

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 11th day of October 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 Ownby, County Administrator
Sandy Sullivan, Deputy Clerk

Absent: Sherry Swinson, Assistant County Administrator

The Chairman called the meeting to order and the Deputy Clerk called the roll.

The invocation was led by Mr. Petty and the pledge of allegiance was led by the Chairman.

1. Approval of Agenda

On a motion by Mr. Osl and carried, the Board approved an addendum to the agenda as follows:

5. County Administrator's Report

- g) Consider reappointment of Roland Gilliam to PC for three year term

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

2. VDOT - Alan Leatherwood, Resident Engineer

Due to conflicting schedules, no representative from VDOT was present.

On a motion by Mr. Osl and carried, the Board agreed to hold a public hearing on the six-year plan at the regular November 2005 Board meeting.

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

3. Public Hearings

a) Tax Exemption Ordinance

The County Attorney explained the purpose of the public hearing.

The Chairman opened the public hearing with there being no speakers and the Chairman closed the public hearing.

Following Board discussion, it was the consensus of the Board of Supervisors to table the decision until the County Attorney submits the requested changes at the regular November 2005 Board meeting.

b) Ordinance re: Criminal Background checks on employees and appointees

The County Attorney explained the proposed ordinance.

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

AN ORDINANCE AMENDING CHAPTER 2 OF THE CUMBERLAND COUNTY CODE TO ADD NEW SEC. 2-61 TO ARTICLE III "OFFICERS AND EMPLOYEES" TO ALLOW CRIMINAL BACKGROUND CHECKS OF APPLICANTS FOR PUBLIC EMPLOYMENT OR VOLUNTEER SERVICE, EXCLUDING VOLUNTEER FIRE AND RESCUE VOLUNTEERS.

WHEREAS, the Board finds the following ordinance to be in the interest of the health and welfare of the citizens of Cumberland County.

NOW THEREFORE, BE IT ORDAINED, that the Cumberland County Code be, and it is hereby, amended to add new Sec. 2-61 to Article III "Officers and Employees" of Chapter 2 as follows:

Sec. 2-61. Request from Virginia Central Criminal Record Exchange.

In order to determine whether, in the interest of public welfare and safety, an applicant for public employment or volunteer service, excluding volunteer fire and rescue

volunteers, may be disqualified from such employment or volunteer service by reason of a criminal record, the county administrator, or her designee, may request from the Virginia Central Criminal Record Exchange a criminal record check of each applicant for county employment, each applicant for employment under contract with any county agency, each applicant for employment by any agency or intergovernmental authority of which the county is a member, and each applicant for county volunteer service whose anticipated duties and responsibilities will involve (i) access to public records or to personal information, (ii) accountability of public funds, (iii) access to county supplies, (iv) entry into secured areas outside of working hours, (v) law enforcement investigations conducted under color of law, (vi) right of entry onto private property, or (vii) child care or assistance to the elderly or disabled.

Sec. 2-62. Consideration of applicant's criminal history.

The county administrator or her designee may review an employment applicant's criminal history record to determine whether the conviction record, if any, of the applicant is compatible with the nature of the employment under consideration and may review the criminal history record of volunteer service applicants, except for fire and rescue service volunteers, for the same purpose. Such criminal history record information obtained shall be considered confidential and shall be used solely to assess eligibility for public employment or volunteer service and shall not be disseminated to any person not involved in the assessment process.

Effective Date: October 11, 2005

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

4. Departments/Agencies

- a) Emergency Services Committee report and discussion of responses to RFP

Kevin Ingle stated that responses were received to the RFP for radio communications equipment and the Emergency Services Committee recommends that the Board

of Supervisors award a contract to Pro Comm. Funding for this project will come from grant funds.

On a motion by Mr. White and carried, the Board approved the contract with Pro Comm to move forward with the radio communications project as recommended by the Emergency Services Committee.

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

b) LEPC report - Jerry Giles

Mr. Giles gave a brief summary about the committee and stated that the committee is in the process of updating its operations manual and would like to see a mock disaster drill conducted each year. Mr. Giles stated that the county has two certified shelters, with one being the Cumberland Elementary School and the other being the Cartersville Rescue Squad building.

c) Director of Public Works - Jerry Giles
1) Status of water tank

Mr. Giles updated the Board on the status of the water tank that is currently under construction, stating that the 250,000 gallon tank is scheduled to be completed by November 16th.

2) Auction - Sat. Oct. 1, 2005

Mr. Giles stated that the County grossed \$17,000.00 in sales from the auction held on October 1, 2005.

d) Technology Advisory Committee (establishment) Aaron Hickman

Mr. Hickman asked the Board to approve the establishment of a Technology Advisory Committee and stated that the committee will act strictly as an advisory unit.

On a motion by Mr. Womack and carried, the Board established a Technology Advisory Committee.

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

The following are the appointed members:

Aaron Hickman, Van Petty, Cliff White, Judy McReynolds, Ralph Mullins and Elizabeth Jamerson

- e) Extension Office - David Smith (resolution requesting designation of disaster due to lack of rainfall and drought-like conditions

David Smith, Extension Agent, asked the Board to consider adopting a resolution requesting the Governor to designate Cumberland County as a disaster area due to lack of rainfall and drought-like conditions over the last few months.

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

WHEREAS, the lack of rainfall and increased daily temperatures during 2005 caused a decrease in production, quality, and yields on forages (pastures and hay), corn, and soybeans, and

WHEREAS, the current weather conditions have limited area agricultural producers in maintaining and establishing fall forage crops and, resulting in a decrease in animal weight gains and production, and

WHEREAS, Virginia Cooperative Extension Service agents and U.S. Agricultural representative have estimated crop losses in Cumberland as follows:

Crop	Acreage Affected	Yield Loss	Economic Loss
Corn grain	500	50	53,075.00
Corn Silage	1400	50	578,200.00
Soybeans Full Season	200	50	32,410.00
Soybeans Double Cropped	100	75	13,176.00
Pasture	31500	50	236,250.00
Hay	26500	50	5,059,687.50
Chickens	8000 birds		52,800.00
		Total losses	\$6,025,599

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors requests that the Governor of Virginia designate Cumberland County as an agricultural disaster area.

Adopted the 11th day of October 2005.

Vote: Mr. Osl - aye Mr. White - aye
 Mr. Petty - aye Mr. Womack - aye
 Mr. Heaton - nay

5. **County Administrator's Report**

a) Consent Agenda

The County Administrator explained each item in the consent agenda and on a motion by Mr. Womack and carried, the Board approved the following items as presented:

1. Approved minutes for 7:00 p.m. on September 13, 2005.
2. Approved bills for October 2005 totaling \$211,171.51 and ratified bills for September 2005 of warrants totaling \$236,523.88 with check numbers ranging from 45756 to 45969. Direct Deposit totaling \$93,308.85.
3. Adopted County-owned car use Agreement

CUMBERLAND COUNTY
Motor Vehicle Safety Policy

1. Purpose

- To establish eligibility criteria, including appropriate training, for assignment of employees to positions in which the operation of vehicles is required.
- To establish a mandatory review of driving records of certain applicants and of employees to whom vehicles are assigned, who operate County vehicles (including "pool" vehicles) or whose job descriptions require driving, to ensure continued compliance with established criteria.
- To provide for the review of circumstances relating to motor vehicle accidents occurring during the operation of vehicles in the course of conducting County business.
- To authorize the County Administrator to issue and enforce additional regulations consistent with this Policy promoting vehicle safety, including details of acceptable procedures for vehicle assignment, use and operation, education of drivers, and accident reporting and investigation.

2. Applicability

- This Policy applies to employees of Cumberland County to whom vehicles are assigned, who operate County vehicles (including "pool" vehicles) or whose job descriptions require driving or a valid driver's license.

- Employees of the Department of Social Services, Community Services Board and constitutional officers meeting the criteria set out in paragraph 1 above, with the exception of the Sheriff's Office, shall be subject to the Policy. This policy shall not apply to the Cumberland County Public Schools.

3. Driver Eligibility Criteria and Record Review

- Prospective Employees
Candidates selected for interviews for positions to which a vehicle is assigned or which require driving or the possession of a valid driver's license shall give authorization for access to their driving records from the Division of Motor Vehicles ("DMV Record"). Those prospective employees must meet the criteria set out below as reflected by the DMV Record; provided that, if the department head deems it advisable to recommend hiring of a candidate who does not meet the criteria, the department head shall present a request and written statement to the Director of Human Resources ("the Director"). The statement shall detail the reasons for a recommendation that the candidate be hired and indicate how the individual's ineligibility may be accommodated on a temporary basis. The director shall review and approve or disapprove the request.

- Current Employees
Current employees to whom a vehicle is assigned, whose job descriptions require driving or

possession of a valid driver's license, or who drive a County vehicle, must meet the criteria set out below, as reflected in the DMV Record. Failure to maintain/meet eligibility requirements for positions that require driving can result in discipline up to and including possible termination.

- Criteria for Eligibility

1. Prospective and current employees subject to this Policy shall be required to meet the criteria set out in this Section.
2. Employees subject to this Policy shall have a valid Virginia driver's license appropriate for the class of vehicle operated by the employee. The privilege of being assigned a vehicle, driving a County vehicle, or operating a vehicle in a position requiring driving or a valid driver's license shall be denied in the case of applicants, or suspended or terminated, for those individuals with any conviction of a felony involving the operation of a motor vehicle, or with a current DMV Record reflecting accumulation of DMV demerit points in excess of (-3), or shows pattern of driving or convictions (reckless driving or DUI) or physical condition is found by the department head and the Director to jeopardize the safe performance of County

operations. Additional actions may be taken regarding any employee who fails to meet this standard, as determined appropriate by the department head and the Director, in accordance with the regulations governing personnel management.

3. The County Administrator may suspend or terminate driving privileges of any employee charged with an offense involving operation of a motor vehicle if the Director determines after suitable investigation that continued driving would jeopardize the safe conduct of County operations.

4. DMV Record Reviews

- The Director shall obtain and review the record of all employees subject to this Policy, at least annually, the employee and the department head shall be notified of either continued eligibility or failure to meet the applicable criteria, and shall be provided with a copy of the DMV Record upon request.
- The Director shall also obtain and review the DMV record of any employee subject to this Policy who is involved in an accident while driving an assigned or other County vehicle, and when an employee subject to this policy is involved in an accident in the course of conducting County business.

- At the time of hire, new employees subject to this Policy shall provide authorization for access to DMV records. Current employees shall also provide authorization. Employees' authorization forms shall be maintained in the personnel files.
- All records obtained pursuant to this Policy shall be confidential personnel records.

5. Guidelines for Maintaining Eligibility

- Suspension/Revocation/Ineligibility - Upon the suspension or revocation of an employee's license by any court or by the Division of Motor Vehicles, the privilege of the employee subject to this Policy to operate a county vehicle or to drive in the course of carrying out job duties shall be immediately suspended. Such suspension shall last for the duration of suspension or revocation of the employee's license.
- Accommodation - The department head, in consultation with the Director, may elect to alter an employee's responsibilities or otherwise accommodate the employee during the period of a suspension or other ineligibility, for failure to meet the criteria established by this Policy. Prior to the end of any suspension or period of ineligibility, the employee must complete any training

required by the Director, at his/her own expense. The employee must send proof of successful completion to the Director.

- Further Action - If the employee's eligibility to operate a motor vehicle is suspended or revoked or if he/she becomes ineligible to drive pursuant to this Policy and the employee's restrictions cannot be accommodated within his/her responsibilities, the department head, after consultation with the Director, will determine whether further disciplinary action up to and including termination is required.

6. Responsibility for Compliance;
Reporting Requirements

All employees subject to this Policy shall be responsible for conducting themselves in accordance with the Policy and any Regulations adopted pursuant to the Policy. All employees subject to this Policy shall immediately report all accidents involving a County vehicle or occurring during the course of County business, to the supervisor, and shall adhere to the Accident Reporting Policy prescribed by the Director. All employees subject to this Policy shall immediately report the following to the supervisor, who shall consult with the department head as to appropriate action:

- All license suspensions and revocations;
- All traffic and motor vehicle related offenses and convictions.

7. Accident Investigation

When an accident occurs involving an employee subject to this Policy, while the employee is carrying out County business or driving a County vehicle, the Safety and Risk Manager shall obtain information from the investigating officer and other appropriate sources, and shall forward a written report to the Director. Each accident will be deemed avoidable/non-avoidable. Avoidable accidents should result in an appropriate action such as driver training and/or discipline. The Director shall also obtain the current DMV Record and conduct any further investigation deemed necessary. The Director and the department head shall review the circumstances of the accident and any appropriate personnel actions shall be conducted in accordance with the Regulations governing personnel management.

8. Regulations

In order to promote the purposes of this Policy, the County Administrator shall have the authority to promulgate and enforce Regulations consistent with this Policy, governing implementation of this Policy and prescribing additional requirements and procedures for the assignment, use and operation of vehicles in the course of the conduct of County business, for the investigation of accidents occurring during the course of the conduct of County business, and for the purpose of promoting vehicle safety. This Motor Vehicle Safety Policy shall not be construed to supercede or limit the Regulations governing personnel management, nor the authority of the County administration to take all actions necessary, including termination of employees, to promote the safe conduct of County business.

9. Other Regulatory Requirements

County operations shall be conducted in accordance with all federal, State and local laws and regulations pertaining to motor vehicles, including those applicable to employees possessing commercial driver's licenses.

4. Adopted revision to personnel manual

2. QUALIFICATIONS FOR APPOINTMENT

2.1 RECRUITMENT

The County Administrator's office shall publicize vacancies, encourage qualified county employees to apply for vacant positions and seek new applicants.

Vacancies will be advertised for a minimum period of one week in newspapers of general circulation. Closing dates for each position will be specified at the time of the announcement of the vacancy. If a position has been advertised within the previous three months, the county may choose not to re-advertise when such position becomes vacant. A qualified applicant may be chosen from those obtained from the previous advertisement.

If a position has been previously advertised, but no applicant was chosen due to the belief that no applicant was qualified or the responsibilities of the position have changes, the vacancy may be re-advertised.

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

b) Board recommendations to Circuit Court Judge for appointment to Equalization Board (District 5)

On a motion by Mr. Heaton and carried, the Board recommended Carlton M. Spain to the Circuit Court Judge for appointment to the Equalization Board for District 5.

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

- c) Appointment to Water & Sewer Advisory Committee - District 5

A recommendation will be made at the November Board meeting.

- d) Appointment to Central VA Health Planning Agency

There were no nominations for this appointment.

- e) Quarterly budget report FY 2005-06

The County Administrator submitted the quarterly budget report to the Board of Supervisors and reported that expenditures were within the appropriate range.

- f) Designate representative to cast vote(s) at VACO Annual meeting

On a motion by Mr. Womack and carried, the Board appointed William Osl, Jr., Chairman to vote at the VACO annual meeting and appointed Van Petty, Vice Chairman as alternate.

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

- g) Consider reappointment of Roland Gilliam to PC for 3-year term

On a motion by Mr. Heaton and carried, the Board re-appointed Roland Gilliam to serve a three term expiring September 2008 to the Planning Commission.

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

6. **Assistant County Administrator's Report**

- a) Update on projects

The Assistant County Administrator was not present.

The County Administrator stated that the Department of Game and Inland Fisheries reported that Lake Chesden will be stocked with striped bass.

7. **County Attorney's Report**

- a) Ordinance/resolution to provide for implementation of 2004-05 changes to the PPTRA of 1998- specific relief

The County Attorney explained the proposed ordinance/resolution and stated that he is working with the Treasurer and the Commissioner of Revenue on this issue. This item will be discussed in November.

8. **Board Members**

Mr. Petty stated that he attended a Recognition Program at the Cumberland Fire Department for Firemen and volunteers to show appreciation for their hard work. Mr. Petty also stated that Meals-on Wheels will begin delivering meals on October 12th to six families.

Mr. Womack stated that the Randolph Fire Department will be holding a Halloween function on October 30th, which will include hayrides and all are invited to attend. He also stated that he is very thankful for the recent rain.

Mr. White inquired about the part-time Recreation Director position that was included in the budget. The County Administrator said she thought we were working out a partnership with the YMCA of Farmville, however, Mr. White said this did not work out. He asked that we go ahead and advertise for the position, for which funding has been appropriated. He also said he would like to see a job description for the Code Enforcement Officer/Biosolids Monitor. This will be presented to the Board at a later date.

Mr. White would also like the County to check into purchasing a backup generator at the school bus shop so that in the event of a power outage fuel can still be dispensed to Sheriff and emergency services personnel. County staff will research and bring information to the Board.

Mr. White stated that he and Mr. Osl hope to meet with the Library Board on October 17th and that Ms. Pedrick is resigning from the Library Board effective December 31st.

Mr. Heaton inquired about the quotes for 911 markers and stated that he would like to have some kind of recognition for Mr. Pfeiffer for his years of service to the community.

The County Administrator stated that she had sent the 911 marker information to the Board by e-mail and will resend the information to the Board members.

Mr. Osl stated that he had the pleasure of attending various meetings throughout the month of September, one of which was the EMS picnic. Volunteers were recognized and presented with duffle bags displaying a Cumberland County Emergency Services logo. He also attended a Planning Commission workshop which focused on land use, growth management issues, and future land use mapping.

9. Public Comments

There were no speakers.

10. Additional Information

Draft of VACo's 2006 Legislative Program

11. Adjourned

The Chairman ordered the meeting recessed until October 12th at 1:00 p.m. in the Old Clerk's Office, for closed session re: A-3 consideration of the acquisition of real property for a public purpose.

Chairman

County Administrator