

At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 13<sup>th</sup> day of January, 2011, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1  
Timothy Kennell, District 2  
Van Petty, Chairman, District 3  
Elbert Womack, District 4  
Robert Oertel, Vice Chairman, District 5  
Howard Estes, County Attorney  
Judy Ownby, County Administrator  
Jill Matthews, Assistant County Administrator  
Mike Cooper, Assistant County Administrator  
Stephany Johnson, Deputy Clerk

Absent: Andrew Sorrell, Zoning Administrator

Supervisor Kennell called the meeting to order and the County Administrator called the roll.

The invocation was lead by Supervisor Petty, and the Pledge of Allegiance was led by the Supervisor Kennell.

**1) Approval of Agenda-**

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

2. Organizational Matters
  - a) Election of Chair/Vice-Chair  
(County Administrator will handle the elections)
  
5. Departments/Agencies
  - a) VDoT
    - 1) Monthly Status Report
    - 2) Draft letter to VDoT regarding construction projects

6. Assistant County Administrator/Finance
  - a) Consent Agenda
    - 4) Appropriation of \$131 to IDA fund and conditional appropriation of \$243,750
  - c) Request for authorization to reduce contribution checks to outside agencies by the amount of outstanding fuel bills due to the county.
7. Director of Planning
  - c) Board of Zoning Appeals Re-appointment
10. County Attorney
  - b) Redistricting Committee information
12. Additional Information
  - g) Business License Annual Report for 2010
  - h) Building Inspections Annual Report for 2010

Vote: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

**2) Organizational Matters-**

- a) Election of Chair/Vice-Chair

The 2010 Chairman, Timothy Kennell, turned the meeting over to Judy Ownby, County Administrator, for election of the 2011 Chairman. Ms. Ownby stated that last year, the Board adopted a policy to rotate the position of Chair to the next district. This year the position would go to district 3. She then opened the floor for nominations. Supervisor Womack nominated Supervisor Petty for Chairman. With no other nominations, the County Administrator closed the nominations.

The County Administrator called for a vote on the nomination of Supervisor Petty for Chairman. On a motion by

Supervisor Womack and carried, the Board elected Supervisor Petty as the 2011 Chairman:

VOTE: Mr. Osl – aye Mr. Kennell – aye  
Mr. Petty – aye Mr. Womack – aye  
Mr. Oertel – aye

The County Administrator opened the floor for nominations for Vice-Chairman. Supervisor Kennell nominated Supervisor Oertel for Vice-Chairman. With no other nominations, the County Administrator then closed the nominations. On a motion by Supervisor Kennell and carried, the Board elected Supervisor Oertel as 2011 Vice-Chairman:

VOTE: Mr. Osl – aye Mr. Kennell – aye  
Mr. Petty – aye Mr. Womack – aye  
Mr. Oertel – aye

The County Administrator then turned the meeting over to the Chairman.

b) Appoint County Administrator as Clerk to the Board

On a motion by Supervisor Womack and carried, the Board appointed County Administrator, Judy Ownby, as Clerk to the Board of Supervisors:

VOTE: Mr. Osl – aye Mr. Kennell – aye  
Mr. Petty – aye Mr. Womack – aye  
Mr. Oertel – aye

c) Set date and time of regular meetings

On a motion by Supervisor Oertel and carried, the Board agreed to continue to hold the regular meetings of the Board on the second Tuesday of each month at 7:00 p.m. in the Circuit Courtroom:

VOTE: Mr. Osl – aye Mr. Kennell – aye

Mr. Petty – aye    Mr. Womack – aye  
Mr. Oertel – aye

d) Review Board By-laws

On a motion by Supervisor Osl and carried, the Board adopted the By-Laws as presented:

**CUMBERLAND COUNTY, VIRGINIA  
BOARD OF SUPERVISORS  
BY-LAWS  
Amended February 9, 2010  
and Re-Adopted January 13, 2011**

**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 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 discretionary; 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 immediately upon being elected at the Annual Meeting until the election at 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 at the Annual Meeting when elections are to be held. It is the policy of the Board that both the position of Chairman and Vice-Chairman of the Board rotate among the Supervisors in order of Election District Number assignment. Further, in keeping with this policy, the Vice-Chairman, after the selection of a new Chairman, would serve in the succeeding year as Chairman. For example, District 5 Supervisor shall succeed District 4 Supervisor as Chairman and District 1 Supervisor would serve as Vice-Chairman. Should a Supervisor decline the nomination of Chairman or Vice-Chairman, the rotation would proceed to the next Supervisor in the rotational order.

4.3. Nominations for officers shall be conducted in open session upon motion by Board members and acceptance of the nomination. A motion with 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 that 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 for shall be on the second Tuesday of each month. These Annual and Regular Meetings shall be Called to Order at 6:00 p.m. and shall be held at Cumberland County Circuit Court Room in the County Courthouse Building on Rt. 60, Cumberland C.H., Virginia.

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 requested by two or more of the members of the board of supervisors. 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, shall immediately notify each member of the Board and the county 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 Board of Supervisors 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 Board or 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 (her) 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:

1. Call to Order and Determination of Quorum
2. Roll Call of Members
3. Closed Meeting
4. Welcome, Invocation and Pledge of Allegiance
5. Approval of the Agenda
6. Public Hearing (if any)
7. Public Comments(optional)
8. Highway Matters
9. Presentations from  
Department/Agencies/Organizations
10. County Administrator's Report
11. Assistant County Administrators Report
12. County Attorney's Report
13. Board Member Reports
14. Public Comments
15. Closed Meeting(optional)
16. 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 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 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.

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

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. The Chairman may temporarily relinquish the position. 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. 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. Upon conclusion of speakers at the Podium, the Chairman shall close the public hearing. A motion 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 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 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 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.

--- NOTHING FOLLOWS ---

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye    Mr. Womack – aye  
Mr. Oertel – aye

e) Review Code of Ethics and Standards of Conduct

On a motion by Supervisor Womack and carried, the Board adopted the Code of Ethics and Standards of Conduct:

**CODE OF ETHICS AND STANDARDS OF CONDUCT**

**FOR MEMBERS OF  
THE CUMBERLAND COUNTY BOARD OF  
SUPERVISORS**

*Revised February 12, 2008  
Re-adopted January 13, 2011*

**CODE OF ETHICS**

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Cumberland County Board of Supervisors should adhere to the following Code of Ethics.

- 1.) Uphold the Constitution, laws and regulations of the United States and all governments therein and never knowingly be a part of their evasion.
- 2.) Put loyalty to the highest moral principles and to the county as a whole above loyalty to individuals, district, or particular groups.
- 3.) Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
- 4.) Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
- 5.) Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, Country of origin or disability.
- 6.) Avoid adopting policies, supporting programs, or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, Country of origin, or disability

7.) Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges, to any one whether for remuneration or not. A member should never accept for himself or family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

8.) Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on a public duty.

9.) Engage in no business with the County Government, or the school system either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.

10.) Never use any information gained in confidentiality in the performance of governmental duties as a means of making private profit.

11.) Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.

12.) Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with the sensitive personnel, legal matters, contractual matters by the Code of Virginia.

13.) Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues, citizens or personnel, impugning their integrity, or vilifying their personal beliefs.

14.) Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.

15.) Review these principles orally and in public session at the annual organizational meeting each year.

16.) Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

### **STANDARDS OF CONDUCT**

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Board of Supervisors should adhere to the following Standards of Conduct:

1.) Avoid during public meetings and during the performance of public duties the use of abusive, threatening, or intimidating language or gestures directed at colleagues, citizens, or personnel.

2.) Pay all taxes due to the County, State, or National Government.

3.) Avoid a private lifestyle that causes public doubt upon the integrity and competence of the County Government.

4.) Make a conscientious effort to be well prepared for each meeting.

5.) Recognizing the dignity of each individual, the Board shall attempt to avoid offering public criticism of colleagues or County employees.

6.) Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.

7.) Maintain an attitude of courtesy and consideration toward all colleagues and staff during all discussions and deliberations.

8.) Be tolerant. Allow citizens, employees or colleague's sufficient opportunity to present their views.

9.) Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel, or colleagues.

10.) Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

11.) Provide appropriate mechanisms for disciplining members who violate the code of ethics and standards of conduct by using, as a final measure of discipline, censure or removal from the position.

12.) Board members will follow the procedure of communicating directly with the County Administrator and/or the Chairman of the Board on all County matters.

### **CITIZENS AND MEDIA CONTACTS**

1.) In responding to questions, from the media or citizens, Board members should:

a.) Remind the listener that they are not speaking for the entire Board;

b.) Clarify their position on a particular item;

c.) Make “no public comment” on closed session matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.

2.) Each Board member must remember that personnel matters are to remain confidential and that it is the obligation of the Board and its membership to protect the privacy of the individual.

3.) The Board will focus on issues and avoid making public comments about individuals, staff members, fellow Board members, community residents or media representatives. The Board Chairman should be the main contact for County matters. When requested to do any interview, the Board member asked, should contact the Chairman and the County Administrator to tell them of the nature of the interview. In turn, they will tell the other Board members of the circumstances of the interview. This procedure does not preclude any member from responding to individual questions from the media.

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

f) Review Committee appointments

On a motion by Supervisor Osl and carried, the Board made administrative updates to the committee appointments to reflect current VDoT, School and staff representatives:

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

(A full listing of the Committees, Commissions, and Boards is in the official Board file for January 13, 2011.)

g) Review goals and priorities

On a motion by Supervisor Kennell and carried, the Board adopted the goals and priorities as amended:

**CUMBERLAND COUNTY  
BOARD OF SUPERVISORS  
2011 GOAL/PRIORITIES**

- Attract selected business/industrial development
- Continue implementing technology infrastructure – including wireless hot spots
- Create jobs
- Identify needed senior programs
- Build a greater presence with the general assembly
- Encourage volunteer recognition/reward program
- Establish parks & recreation areas including playground equipment
- Conduct retreats – improve working relationships
- Help with school budget without increasing tax burden
- Expand satellite SVCC campus
- Implement Comprehensive Plan
- Conduct periodic reviews with surrounding communities
- Complete plan for Community Center
- Encourage Longwood University expansion into Cumberland
- Identify and approve rural preservation/agricultural areas
- Leverage High Bridge trail for economic development

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

**3) Public Comments-**

One citizen questioned the amount of County debt service. Another citizen provided the Board with a pledge not to raise taxes and asked them to sign it.

4) **Public Hearings -**

- a) Amendments to Chapter 2, Section 2-60 to provide for personnel management and administration of County employees

County Attorney, Howard Estes, reviewed the proposed Code Amendment. After some Board discussion, the Chairman opened the public hearing. One citizen spoke in opposition of the proposed Code Amendment. The Chairman then closed the public hearing.

After more Board discussion, Supervisor Oertel made a motion to table any decision on this Amendment until the next regular meeting of the Board:

VOTE: Mr. Osl – nay      Mr. Kennell – nay  
Mr. Petty – nay    Mr. Womack – nay  
Mr. Oertel – aye

On a motion by Supervisor Osl, and carried, the Board adopted CA 11-01 as amended:

BOARD OF SUPERVISORS OF THE  
COUNTY OF CUMBERLAND, VIRGINIA  
RESOLUTION

ADOPTING AMENDMENTS TO THE CODE OF CUMBERLAND  
COUNTY:  
CODE AMENDMENT 11-01

AN ORDINANCE AMENDING Chapter 2 of the Cumberland County Code, specifically adding Section 2-60 to provide for personnel management and administration of county employees

**January 13, 2011**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland Courthouse, Virginia commencing at 7:00 p.m., January 13, 2011, the following action was taken following a duly held public hearing during

which time County staff provided a review of the code amendment proposal and members of the public offered comment:

On a motion made by Supervisor Osl, it was moved that the Board of Supervisors of Cumberland County approve and adopt, in accordance with the following Resolution, an ordinance amending the Code of Cumberland County, Virginia to prescribe certain authority of the county administrator over personnel management and administration;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

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<u>Present:</u>	<u>Vote:</u>
Timothy M. Kennell	aye
Robert J. Oertel	aye
William F. Osl, Jr.	aye
Van H. Petty	aye
Elbert R. Womack	aye
<u>Absent:</u>	None

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**WHEREAS**, the Board of Supervisors of Cumberland County Virginia seeks to provide an equitable and uniform personnel management and administration system for all county employees; and

**WHEREAS**, the Board proposes an amendment to the Code of Cumberland County, Virginia which said amendment provides for a new Section 2-60 in Chapter 2 of the Code which prescribes

certain duties and responsibilities of the county administrator for personnel management and administration, including management of compensation and incentive plans and employee benefit programs, as shown on the attached new section of the County Code which by this reference is made a part hereof (the "Code Amendment"); and

**WHEREAS**, the Board of Supervisors duly advertised and held a public hearing on January 13, 2011; and

**WHEREAS**, the Board of Supervisors carefully considered the testimony and evidence presented at the public hearing in support or opposition to the proposed Code Amendment; and

**WHEREAS**, in its review of the Code Amendment, the Board of Supervisors gave reasonable consideration to furthering the goals of the County, its citizenry and general welfare;

**WHEREAS**, after discussion, staff presentation and due deliberation with respect to such information, including information and materials presented at this public hearing, and the comments in support or opposition to the proposed Code Amendment, the Board of Supervisors desires to affirm its findings and to take action with respect to the Code Amendment;

**NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:**

- a. The foregoing recitals are hereby incorporated by this reference.
- b. Upon consideration of the proposed Code Amendment, testimony, staff remarks, and public comment, the Board of Supervisors adopts and approves the Code Amendment numbered 11-01 to amend the County Code of Cumberland, Virginia as set forth in the specific ordinance text as attached to this Resolution.
- c. This Resolution and the Code Amendment adopted thereby are effective immediately and any foregoing acts consistent herewith are hereby ratified and approved.

**County Code of Cumberland County, Virginia – January 13, 2011**

**Add the following provisions:**

**Sec. 2-60 Personnel management and administration.**

(a) The county administrator shall serve as head of personnel management of the county and may delegate or designate duties and responsibilities to management employees for personnel administration.

(b) The county administrator shall have the following functions and responsibilities:

(1) To give leadership and to issue procedural instructions and interpretations of the code and personnel policies and regulations to department heads and other officials to ensure that the personnel function is administered in accordance with law, regulations and sound principles of public personnel management.

(2) To ensure compliance with equal employment opportunity laws and regulations and to conduct open and competitive recruitment of qualified personnel for county employment.

(3) To enter into agreements with other public departments or agencies (local, regional, state or federal) for the joint administration of personnel matters necessary or resulting therefrom.

(4) To maintain a position classification plan and to prepare and recommend to the board amendments to the plan.

(5) To maintain an employee compensation plan and to prepare and recommend to the board amendments to the plan. The compensation plan shall provide for the payment of bonuses not to exceed four percent of an employee's salary on an annual basis to those employees who are at the maximum rate of pay in

their pay grade and who, following their annual performance review, met or exceeded the performance standards set for the award of such bonuses.

(6) To administer the payroll system.

(7) To maintain a roster of central personnel records for all employees which shall specify as to each such person the class title of all positions held; the current salary or pay rate; any changes in class title, salary or pay; records of performance evaluations, formal disciplinary actions, commendations or awards.

(8) To develop and administer a system of employee performance evaluation and to make information about individual employee performance available when requested in connection with appeals or grievance hearings.

(9) To provide and administer a grievance system as required by state law, and to investigate alleged violations of county ordinance, personnel policies and regulations and other laws and regulations applicable to personnel administration with the county government.

(10) To administer all employee benefits programs which may be established by ordinance, under personnel policies and regulations or by a plan adopted by resolution of the board and to amend such programs or plans at the direction of plan administrators or by operation of law.

(c) Notwithstanding any other provision of this code to the contrary, and in addition to any other provisions thereof, the board authorizes, subject to the availability of appropriated funds, the payment of monetary incentives, awards and bonuses to employees in the county service for exceptional services rendered by employees. Such incentives, awards and bonuses may be offered and paid for such exceptional services as defined in the procedural directives issued by the county administrator or his/her designee, including, but not necessarily limited to, any or all of the following purposes:

(1) Individual incentive awards,

- (2) Special recognition awards,
- (3) Organization-wide awards,
- (4) Outstanding performance awards, and
- (5) Spot incentives/awards.

The county administrator shall administer the incentive award and bonus program and shall establish the types of incentives, awards and bonuses and the types of exceptional services for which they may be granted, the amount of particular incentives, awards and bonuses, and the selection criteria and process for particular incentives, awards and bonuses.

VOTE:      Mr. Osl – aye      Mr. Kennell – aye  
              Mr. Petty – aye      Mr. Womack – aye  
              Mr. Oertel – aye

**5) Departments and Agencies -**

a) VDoT

1) Monthly Status Report

The Board reviewed the emailed status report as there were no representatives present.

2) Draft letter to VDoT re: construction projects.

The County Administrator provided the Board with a draft letter to the VDoT Director of Transportation and Land Use with concerns the Board has regarding construction projects in the County. It was suggested that the letter be addressed to the Secretary of Transportation, with copies to other VDoT officials, including the representative on the Commonwealth Transportation Board.

On a motion by Supervisor Osl and carried, the Board authorized the County Administrator to send a letter to VDoT representatives with concerns regarding construction projects in the County:

VOTE: Mr. Osl – aye Mr. Kennell – aye  
Mr. Petty – aye Mr. Womack – aye  
Mr. Oertel – aye

b) Alice Metts – Report on 2010 Christmas Mother Program

Alice Metts gave a detailed report on the 2010 Christmas Mother Program and informed the Board that the Committee helped 503 children. She thanked the Board for providing a room at the Community Center to conduct the necessary work for this program. Mr. Petty thanked the Committee and all of the volunteers for their service for the citizens of Cumberland County.

c) Dr. Amy Griffin, Superintendent of Schools

Dr. Griffin provided the Board with, and reviewed, a report regarding areas of focus for the 2010-2011 school year.

(A copy of the report is in the official Board file for January 13, 2011)

6) **Assistant County Administrator/Finance**

a) Consent Agenda-

- 1) Approval of minutes for December 2010
- 2) Approval of Bills- December 2010 and January 2011  
Approved bills for January 13, 2011 total \$73,764.90. Ratified bills for December 2010 of warrants total \$196,827.83. Ratified bills for January 2011 of warrants total \$251,539.00 with check numbers ranging from 60390-60673. Direct deposits total \$228,524.77.
- 3) Appropriation of funds for bonus approved in November
- 4) Appropriation of \$131,250 to IDA fund – grant funds from the Tobacco Commission for the ARR, LLC project and conditional appropriation of \$243,750 (expected to be received prior to the next Board meeting)

On a motion by Supervisor Osl and carried, the Board approved the consent agenda as amended:

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

b) Monthly Budget Report

Assistant County Administrator, Jill Matthews, reviewed the budget report. The Board members had no questions.

c) Request authorization to reduce contribution checks to outside agencies by amount of outstanding fuel bills

Assistant County Administrator, Jill Matthews, requested authorization to reduce the amount of a contribution check for an outside agency by the amount of outstanding fuel bills that are due to the County:

On a motion by Supervisor Womack and carried, the Board authorized the Assistant County Administrator to reduce a contribution check for an outside agency by the amount due for outstanding fuel bills:

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

7) **Planner/Zoning Administrator-** In Mr. Sorrell's absence, Assistant County Administrator, Michael Cooper, reviewed Mr. Sorrell's agenda items for the Board.

a) Monthly report of Planning Commission activity/actions

N/A

b) RA-1 Update

Mr. Cooper reviewed a Memo in response to the Board's directive to review and provide a recommendation on how to address the Recreation Area Access (RA-1) zoning district, which included a timeline for the review process by the Planning Commission and staff.

c) BZA Re-appointment

Mr. Cooper informed the Board that Mr. Lynn Ayers' term expires February 1, 2011, and he has expressed a desire to be reappointed.

On a motion by Supervisor Oertel and carried, the Board recommends the Circuit Court Judge appoint Mr. Lynn Ayers to the Board of Zoning Appeals for a term expiring January 31, 2016:

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

**8) County Administrator's Report –**

a) Consider Eric Gilbert for position of County Fire Marshall

County Administrator, Judy Ownby, reviewed some additional information regarding certifications needed for a County Fire Marshall that would require a commitment of funds.

It was the consensus of the Board to table any action, and discuss this during budget workshops.

b) Battlefield Preservation Conference

Ms. Ownby informed the Board that Mr. John Butler has agreed to attend the Conference as the representative of Cumberland County.

c) Recycling Committee appointments and change to by-laws

On a motion by Supervisor Osl, and carried, the Board approved the amendments to the Recycling Committee By-laws, and appointed Corrie Hurt, Tim Torrez, and Eric Spencer to the Recycling Committee for a term expiring January 31, 2014, :

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

(A copy of the revised by-laws is in the official Board file for January 13, 2011)

**\*\*\* These by-laws will be amended at the February 8, 2011 Board meeting\*\*\***

- d) VACo request for contribution of \$1,000 to help fight proposed legislation to alter assessment and appeals process

The Board directed the County Administrator to notify VACo that their diligence last year in defeating this legislation is greatly appreciated and asked that VACo continue working to defeat any legislature of this nature that is introduced. The Board did not appropriate any funds at this time.

## **10) Assistant County Administrator/Community Development**

Update on projects

- 1) Waterline Extension Project

County Staff has received the final draft plans, and are moving forward with the project.

- 2) Workshop with SVCC

Mr. Cooper thanked those who attended the workshop for their insight and ideas on how to continue to work together with SVCC to benefit the County residents.

11) County Attorney's Report -

- a) CA 11-02 regarding golf carts

County Attorney, Howard Estes, informed the Board that a Code Amendment is needed to define allowable uses of utility vehicles and golf carts on state maintained roads. Mr. Estes suggested that this item be set for public hearing.

On a motion by Supervisor Kennell and carried, the Board set a public hearing for Code Amendment CA 11-02 regarding use of golf carts and utility vehicles on state maintained roads for February 8, 2011:

VOTE: Mr. Osl – aye      Mr. Kennell – aye  
Mr. Petty – aye      Mr. Womack – aye  
Mr. Oertel – aye

- b) Redistricting Information

County Attorney, Howard Estes, informed the Board that the Commonwealth Regional Council has offered to continue to assist the County with GIS data elements needed for any changes in the districting lines. County Administrator, Judy Ownby, will attend a meeting at by the CRC regarding the applicable software.

Mr. Estes is currently gathering names for the Redistricting Committee. The make-up of the committee from the last redistricting included each Board member, the County Administrator, the County Attorney, the County Registrar, the County Planning Director, the Deputy Clerk to the Board, a citizen from each electoral district, the Chairmen of the Democratic Party, Republican Party and the NAACP.

On a motion by Supervisor Osl, and carried, the Board agreed to authorize each Board member to appoint a citizen to the Redistricting Committee from each Board member's district and ratify the appointments at the February 8, 2011 regular Board meeting:

VOTE: Mr. Osl – aye Mr. Kennell – aye  
Mr. Petty – aye Mr. Womack – aye  
Mr. Oertel – aye

**12) Board Member Comments-**

Supervisors Osl, Kennell, Womack and Oertel congratulated Supervisor Petty as the 2011 Chairman of the Board.

Supervisor Osl thanked the Board members and County staff for their thoughts and prayers during the loss of his father.

Supervisor Petty thanked the Board members for their support, and looked forward to working with them with an open dialogue

**13) Additional Information**

- a) Treasurer's Report
- b) Building Inspections Report for December 2010
- c) DMV Report – December 2010
- d) Recycling Report – December 2010
- e) VACo's 2011 Legislative Priorities
- f) Planning Commission 2011 Calendar
- g) Business License Annual Report for 2010
- h) Building Inspections Annual Report for 2010

**14) Adjourn**

With no additional business to come before the Board, the Chairman adjourned the meeting until the next regular meeting of the Board scheduled for Tuesday, February 8, 2011.

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Chairman

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County Administrator