a. To enforce the protocols of Article 8.5. of these By-laws for the conduct of business and discourse before the Board to ensure proper decorum, civility, fairness and order.
- b. To cause the removal of any person or persons without charge of civil or criminal offense for misconduct, disruption or disturbance of a meeting of the Board of Supervisors consistent with adopted policies and procedures of the Board;
- c. To charge any person or persons with civil or criminal offenses pursuant to federal, state or local laws for the misconduct, disruption or disturbance of a meeting of the Board.

Ex-officio: A form of membership or appointment to a body or group where the individual may participate in proceedings or discussions, but shall not serve in an official leadership capacity nor vote in an official manner.

Item of Business: A matter to be presented before the Board at an official meeting, specified on the Meeting Agenda or modification thereof, and which may be subject to an Action of Record.

Meeting or official meeting: Any Annual, Regular, or Special Meeting of the Board of Supervisors. The following terms may also be used to further define and specify purposes for meetings. Meetings as defined herein are not exclusive of each other and may be concurrently conducted.

a. Annual Meeting: Pursuant to § 15.2-1416 of the Virginia Code, the Board's first meeting in the month of January.

b. Joint Meeting: A Joint Meeting may be conducted simultaneously with one or more corporate and politic bodies for the purpose of review, inquiry and discussion of matters of mutual interest or in the interest of expedient disposition

of public business matters. Action of Record may be taken at said meeting, and a quorum of both the Board and other body(ies) is required to Call to Order and conduct a Joint Special Meeting.

c. Public Information Meeting: A Public Information Meeting shall be limited to the dissemination of information to and/or from the public where the Board of Supervisors will take no Action of Record at said meeting. A quorum of the Board of Supervisors is not required to Call to Order and conduct a Public Information Meeting. Public Information Meetings may be called in the name of the Board of Supervisors or administratively by the County Administrator or his designee.

d. Public Hearing: A public hearing shall be conducted at said meeting and the Board of Supervisors may take Action of Record on such matters as may arise from the Public Hearing. A quorum of the Board of Supervisors is required to Call to Order and conduct a Public Hearing.

e. Recessed Meeting: A meeting conducted at a date, place and time set by the Board of Supervisors as a continuation of a previously held meeting. A Recessed Meeting shall be scheduled no later than the date of the next Regular Meeting.

f. Rescheduled Meeting: A Rescheduled Meeting shall be for the purpose of conducting a meeting of the Board of Supervisors where, by virtue of necessity or at the discretion of the Board of Supervisors, the originally scheduled meeting cannot be conducted on its prescribed date or time or at its prescribed location pursuant to these By-laws. Action of Record may be taken on any Item of Business presented at a Rescheduled Meeting, and a quorum of the Board of Supervisors is required to Call to Order and conduct a Rescheduled Meeting.

g. Workshop Meeting: A Workshop Meeting shall be for the purpose of in-depth review, inquiry and discussion of specified Items of Business where Action of Record may be taken by the Board of Supervisors. A quorum of the Board of Supervisors is required to Call to Order and conduct said meeting. Workshop Meetings may also be called and scheduled for the purposes of presentations to the Board of Supervisors for educational and informational purposes.

Primary Motion: The first motion presented following informal discussion of any Item of Business at a Board meeting.

Substitute Motion: A motion presented succeeding and in lieu of a primary motion on any Item of Business at a Board meeting.

Virginia Code: The 1950 Code of Virginia, as amended.

### **Construction**

As used in these By-laws, the masculine shall include the feminine, and the singular the plural unless otherwise specified herein. The word "shall" is mandatory and not directory; the word "may" is permissive and discretionary. The word "approve" shall be considered to be followed by the words "or disapprove".



## **Article 1. General**

1.1. The County of Cumberland is a political subdivision of the Commonwealth of Virginia, and is bestowed all powers and authorities granted generally to counties without charters as set forth in the Virginia Code.

## **Article 2. Board of Supervisors**

2.1. The County of Cumberland is governed by a Board consisting of five (5) Supervisors elected from the citizenry of Cumberland County, one (1) Supervisor from each of the county's five (5) Election Districts. Terms of each Supervisor are for four (4) years and may be successive. Qualifications for election to the Board of Supervisors are prescribed in the Virginia Code and Election Districts shall be defined by ordinance and set out in the County Code.

2.2. The Board of Supervisors is the governing body of the County of Cumberland and exercises all powers and authorities granted generally to counties without charters as set forth in the Virginia Code.

2.3. The Board of Supervisors at its discretion may authorize by appropriate action and annually provide for such sums for their salaries and expenses as members of the Board pursuant to the Virginia Code.

## **Article 3. Officers of the Board of Supervisors**

3.1. Pursuant to § 15.2-1422 of the Virginia Code, the Board shall elect annually from its membership a Chairman and Vice-Chairman.

3.2. The term of office of the Chairman and Vice-Chairman shall be one (1) calendar year beginning at the end of the Annual Meeting at which they were elected through the end of the Board's next Annual Meeting the following calendar year.

## **Article 4. Election of Officers**

4.1. Election of officers of the Board shall be held at the Annual Meeting. In the absence of a quorum of the Board at the Annual Meeting, the current seated officers shall continue to exercise their offices until such time as a quorum is present at a subsequent Regular Meeting of the Board, at which time election of officers shall be held. The Board may defer election of officers to a Recessed Meeting from the Annual Meeting upon motion and vote of a majority of Board members present.

4.2. Election of officers of the Board shall be the first Item of Business after Reading and Approval of Minutes at the meeting when elections are to be held.

4.3. Nominations for officers shall be conducted in open session upon motion and second by Board members and acceptance of the nomination. A motion with

second and a majority vote of the Board members present is required to close nominations, at which time election of officers will be conducted in reverse order of the discussion of nominations. A majority vote of a quorum of the Board is needed to elect officers.

4.4. In the event of a tie vote during the election of officers, either by an abstaining vote or an even quorum of the Board present and voting, election of that officer shall be tabled to the next Regular Meeting of the Board and the Board shall proceed with other officer elections. In the event of a subsequent tie vote, a single blind lot drawing from the slate of seconded nominations shall select the officer. Officers selected in this manner shall be fully vested with all duties and powers accorded the office pursuant to the Virginia Code and these By-laws. The current seated officers shall continue to exercise their offices until new officers are elected or selected in this event.

4.5. Upon election of new officers, the new Chairman and Vice-Chairman shall preside at the first meeting and all other meetings during the term for so which elected.

#### **Article 5. Duties and Powers of Officers of the Board of Supervisors**

5.1. In accordance with accepted rules of order and parliamentary practice, the Chairman is to preside at all meetings of the Board. The Vice-Chairman shall act with the full power and authority of the Chairman in the absence of the Chairman at any meeting of the Board. In the absence of the Chairman and Vice-Chairman, the remaining Board members shall choose an Acting Chairman for the meeting. Where an Acting Chairman is needed for a meeting, the Board need not designate an Acting Vice-Chairman. Where used in these Bylaws, Chairman shall also be construed to mean Acting Chairman.

5.2. When the Board is engaged in official meetings, whether held in the Board of Supervisors Meeting Room or at some other location, the building and associated grounds constituting the meeting place are under the control of the Chairman for the orderly conduct of the meeting. In addition to the exercise of parliamentary powers, the Chairman or Acting Chairman is empowered to issue Directives that shall be recorded as an Action of Record in order to facilitate orderly conduct of meetings.

5.3. The Chairman of the Board is empowered to administer oaths pursuant to § 15.2-1410 of the Virginia Code and shall be the head of the county government pursuant to § 15.2-1423 of the Virginia Code.

5.4. The Chairman shall adhere to and is empowered to enforce the protocols of Article 8.5 during official meetings of the Board. The Chairman shall act as parliamentarian of the Board, and shall seek the advice of the County Attorney or, in his absence, the County Administrator in the interpretation of the

provisions of these By-laws and other established procedures for the conduct of meetings.

5.5. In the event of a vacancy in the office of Chairman due to death, resignation or removal from office as a member of the Board, the Vice-Chairman shall assume the position of Acting Chairman until a chairman is appointed. In the event of a similar vacancy in the office of Vice-Chairman, the most recent past Vice-Chairman of the Board shall assume the position of Acting Vice-Chairman. In the event of concurrent vacancies in both the office of Chairman and Vice-Chairman, the most recent past Chairman and Vice-Chairman shall respectively assume these offices. Election of new officers shall occur pursuant to Article 4 of these By-Laws at the first Regular Meeting after the vacancy on the Board has been filled pursuant to § 15.2-1424 of the Virginia Code. In this event, such newly elected officers shall serve until the next Annual Meeting of the Board. Officers selected in this manner shall be fully vested with all duties and powers accorded their office pursuant to the Virginia Code and these By-laws.

5.6. The Chairman shall be an ex-officio member of all Committees and Advisory Boards of the Board, privileged to attend and participate in all meetings of such Committees and Advisory Boards, including closed meetings, but shall not vote on Committee matters unless appointed as a Committee member.

#### **Article 6. Meetings of the Board of Supervisors**

6.1. The Annual Meeting of the Board shall be held on the second Tuesday of January. The Regular Meetings of the Cumberland County Board of Supervisors shall be on the second Tuesday of each month. These Annual and Regular Meetings shall be Called to Order at 7:00 p.m. and shall be held at Cumberland County Circuit Court Room in the County Courthouse Building on Rt. 60, Cumberland C.H., Virginia, however closed sessions for the regular meetings will be held at 6:00 p.m. The Annual and Regular Meeting date, place and time shall continue indefinitely unless changed by appropriate action of the Board.

6.2. The Board will attempt to complete all Items of Business at the Annual and Regular Meetings by 11:00 p.m. The Board may recess such meetings from day to day, or from time to time or from place to place not beyond the time fixed for the next Regular Meeting, until the business before the Board is complete.

6.3. If the Annual or any Regular Meeting day falls on a legal holiday, the meeting may be held on the holiday or rescheduled as determined by the Board by Action of Record taken at the Annual Meeting or any Regular or Special Meeting prior to the holiday. If rescheduled other than at the Annual Meeting, public notice shall be served pursuant to § 15.2-1416 of the Virginia Code.

6.4. Special Meetings of the Board may be approved and scheduled, or a Called Special Meeting conducted by the Board pursuant to § 15.2-1417 and § 15.2-1418 of the Virginia Code. A special meeting of the governing body shall be held when called by the chairman or mayor or requested by two or more of the members of the board of supervisors or council. The call or request shall be made to the clerk, and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk of the governing body, after consultation with the chairman or mayor, shall immediately notify each member of the governing body and the attorney for the Commonwealth or the county or municipal attorney, as appropriate in writing delivered in person or to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the governing body attend the special meeting or sign a waiver.

A Special Meeting may also be scheduled or called for specific purposes, as follows:

- a. Joint Special Meeting;
- b. Public Information Meeting;
- c. Public Hearing;
- d. Rescheduled Meeting;
- e. Workshop Meeting.

Special Meetings of the Board may be scheduled at the Annual Meeting for the calendar year and set out in the Operational Procedures of the Board.

6.5. The Annual, Regular and Special Meetings of the Board shall be open to the public. The Board reserves the right to enter into Closed Meeting pursuant to the Virginia Code at any official meeting.

6.6. Closed meetings will be restricted for those proper purposes enumerated in the Virginia Code and all Closed Meetings will be held in strict accordance with Virginia law.

6.7. No gathering of members of the Board of Supervisors, whether there be a number equal to or exceeding a quorum of the Board or a lesser number, shall be considered an official meeting of the Board unless such gathering takes place at a bona fide Annual, Regular or Special Meeting as set forth in these By-laws. No Action of Record may be taken on any matter outside of the time, place and location of an official meeting of the Board. Similarly when a quorum, (3) three or more members is gathered in one place outside an official meeting, those Board Members present may not discuss any past, current or future county business.

6.8. The Sheriff of Cumberland County shall, upon request, provide at least one (1) deputy to attend the Annual and Regular Meetings of the Board and, upon request of the County Administrator, at any other official meeting. When in attendance of any official meeting, deputies shall be under the direction of the Chairman of the Board during the period of the official meeting (including any brief recess thereof), and under the direction of the County Administrator, Acting County Administrator, or his designee during the period prior to the meeting's Call to Order and immediately upon final Recess or Adjournment of the meeting.

### **Article 7. Agendas for Board of Supervisors Meetings**

7.1. The Annual and Regular Meetings of the Board shall have a formal Meeting Agenda prepared by the County Administrator or his designee. The County Administrator at his discretion, and the County Attorney and Board members individually may by request to the County Administrator place matters of business on the Agenda for discussion, information and /or action by the Board as are germane to the affairs and interests of the Board and county. Agendas for Special Meetings are optional at the discretion of the Board of Supervisors or County Administrator.

7.2. The Order of Business of the Meeting Agenda for the Annual and Regular Meetings of the Board shall be generally as follows:

Closed meeting at 6:00 p.m.

Regular meeting 7:00 p.m.

1. Call to Order and Determination of Quorum
2. Roll Call of Members
3. Welcome, Invocation and Pledge of Allegiance
4. Approval of the Agenda
5. Public Hearing (if any)
6. Highway Matters
7. Presentations from Department/Agencies/Organizations
8. County Administrator's Report
  - Approval of Minutes
  - Approval of Warrants
  - Appointments
  - Appropriations
9. Assistant County Administrators Report
  - Economic Development
  - Update on Current County Projects
10. County Attorney's Report
11. Board Member Reports
12. Public Comments
13. Adjournment

Deviations from the Order of Business may be made at the discretion of the County Administrator during the preparation of the Meeting Agenda, and by the Board as a modification of the Meeting Agenda at the time of Approval of the Agenda. The Board by motion with second and majority vote of those present may eliminate any of the above items in the Order of Business for a specific meeting or meetings, or through the time of the next Annual Meeting in its entirety, and may also restore any item so eliminated or add other items by like Action of Record at any meeting.

7.3. A request for modification of the Meeting Agenda shall be made from the Board Table and only by members of the Board, County Administrator, or County Attorney. Approval of modification requires majority vote of Board members present. A modification made at the time of Approval of the Agenda shall be reflected in the Minutes of the Meeting at which the modification was made. Items scheduled for action on the Meeting Agenda may be deferred to a later time in the meeting by consensus agreement of a majority of Board members present. Items previously acted upon during the course of the meeting may be revisited at a later time in the meeting by a motion to reconsider with a second and a majority vote of Board members present. An item may not be reconsidered more than twice.

7.4. The Board shall take no Action of Record on any matter that is not on the Meeting Agenda unless a modification to the Meeting Agenda is requested at the time of Approval of the Agenda. Modification of the Meeting Agenda requires a majority vote of Board members present. Upon Approval of the Agenda, no further modifications may be made except as provided for in paragraph.

7.5. Closed Meetings and business matters brought before the Board under Board Member Reports exempt from the provisions of this paragraph.

7.6. The Meeting Agenda and supporting documents comprising the Meeting Agenda Book should be delivered to members of the Board a minimum of five (5) calendar days in advance of the meeting date. The supporting documentation should include recommendations on actions prepared by county administrative personnel and other county officials if a recommendation is available and appropriate. The Meeting Agenda Book may be rendered in electronic format for use by the Board at its discretion.

## **Article 8. Conduct of Meetings of the Board of Supervisors**

8.1. The Board shall generally follow Roberts' Rules of Order Newly Revised, Procedure in Small Boards but failure to follow Robert's Rules of Order shall not invalidate any Board action, the provisions of Article 8.4 notwithstanding. In following these rules of parliamentary procedure, the Board intends that special attention will be given to the following:

a. Protecting the rights of each individual member of the Board, county administrative employees and the public.

b. Preserving and ensuring a spirit of harmony and cooperation within the Board, and between individual Board members.

c. Allowing full and free discussion among the members of the Board in order to ensure that all viewpoints are considered prior to taking action on behalf of the county.

8.2. Where provisions of these By-laws differ from similar procedures established by Robert's Rules of Order, provisions of these By-laws shall prevail.

8.3. Repealed. (This section referenced seating at meetings for Board Members)

8.4. The following rules and procedures shall prevail at meetings of the Board:

a. A quorum of the Board is a majority of the membership comprising at least three (3) of the five (5) members of the Board. A quorum must be present to Call to Order and continue an official meeting and to take Action of Record.

b. The Chairman shall Call to Order an official meeting at the designated time and determine a quorum. If a quorum is not present at the designated time, the Chairman may direct a delay of up to fifteen (15) minutes in the start of the meeting at his discretion. Any further delay in the start of the meeting may be made only with the consensus agreement of the majority of those Board members present.

c. Should for any reason a quorum not be maintained continuously during any official meeting, the meeting shall adjourn at that time. A Board member's physical presence on the grounds of the location of the meeting shall be considered as being present at the meeting and satisfactory for the maintenance of a quorum. Board members shall notify the Chairman if required to leave the grounds of the location of the meeting, either temporarily or for the remainder of the meeting.

d. All informal and formal discussions of Items of Business and Actions of Record must be made from the Board Table. Any Board member away from the Board Table but maintaining physical presence at the meeting location at the time of an Action of Record will be counted as having cast an abstaining vote.

e. Informal discussion of an Item of Business by Board members is permitted while no primary or substitute motion is pending.

f. A second to a primary and substitute motion is not required in order to formally discuss and/or vote upon the motion. Voting shall be by show of hands. The Chairman shall verbally summarize the vote upon conclusion of an Action of Record, noting by individual name those Board members abstaining or voting in the minority on the Item of Business.

g. Any member of the Board may terminate debate or discussion of an Item of Business and call for a vote on a pending motion by "calling for the question" after being recognized by the Chairman.

h. An abstaining vote is neither an affirmative nor a negative vote and has no effect on the vote, or the status of the quorum.

i. A tie vote fails. The Board does not designate a tiebreaker pursuant to § 15.2-1421 of the Virginia Code.

j. A substitute motion will be voted on prior to the primary motion, in reverse order (i.e. the substitute motion will be voted on first). Only one (1) substitute motion will be considered prior to a vote on the primary motion.

k. The Chairman is authorized to speak in discussions, and can vote on all motions and/or all questions but may not call for the question or make a primary motion, substitute motion or second. The Chairman may temporarily relinquish the position and conduct him/herself as a member of the Board for the purpose of making a primary motion on an Item of Business. The Chairman may do so by passing the gavel to the Vice-Chairman or Acting Vice-Chairman prior to the start of discussion of an Item of Business. Upon completion of the Item of Business, the gavel shall be returned to the Chairman.

l. A primary motion may be amended prior to vote with the concurrence of the originating Supervisor of the primary motion, and with second. The amended primary motion is then treated as the primary motion, and not a substitute motion. A primary motion may not be amended if a substitute motion is pending until conclusion of vote on the substitute motion. An amendment to a primary motion opposed by the originating Supervisor shall not be voted on until action is taken on the original primary motion.

m. If a primary or substitute motion is made at a Board meeting where at least four (4) members are present and the motion is voted on and fails, the same or a substantively similar motion cannot be reconsidered by the Board during that fiscal year except by a primary or substitute motion made by a member of the Board who voted on the prevailing side where there are no less than four (4) Board members present, and only if two-thirds (2/3) of the Board members present vote to reconsider the motion again.



n. A primary or substitute motion may be made to tentatively act upon an Item of Business where a final Action of Record is anticipated at a later date. All Items of Business tentatively acted upon by the Board shall be considered bound by the tentative action if not otherwise reconsidered by the Board within three (3) calendar months of the date of the tentative action.

o. A motion to Table an Item of Business for consideration at a future meeting, or to remain Tabled indefinitely may be made either as a primary or substitute motion but not by consensus agreement. An action to Table an Item of Business to a later time within the same meeting may be passed by consensus agreement of a majority of Board members present.

8.5. The following protocols will be followed at meetings of the Board:

a. Official meetings of the Board are open to public observation and, as set out herein, public participation. When not addressing the Board and/or attending public as herein described, those present at an official meeting shall be respectful of the rights of others.

b. Board members are to be polite and courteous in addressing other members of the Board and all those present at Board meetings, and all Board members are to maintain proper decorum in their conduct at meetings of the Board (i.e., refrain from "name calling", derogatory remarks and other forms of personal affronts).

c. Those persons and organizations with Items of Business before the Board should be represented at an official meeting if so requested by the Board of Supervisors, individual members of the Board, the County Administrator, County Attorney, or any person acting on behalf of these.

d. Those persons and organizations with Items of Business before the Board may address the Board upon recognition and invitation of the Chairman to approach the Podium, where upon they shall identify themselves, any title and organization they represent, and provide a mailing address to facilitate any correspondence needed subsequent to the Item of Business. As a guideline, presentations to the Board pursuant to an Item of Business should be limited to ten (10) minutes. The Chairman at his discretion may end a presentation after such time has elapsed or may permit continuation of it. The Board by Action of Record may overrule the Chairman's decision in this regard.

e. The discourse of those presenting at the Podium shall be made part of the Minutes of the Meeting subject to Article 9 of these By-laws.

f. Those individuals of the public attending any official meeting of the Board of Supervisors without an approved Item of Business on the Meeting Agenda or modification thereof shall not be permitted at the Podium at any time other than

during the Open portion of a public hearing. No person shall address the Board during an official meeting from the audience unless recognized by the Chairman.

g. At any official meeting of the Board where a public hearing is set on the Meeting Agenda, or a Public Hearing of the Board pursuant to Article 6.4, the Chairman shall first permit general presentation and discussion of the matter of the public hearing from the Podium and/or from the Board Table. At the conclusion of such presentation/ discussion, the Chairman shall Open the public hearing and invite those of the public attending the meeting to the Podium to comment.

h. At the discretion of the Chairman, or with the consensus agreement of the majority of the Board, those speaking during the open portion of a public hearing may be limited to a specified length of time for comments at the Podium. The Chairman at his discretion may provide a verbal advisory to a speaker at the Podium when thirty (30) seconds remain of the specified time to conclude comments. During public hearings, speakers may address the Board only on matters pertaining or germane to the issue for which the public hearing is being held. No speaker is to engage in political statements, personal attacks upon members of the Board of Supervisors, county employees or officials, or any other person, nor are speakers entitled to use abusive language or discuss matters outside the issue for which the public hearing is being held. Violation of this rule shall enable the Chairman by directive to take appropriate measures to rule the speaker out of order and to have the speaker removed from the meeting, if necessary and take such other steps the Chairman deems appropriate, including bringing appropriate charges against the person and bringing the charges in the name of the Board of Supervisors.

i. No discourse at a public hearing, whether during general presentation and discussion or during the Open portion of the hearing is required to be entered into the Minutes unless conducted at the Podium.

j. Repelled (section addressed decorum during public comments)

k. Repelled (section addressed decorum during public comments)

l. Upon conclusion of speakers at the Podium, the Chairman shall close the public hearing. A motion with second and majority vote of a quorum of Board members present at a public hearing shall overrule the Chairman's decision to close the public hearing or to limit speakers, in which event speakers may continue until the Board by majority vote ends the public hearing. A motion with second and majority vote of a quorum of Board members present shall also close the public hearing in this event. An Action of Record may be taken at the close of a public hearing at the discretion of the Board. Board Member Reports shall facilitate the presentation of comments, reports and proposed Items of Business

not otherwise part of the Meeting Agenda by individual Board members in round table fashion. Matters may be presented for information, discussion and action and/or scheduled for further consideration as an Item of Business at a future meeting of the Board. When speaking during Board Member Reports, Board members shall be limited to ten (10) minutes, at which time the Chairman may at his discretion suspend further presentation from the Board member and request action by consensus agreement of Board members present at the Board Table to permit additional time to conclude the presentation. No Board member shall yield time or place under Board Member Reports to any other Board member or other person. No member of the Board shall have any other position reserved for them on the Meeting Agenda other than under Board Member Reports.

8.6. The Board may at its discretion adopt specific rules and procedures relative to the conduct of certain types of public hearings other than those set forth in this Article. Such specific rules and procedures shall be adopted in the manner prescribed for amendment of these By-Laws set forth in Article 13 and shall become part of these By-Laws upon adoption. Where a public hearing is conducted by another party on behalf of or before the Board, the rules and procedures governing that public hearing shall be as prescribed by the party conducting it.

#### **Article 9. Minutes of the Meetings of the Board of Supervisors**

9.1. At all official meetings of the Board at which a quorum is present Minutes of the meeting shall be taken and shall be approved by the Board and recorded in the office of the Cumberland County Administrators Office.

9.2. Public Information Meetings and Workshop Meetings as defined in these By-laws may be recorded as Minutes at the direction of the Board. At any such meeting where an Action of Record is taken, Minutes shall be taken and approved by the Board and recorded.

9.3. Pursuant to § 15.2-1536 and § 15.2-1538 of the Virginia Code, the County Administrator shall serve as Clerk of the Board and shall carry out the duties specified in § 15.2-1539 of the Virginia Code. The County Administrator may designate a Recording Clerk to take and prepare the Minutes of the Board and to assist in the exercise of the office of Clerk of the Board. Minutes shall be prepared on the basis of both written notes and audio recordings. Where technically possible, audio recordings shall be made of all official meetings of the Board, subject to the provisions of Paragraph 9.2 of this Article. The specific language of the Minutes of any given meeting shall be at the discretion of the County Administrator, who shall endeavor to render the Minutes in the most accurate and neutral way possible. The County Administrator shall review and correct all Minutes prior to dissemination to the Board for adoption.

9.4. The Board may at its discretion generally prescribe the form and content of the Minutes of its meetings in keeping with professionally accepted standards for it. At minimum, the Minutes shall contain the styling of the Item of Business stated on the Meeting Agenda or modification thereof, the Action of Record, the vote by individual member or consensus expression of the Board, or directive of the Chairman. Where practical, a brief synopsis of any discussion of the Item of Business shall also be included.

9.5. Minutes of any meeting shall generally be presented at the next or following Regular Meeting of the Board where at least five (5) working days exist between the successive meetings.

9.6. Minutes shall not be considered official until approved by the Board and recorded. After approval of the Board but prior to recordation, the County Administrator may make additions or corrections to the Minutes that do not materially affect the substance or content of the Minutes. These include, but are not limited to: correction of mis-spellings, typographical errors and incorrect grammar; page renumbering; clarification of content and errors of omission. Should evidence of an error in a recorded vote be discovered after approval but prior to recordation, the County Administrator shall attempt to verify it and correct by the best available means, including corroboration by individual Board members and other reliable witnesses to the meeting.

9.7. Should an error or evidence of an error in the Minutes of any Meeting of the Board be discovered after recordation, the County Administrator shall bring the error before the Board at the next official meeting as is practical. The Board by vote of a majority of those members present at the meeting at which the error was made shall correct the Minutes by amendment. Members of the Board not present at said meeting shall abstain from voting on the correction. Should no majority of Board members present at the meeting in which an error was made in the Minutes be or remain seated as members of the Board, a majority vote of the presently seated Board members shall then correct the Minutes by amendment.

9.8. Amendment to the recorded Minutes of any Meeting shall be entered as an Action of Record in the Minutes of the Meeting at which the amendment was made. In addition and where practical as determined by the County Administrator or Recording Clerk, the recorded Minutes shall be altered to include the amendment, either by insertion of a new, corrected page in sequence or by separate Amendment Addendum at the beginning or first page of the recorded Minutes of the Meeting to be corrected. Whether by insertion of a new corrected page or by Amendment Addendum, the correction shall be clearly documented as a correction of previously recorded Minutes, indicating the first date of recordation, the date of Board action to amend the Minutes, and the date of recordation of the amended Minutes.

9.9. When audio recordings of Board meetings are made, the County Administrator shall cause their preservation for a period of time not to exceed two (2) calendar years from the date of the meeting, at which time they may be discarded. Where preserved, audio recordings shall be considered publicly accessible without charge upon prior appointment for review through the office of County Administrator.

9.10. When video recordings of Board meetings or portions thereof are made, the preservation of said recordings shall be at the discretion of the County Administrator. The Board may at its discretion direct the preservation of specific recordings, and the County Attorney may request preservation of specific recordings only if such recordings are needed to support legal proceedings, pending or anticipated.

9.11. Verbatim transcription of the proceedings of any meeting in its entirety shall not be undertaken except by majority vote of the Board and only in instances where excerpted verbatim transcriptions of a portion or portions of the proceedings are insufficient to address the need. Any verbatim transcription generated, whether of an entire meeting or portion(s) thereof, shall not be adopted or made part of the official Minutes of any meeting.

9.12. Individual members of the Board and the County Attorney may request excerpted verbatim transcription of a portion or portions of any meeting through the County Administrator. If requested by a member of the Board, the County Administrator and/or the Recording Clerk will make a reasonable effort to generate a requested transcription prior to any subsequent meeting of the Board; the generation of such transcription is subordinate to the preparation and review of the Minutes and other duties and responsibilities of the involved personnel. A request by the County Attorney shall be made only if such transcription is needed to support legal proceedings, pending or anticipated. The County Administrator at his discretion may make any verbatim transcription requested generally available to all members of the Board.

9.13. Unapproved Minutes shall be released publicly upon incorporation into and completion of the Meeting Agenda Book. At the discretion of the County Administrator, unapproved Minutes may be released publicly at an earlier time; availability of completed unapproved Minutes shall not compel release at such earlier time.

9.14. No recording device shall be used during any Closed Meeting of the Board unless the majority of the members of the Board present at the meeting vote to allow recording of the Closed Meeting. Any such recording shall remain in the sole custody of the County Administrator, County Attorney, Chairman or other member of the Board designated by the Board.

## **Article 10. Appointments of the Board of Supervisors**

10.1. The Board at its discretion may, and where required and in accordance with the Virginia Code or other law, shall from time to time establish and make appointments of its members and other persons to various positions, groups, organizations, committees, advisory boards and other bodies, both formal and informal, for such purposes as are in the interest of the Board and county.

10.2. Except as otherwise provided in these By-laws or other law, appointments of the Board may be made at any official meeting upon motion with second and majority vote of a quorum of the Board and recorded as an Action of Record.

10.3. Except as otherwise provided by Action of Record or by law, all appointees of the Board shall be authorized and expected to represent the interests of the Board and county in all matters to which their appointment is charged.

10.4. Except as otherwise provided by law, all appointments of the Board shall discharge their duties with diligence, and may be removed prior to the end of the term of said appointment by motion with second and majority vote of a quorum of the Board and recorded as an Action of Record. Any vacancy in an appointment shall be filled in the manner as the original and for the remainder of the original term of the appointment.

10.5. Pursuant to § 44-146.19 B. 2. of the Virginia Code, the Board at the Annual Meeting shall appoint one of its members or the County Administrator to be Director of Emergency Services of the county. The Director shall serve in that capacity until the next Annual Meeting, at which time he may be reappointed or a successor appointed at the pleasure of the Board. A vacancy in the Director's position may be filled by a majority vote of the Board at any Regular or Special Meeting. The Director may be removed from that position and a successor appointed to fill the remainder of the original term by majority vote of the Board at any official meeting. During an impending or declared state or local emergency, in the absence of the Director of Emergency Services, the Chairman or Vice-Chairman of the Board shall assume the duties and responsibilities of that position pursuant to the Virginia Code. In the event either the Chairman or Vice-Chairman is the Director, the County Administrator shall serve as the third designee to assume responsibility in the absence of the Chairman or Vice-Chairman. In the absence of the Chairman, Vice-Chairman and County Administrator, any member of the Board may act in the capacity of Director of Emergency Services until such time as one of these three officials is able to assume the position. The Director of Emergency Services or any member of the Board acting in such capacity shall exercise only those powers granted in § 44-146.21 of the Virginia Code. The Emergency Services Coordinator of the county shall be an administrative employee of the office of County Administrator, subject to the personnel policies of the Board.

10.6. The Board shall officially recognize no prerogative of any of its members to make or nominate appointments to any group, organization, committee, advisory board or other body except in accordance with the provisions of these By-laws or other law.

**Article 11. Committees and Advisory Boards of the Board of Supervisors**

11.1. Pursuant to § 15.2-1411 of the Virginia Code, the Board may at its discretion establish Committees of the Board and Advisory Boards by Resolution and vote of a majority of the Board members at any official meeting. Committees may be solely composed of members of the Board or may be jointly composed of Board members and other individuals appointed or otherwise authorized to participate in Committee activities. Board approval of such other individuals is not required unless specified by Resolution. Advisory Boards shall be composed persons other than members of the Board and may include other individuals appointed by Advisory Board members to participate in Advisory Board activities. Board approval of such other individuals is not required unless specified by Resolution. Board members may be appointed as ex-officio members of Advisory Boards.

11.2. A Resolution establishing any Committee shall state the purpose and scope of activities of the Committee, including any specific responsibilities for and grant of authority to pursue the matter for which it has been established. The Resolution shall state the composition of the members of the Committee, either by name or title, and may designate who shall chair the Committee, by name or title. No member of the Board shall be appointed to a Committee if not present at the meeting at which appointments are made. A majority vote of a quorum of the Board is needed to appoint Committee members.

11.3. Unless otherwise specified within the establishing Resolution, Committees shall be reestablished and Committee appointments made at each Annual Meeting of the Board. Failure to reestablish dissolves the Committee as of adjournment of the Annual Meeting. Appointments to Committees may be for successive terms.

11.4. Unless otherwise specified within the establishing Resolution, Committees shall organize and direct their own affairs in the manner that their members deem appropriate to the matters that they are charged. These include, but are not limited to, adoption of Committee by-laws or procedures, designation of Committee officers, the taking of Minutes of Committee meetings, the appointment of sub-committees or working groups, solicitation of assistance in pursuit of Committee matters, and such other things as deemed appropriate by Committee members.

11.5. Meetings and activities of Committees shall be open to the public. Any Committee, when conducting business matters which are exempt from public disclosure pursuant to the Virginia Code may sequester itself for all or a portion

of the Committee meeting at which such matters are being discussed.

11.6. Advisory Boards shall be subject to the provisions governing Committees of the Board as set forth in this Article.

11.7. The Board at its discretion may establish compensation for all Committee and Advisory Board members not to exceed fifty (\$50.00) dollars per meeting pursuant to § 15.2-1411 of the Virginia Code. Such compensation shall be specified in the Resolution establishing the Committee or Advisory Board, subject to Board appropriation of funds. Unless specified, no Committee or Advisory Board member shall receive compensation.

11.8. Committees of the Board and Advisory Boards shall only be established pursuant to this Article. Nothing herein shall be construed so as to prevent meetings or consultations by and between members of the Board, county administrative officials and employees and other parties for the purpose of pursuing matters of interest to the Board and county which are otherwise consistent with Virginia law.

## **Article 12. Offices of County Administrator and County Attorney**

12.1. Pursuant to § 15.2-1536 of the Virginia Code, the Board shall appoint a County Administrator and a County Attorney. The County Administrator and County Attorney shall be employees of the Board, serving at the pleasure of the Board, and shall have their compensation established by the Board.

12.2. The County Administrator shall be the chief administrative officer for the county pursuant to § 15.2-1540 of the Virginia Code. The County Administrator shall exercise all powers, duties and responsibilities pursuant to § 15.2-407 and § 15.2-1541 of the Virginia Code and in accordance with the County Code and Board policies.

12.3. The County Attorney shall exercise all powers, duties and responsibilities pursuant to § 15.2-1542 of the Virginia Code and in accordance with the County Code and Board policies.

12.4. In the event of vacancy in the office of County Administrator due to death, resignation or removal from office, the Assistant County Administrator shall assume responsibility as Acting County Administrator until such time as the Board shall again fill that office. At the Board's discretion upon motion and vote of a majority of Board members at any Regular or Special Meeting, a county administrative employee other than the Assistant County Administrator may be designated as Acting County Administrator. The Assistant County Administrator is designated Deputy Clerk of the Board pursuant to § 15.2-1502 of the Virginia Code for the limited purpose of serving as Clerk to the Board in the temporary absence or unavailability of the County Administrator.



12.5. In the event of vacancy in the office of County Attorney due to death, resignation or removal from office, the Board may engage the services of private legal counsel to serve in the capacity of Acting County Attorney until such time as the Board shall again fill that office. In the event of the temporary absence or unavailability of the County Attorney, the Board authorizes the County Administrator at his discretion to engage the services of private legal counsel as necessary to represent the Board and county.

**Article 13. Adoption and Amendment of By-laws of the Board of Supervisors**

13.1. Upon adoption, the provisions of these By-laws shall take effect immediately and shall continue until amended or re-adopted. The full text of these By-laws shall be made part of the Minutes of the Meeting at which they were adopted.

13.2. Amendment to these By-laws may be made as an Item of Business on the Meeting Agenda or modification thereof at any Regular Meeting, Adjourned Meeting, Special Meeting, Called Special Meeting, and/or Rescheduled Meeting of the Board. Amendment to these By-laws shall be by vote of a majority of Board members and recorded as an Action of Record. Unless otherwise specified, any amendment is effective upon adoption; no amendment shall be made retroactively effective. The full text of an amendment to these By-laws shall be made part of the Minutes of the Meeting at which they were adopted.

**Article 14. Limitations of By-laws of the Board of Supervisors**

14.1. If any provision or requirement of these By-laws be found inconsistent with the provisions of the Virginia Code, the County Code, or any other law or statute, it shall be deemed void. In this event, all remaining provisions of these By-laws shall remain in full force and effect.

**Article 15. Adoption and Amendment of General Policies and Operational Procedures of the Board of Supervisors**

15.1 The Board may from time to time adopt such other General Policies and Operational Procedures as it deems necessary and appropriate to its conduct and to matters under its charge, such policies and procedures being consistent with these By-laws and other law.

15.2. Matters that the Board may address by General Policies and Operational Procedures generally shall be those not otherwise addressed by law but which are material to the conduct, operation and interests of the Board or county.

15.3. Adoption and amendment of General Policies and Operational Procedures shall be made in a manner similar to that prescribed for the By-laws of the Board as set out in Article 13 and subject to the limitations set out in Article 14 herein.

Vote: Mr. Osl – aye  
Mr. Petty – aye  
Mr. Heaton – aye

Mr. White – aye  
Mr. Womack – aye

f) Resolution in recognition of local military

On a motion by Mr. White and carried, the Board adopted the following resolution:

RESOLUTION  
RECOGNITION OF LOCAL MILITARY

WHEREAS, Virginia has over 1,000 soldiers assigned to engineering, maintenance, and security missions in Iraq; and

WHEREAS, Battery B, 2<sup>nd</sup> Battalion, 111<sup>th</sup> Field Artillery, Virginia Army National Guard, Farmville, Virginia has been deployed on a security mission in Iraq; and

WHEREAS, this mission is the first deployment of the unit since World War II and is expected to last eighteen to twenty-four months; and

WHEREAS, the men unquestioningly answered the call of duty while leaving behind family, school, and work to serve on this mission,

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Supervisors is humbled by the dedication and commitment of soldiers from Battery B, 2<sup>nd</sup> Battalion, 111<sup>th</sup> Field Artillery, Virginia Army National Guard, Farmville, Virginia, and those from throughout the nation.

BE IT FURTHER RESOLVED that the Board of Supervisors encourages all Cumberland County residents to support the soldiers and their families in thoughts and prayers.

Adopted this 8<sup>th</sup> day of February 2005.

Vote: Mr. Osl – aye  
Mr. Petty – aye  
Mr. Heaton – aye

Mr. White – aye  
Mr. Womack – aye

It was the consensus of the Board of Supervisors to have the adopted resolution printed in the local newspapers.

6. Assistant County Administrator's Report

a) Project Updates

The Assistant County Administrator reported that engineering field studies are beginning at the Cobb's Creek reservoir site. Ms. Swinson stated that wetland data information has been collected and is expected to be confirmed in mid-February. Also, the partnership invitation for the reservoir project has once again been extended to Powhatan County, who is consulting with the Department of Environmental Quality to project their future water needs.

b) CEDS – Piedmont Planning District Commission – Adopt Resolution

Ms. Swinson, Assistant County Administrator explained that this is a mandatory step to ensure eligibility for Economic Development Administration funding. The Piedmont Planning District Commission helps oversee the administration of CEDS activities for Planning District 14.

Ms. Swinson stated that employment totals determine how much EDA funding a locality will receive and to despite the County's considerable poverty level, employment levels are consistently higher than many other counties around the state. She encouraged the Board of Supervisors to take steps to have EDA address and potentially amend these stipulations.

The Board of Supervisors asked Ms. Swinson to draft a letter to Virgil Goode concerning these issues.

On a motion by Mr. Osl and carried, the Board adopted the following resolution:

RESOLUTION

WHEREAS, Cumberland County is desirous of maintaining its status as a designated Economic Development Center under Economic Development Administration (EDA) guidelines:

WHEREAS, Cumberland County has elected to be covered by the 2005 Comprehensive Economic Development Strategy (CEDS) as prepared by the Piedmont Planning District Commission.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors endorses the above described program and accepts its coverage for assistance in improving the economy of Cumberland County.

This resolution was adopted at a meeting of the Cumberland Board of Supervisors, held on February 8, 2005.

Vote: Mr. Osl – aye

Mr. White – aye

Mr. Petty – aye

Mr. Womack – aye

Mr. Heaton – aye

- c) Looking our best award

Ms. Swinson stated that the County has received a recent “Looking Our Best Award” from the Farmville Area Chamber of Commerce for recent renovations to the Courthouse green.

- d) Litter Prevention Program

Ms. Swinson has contacted Piedmont Regional Jail about assigning inmates to help with the cleanup of County roadways. The County would have to pay for an armed guard to oversee the inmates. Each year the County receives a litter grant in the amount of \$5,000.00 for projects of this nature.

## 7. County Attorney’s Report

- a) Proposed Amendment to County Ordinance

The Board of Supervisors requested that the County Attorney draft a proposed amendment to the County ordinance to require re-zoning requests to come before the Board of Supervisors before being referred to the Planning Commission. The Planning Commission would hold a public hearing on the proposed amendment and forward to the Board of Supervisors for another public hearing. The proposed amendment is intended to improve the County’s procedural time-table for rezoning requests.

- b) Elected School Board Clearance

The County Attorney stated that the County had received clearance from the Justice Department to allow elected school boards.

8. **Board Members**

Mr. Osl asked Ms. Swinson, about the potential of refurbishing the old well of the Courthouse green.

Ms. Swinson stated that the proposed streetscape project would include that renovation.

Mr. Osl acknowledged the 2004 accomplishments of the Board of Supervisors which are listed below:

CUMBERLAND COUNTY  
BOARD OF SUPERVISORS  
2004 ACCOMPLISHMENTS

IMPROVED SERVICES

We sought to be responsive to citizens' needs by improving county services with no change in our tax rates:

1. Provided sheriff department staffing to meet round the clock operations
2. Extended landfill hours
3. Identified and funded improvements at CYL for lighting and safety
4. Modernized voting machines
5. Approved twice per year tax collection and revised due dates
6. Launched team to plan for county wide emergency services communication
7. Found and funded new home for the Clothes Closet
8. Approved new Randolph Fire Department
9. Launched review of DMV Office for County

EDUCATION

We forged a relationship with the School Board and Administration to substantially improve our existing facilities, improve the quality of education and develop a plan for possible new middle and high school facilities:

- Completed work session with School Board to develop long range facilities plan
- Funded all State Fire Marshall and Cumberland Building Inspector improvements
- Fully funded School Budget
- School fully participates in Capital Improvement Plan
- Launched development of a Cash Proffer system
- Approved development of the Luther P. Jackson Education Center

## PLANNING/ZONING

We focused on establishing goals that will prepare us for the future while dealing with the realities of today:

- Began significant update of Comprehensive Plan
- Approved revision of nine major ordinances
- Worked to improve our regional capabilities with the Piedmont Planning District and VA Heartland

## COMMUNITY DEVELOPMENT

We worked to identify economic opportunities, improve our existing assets and our quality of life and focus development in specific areas of the County:

- Approved Route 60 Streetscape/Corridor Study
- Developed and approved a Water and Sewer Advisory Board
- Nurtured the Reservoir project and identified specific economic benefits
- Established new criteria and revised the Six Year Plan process with VDOT
- Continuing High Bridge rails to trails and Village Water system
- Approved the Civil Rights in Education Heritage Trail
- 110 new business licenses and 90+ jobs
- Seeking to extend Rural Broadband Initiative to Courthouse

## INTERNAL EFFICIENCIES

We intend to continuously improve the cost of County government:

- Performed in house five year financial forecast
- Implemented twice per month payroll
- Launched comprehensive personnel audit
- Launched review of revenue recovery from insurance companies for EMS
- Revised Health Insurance programs to improve service and coverage while reducing cost

Mr. White stated that the Museum Board is currently working to acquire authorization to receive both monetary and artifact donations.

Mr. Petty asked if there is a process whereby new property owners along the sewer line could be notified that a sewer fee will be charged, even if they are not hooked to the system. The County Attorney will look into this and bring a recommendation to the Board at the next meeting.

Mr. Womack stated that there will be a pancake supper held at the Randolph Fire Department on February 18, 2005 starting at 4:30 p.m.

Mr. Heaton requested that the County Attorney investigate the necessary steps to establish a gross receipt tax for commercial companies such as forestry companies, those with large residential holdings (30-40 homes), etc. Mr. Heaton also stated that the County needs to address the safety concerns of the fire tower. Mr. Heaton expressed disappointment that the Planning Commission had not proposed funding for E-911 markers until 2008.

## **9. Public Comments**

There was a citizen who complained that she had called "911" on January 5, 2005 at approximately 1:30 a.m. She stated that the response time was not acceptable and asked the Board to take some action to correct the problems with our 911 system.

Another citizen stated that the rifle hunting issue is going in the right direction.

## **10. Closed Meeting**

**On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(7) contract modification re: water reservoir project and A-1 personnel.**

The Board returned to regular session on a motion by Mr. Osl.

A motion was made by Mr. Osl and adopted by the following vote:

Mr. Osl – aye  
Mr. White – aye  
Mr. Petty – aye  
Mr. Womack – aye  
Mr. Heaton - aye

that the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Cumberland County 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, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

**11. Additional Information**

N/A

**12. Adjourn**

The Chairman ordered the meeting adjourned until Tuesday, February 15, 2005 for a budget work session in the Old Clerk's Office.

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Chairman

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County Administrator