

## MEETING #2 – January 10

At a Regular Meeting of the Madison County Board of Supervisors on January 10, 2012 at 3:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: J. Dave Allen, Chairman  
Doris G. Lackey, Vice-Chairman  
Jerry J. Butler, Member  
Pete J. Elliott, Member  
Jonathon Weakley, Member  
V. R. Shackelford, III, County Attorney  
Teresa Miller, Finance Director  
Jacqueline S. Frye, Secretary

### **1. Regular Meeting Agenda**

Chairman Allen called the meeting to order and noted that all members are present and a quorum was established.

### **2. Pledge of Allegiance & Moment of Silence**

The Board of Supervisors commenced their meeting with the Pledge of Allegiance and a moment of silence.

Chairman Allen welcomed Supervisor Lackey and Supervisor Weakley.

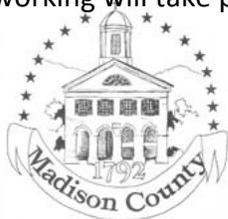
Chairman Allen advised that during the 2012 Organizational Meeting, the Board decided to change the meeting format and not require the Department Heads and Constitutional Officers to verbally provide a report. Furthermore, all offices submit a written report to the Board, these are posted to the County website, and therefore, the Board will leave these listings as permanent items on the Agenda in the event someone may have an issue they'd like to bring before the Board during the meeting session. In closing, the Chairman asked if any of the Department Heads had anything to bring before the Board at this time.

### **3. Monthly Reports**

#### **a. Department Heads:**

#### **Chamber of Commerce:**

Tracy Williams-Gardner, Director of Tourism, was present and advised that two (2) workshop sessions will be held at Prince Michel Vineyards on February 16, 2012 in which networking will take place to promote the tourism business. Additionally, she has



reviewed a contract on behalf of the Madison Tourism Committee and has incorporated a few changes – this contract will be forwarded to Teresa Miller, Finance Director, shortly. After further review, it was decided that a search program would be implemented costing about \$8,000.00 over a four (4) month period. In closing, she advised that the Madison Tourism Committee has scheduled a meeting on Wednesday, January 18, 2012 at the Shenandoah KOA.

**b. Constitutional Officers (if necessary):**

None.

**c. VDOT (if necessary):**

Dave Cabbage, Transportation Director, was absent from today's session but provided a report of activities.

**d. Items Required by Action of the School Board:**

Dr. Matthew Eberhardt was present and provided a copy of the school's 2011 funding request and a document sent by Crabtree, Rohrbaugh, Inc. Additionally, he advised that the Madison County School Board endorsed the CIP and accepted the plan. Furthermore, a joint meeting has been tentatively scheduled for both governing boards on Wednesday, January 25, 2012 at 7:00 p.m. in the school board office conference room, where a representative will provide a presentation on energy management that should last about forty-five (45) minutes.

Dr. Eberhardt advised that the school system is requesting an appropriation of \$425,000.00 in federal basic aide that must be used during the calendar year (by June 2012) or the funding will be lost (i.e. part stimulus funding).

Supervisor Lackey questioned how the federal basic aide funding must be utilized, to which Dr. Eberhardt advised it must be applied to personnel by the aforementioned deadline and must be utilized in the current fiscal year budget.

Dr. Eberhardt advised there were additional federal dollars that do not have to be expended until September 30, 2012, and the school board would prefer to utilize the federal basic aide funding being requested today in order to push forward to offset costs in 2013.

Supervisor Butler questioned where these funds would be utilized in the personnel category, to which Dr. Eberhardt advised, would include a series of line items within the personnel category.

Additionally, Dr. Eberhardt explained the print out that denoted categories and line items for the school system.



Supervisor Lackey questioned whether today's funding request was in lieu of funding attained from other sources that have been budgeted.

Tina Cropp, School Finance Officer, was present and advised that federal dollars must be used instead of basic aide (by the State) in an attempt to save 'ed job' funding to be pushed forward to the next budget year.

Supervisor Elliott questioned if these funds would be used to change/create jobs or provide raises, or all of the above, to which Dr. Eberhardt advised was 'all of the above.'

Supervisor Weakley questioned if the funds being requested would be used to create jobs, then would this contract be financed by stimulus funding.

Dr. Eberhardt advised that fifteen (15) positions were lost within the past several years; in looking from FY2011 to FY2013 and comparing cost, the school system can't really burden its budget during this unstable economy.

Chairman Allen questioned whether the funds being requested can be used for local spending.

Dr. Eberhardt advised the school system will probably be looking at two (2) line item categories and that funding received in federal dollars will be utilized to ensure people continue to have a job. In closing, he advised that today's report shows the revenue stream over the past couple of fiscal years and this may reduce or stay 'flat.'

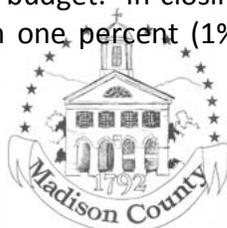
Chairman Allen wanted to clarify that these funds will be spent for items during this budget year that have already been budgeted.

Dr. Eberhardt advised there is a line item for federal dollars; also federal basic aide will replace that funding to allow the funds to be moved into FY2013. In closing he advised that \$150,000.00 of federal educational funding was used in the past.

Chairman Allen asked if it was appropriate to use funding to supplant the aforementioned entity.

Dr. Eberhardt advised that he doesn't feel the effort is to 'supplant', but is a federal reimbursement. In closing, he stated the process for federal spending is a mechanism in which reimbursement can be sought, although the school system hasn't submitted a request to date; therefore, nothing is being 'supplanted.'

The County Attorney questioned whether the \$425,000.00 isn't within the current fiscal year; therefore, he wondered whether there was a need based on federal requirements that a public hearing should be held, or if there is a need for a public hearing to be held because the request of \$425,000.00 is more than one percent (1%) of the County's total fiscal year budget. In closing, he advised the general rule has been that if a request is more than one percent (1%) of the County's overall budget, the County must hold a



public hearing before a supplemental appropriation can be implemented; therefore, he questioned if there was an exclusion in the federal program for this purpose, or whether the federal program excludes the need for such action.

Ms. Cropp advised that she was unaware of any state exclusion.

Teresa Miller, Finance Director, advised the request is more than one percent (1%) of the County's overall budget; as a rule, a public hearing must be advertised if the overall budget is going to be increased. In closing, if this money is a grant, a public hearing will still be necessary before an appropriation can be implemented (i.e. not a supplement). Additionally, she explained the school system is actually seeking to take County dollars and supplement the local dollar amount and in fact, appropriating these funds as estimated revenue.

Ms. Cropp advised that the funds have already been received in the Treasurer's Office in October, but isn't a part of the FY2012 budget.

Supervisor Lackey verbalized concerns about attempting to 'supplant' what has already been designated for personnel.

Dr. Eberhardt advised there will be no 'new hires' within the funding, and that educational jobs will be 'pushed' in 2013.

Supervisor Lackey questioned whether salary increases will be given and what 'ed jobs' includes, and also whether there would be any type of revenue stream anticipated during the next year.

Dr. Eberhardt explained if the money is appropriated, the school system will be fine, but by turning down \$425,000.00 in federal funds, the school system will be unable to push forward as there will only be about \$200,000.00 in federal dollars for the next year. In closing, he feels unless the government pushes forward with the job plan and additional federal dollars, no additional revenue stream is anticipated.

Dr. Eberhardt also advised that the first draft of the school system's budget was presented to the school board members last evening and it anticipates the \$200,000.00 that is being discussed within the General Assembly.

Chairman Allen questioned if the \$200,000.00 is to be used to push forward in 2012, as this will leave \$225,000.00 from the requested appropriation of \$425,000.00. In closing, he questioned how this proposed funding will be applied to a budget that has already been funded and exactly where the school system intends to utilize the \$200,000.00.

Ms. Cropp advised that these funds have to be spent on personnel.

Dr. Eberhardt also advised that the school board hasn't taken any action nor have they verbalized any future intentions; however, the appropriation of federal state dollars



generally utilized before local dollars. In closing, he stated there are line item expenses in the personnel category that these funds can be utilized for instead of using local dollars.

Chairman Allen advised that the general approach of the Madison County Board of Supervisors has been to keep the County's fund balance at a healthy level; therefore, if the school system has the necessary funds to operate, he'd like to see tonight's funding be used to 'prop up' the fund balance instead.

Dr. Eberhardt advised that the school system will continue to expend state and federal dollars before spending local dollars.

Ms. Miller questioned how much is expected from the 'ed job' fund, as nothing has yet been posted. Additionally, there was mention that some of tonight's supplemental funding request would be used in place of 'ed job' funding, and if so, then the school system wouldn't need to appropriate the full \$425,000.00 since the school system already has 'ed job' funding. In closing, she advised that she was seeing if there was a way to handle the request without having to schedule a public hearing.

Dr. Eberhardt advised the 'ed job' fund will be \$349,000.00. In closing, he advised that federal monies are spent first and then the school system seeks a reimbursement.

The County Attorney suggested tonight's issue be discussed with the auditors.

Supervisor Butler questioned whether there was any effort being made to include the school system in the countywide RDA system budget, and suggested a representative be contacted to see if this can be implemented.

Ms. Cropp advised that a school expenditure report is submitted to the County each month. In closing, she advised that both entities utilize different line item numbers, as the Department of Education establishes codes for the school system.

Supervisor Elliott advised that he would like to see a full layout as to how and where the requested funds will be spent during the future public hearing session.

Supervisor Butler also expressed difficulty in determining the schools' budget; therefore, he questioned if any effort was being made to implement the RDA system that is utilized by the County, and if a running total could be provided.

Dr. Eberhardt advised the school system does utilize the RDA system, but not the same codes (i.e. all data isn't saved on one server).

Supervisor Elliott advised that he'd like to see a full layout of how and where tonight's funding request will be spent at the time the public hearing is held.

#### **4.**



**e. Bond Release (if any)**

None.

**5. Discussion/Action Items:**

Chairman Allen advised that two (2) additional items will need to be added to today's Agenda under Item #4.

**a. Bylaws:**

Supervisor Elliott verbalized that he wasn't asked for any input regarding the bylaws and it appears that other members were well informed of everything (i.e. change in meeting times). In closing, he questioned whether there would be any discussion with him about the proposed changes.

Chairman Allen clarified that the issue had been discussed during another session with the new members (i.e. meeting times, department heads).

Supervisor Butler suggested the following amendments:

**i. Section 1.2, paragraph B that denotes:**

"Each Item presented for consideration is entitled to full and free discussion; no member shall speak for the second time on a topic until every member desiring to speak has spoken once."

And suggested it denote:

"Each item presented for consideration will be entitled to open and free discussion."

Supervisor Lackey advised that she believes most of the guidelines were taken from Roberts' Rules of Order. In closing, she asked whether there was some rationale for the wording denoted.

Chairman Allen advised that the guidelines denoted will ensure that each member has an opportunity to present their concerns. In closing, he advised the purpose is to have open discussions with all parties involved.

**ii. Item 2.6, paragraph C that denotes:**

"At the conclusion of a Closed Session, the Board shall reconvene in open meeting immediately thereafter and shall take a roll call vote ....."

And suggested the clause 'when the public is present' after vote, and would like to see the phrase "Board action (if necessary) be moved to the start of the 7:00 session when the public is present on the Agenda.

Supervisor Lackey asked for clarification to the aforementioned suggestion and whether this means the Board will also be prohibited from taking a roll call at the end of the closed session.

Supervisor Butler advised that he feels the vote should only be moved when the public is present.



Chairman Allen agreed with the aforementioned suggestion, as he failed to bring this forth. In closing, he advised that tonight's Agenda will need to be amended.

**iii. Page 5, Item A that denotes:**

"Article VI" and these items are denoted as "sections" instead;

**iv Page 7, Section IV, Article 4-2 that denotes:**

"Items maybe removed from the Consent Agenda and placed on the Regular Agenda by any member's request and only one (1) motion is necessary to adopt all recommendations and action items on the Consent Agenda" and he questioned what is the difference between a "consent agenda" and a regular agenda;

Chairman Allen explained that a Consent Agenda is a separate item denoted on the Agenda; similar to separate items discussed during the Workshop Sessions that can be continued by one motion and one vote. In closing, if there is something on the Consent Agenda that any member wants to remove, this can be accomplished.

Supervisor Lackey questioned whether motions are to be duly seconded.

**v. Page 8, Item B that denotes:**

"All motions shall be duly seconded before submitted to the Board for decision" and he questioned the guidelines in Roberts' Rules of Order or whether this will mean that motions are to be seconded only if Roberts' Rules of Order requires it.

Chairman Allen advised that motion requires a second so long as Roberts' Rules of Order requires such; however, there are some motions that Roberts' Rules of Order doesn't require to **be seconded**.

**vi Page 8, Item D that denotes:**

"No member should speak more than twice to the same motion" and suggested **this be removed**, as members should have the opportunity to express ideas regarding a motion.

Supervisor Elliott advised that he doesn't believe the Board will allow people to only ask two (2) questions about a motion, as he feels it's necessary to ask as many questions needed in order to get the best information in order to make a sound decision.

Chairman Allen advised that he doesn't feel the aforementioned comment is intended for discussions, but motions.

Supervisor Elliott had concerns with:

**i. Page 5, Section 2.7, Item B that denotes:**

"No formal votes may be taken at a work session" as the Board has been doing this in the absence of a County Administrator.

Chairman Allen stated that he feels the workshop should be used for discussion only and shouldn't include the Board voting to act on items.

**ii. Section V, Item B that denotes:**



“Any Board member may request that items be placed on the Agenda by contacting the County Administrator in writing at least five (5) business days prior to the Board meeting for which they wish the item scheduled” and feels this guideline isn’t fair to the citizens. Therefore, he suggested this guideline be removed and replaced with “items should be received by 2:00 p.m. on the Friday before the meeting.”

Chairman Allen advised that this guideline will allow time to have an Agenda posted for the public to follow and items can still be added to the Agenda. In closing, he advised that the guideline was brought forth in order to accommodate the public.

Supervisor Lackey questioned:

**i. Page 10, Item 5-4 that denotes:**

a) Page 10, Item 5-4 denotes:

“The preliminary agenda shall be finalized at each meeting of the Board upon the Board’s decision, by vote or apparent consensus, to add or delete items from the agenda, or to proceed with the agenda without alteration” feels this will call for the Board to enter into session, and either approve or disapprove the Agenda subject to the contents at any given point.

Chairman Allen stated the aforementioned comment would be geared toward the public with regards to what the Board will be doing.

The County Attorney had concerns regarding:

**i. Page 10, Item C that denotes:**

“All items which are requested to be placed on the preliminary agenda which have not been submitted within the prescribed deadline shall be placed on the next regular agenda for consideration” and he feels this will cause a conflict with the discussion and should be removed and replaced which he feels conflicts with what the Board has been saying, and suggested this be deleted as he has concerns this guideline will place the Board ‘in a straight jacket’ with regard to the agenda when it’s unnecessary. Furthermore, he feels this will be a different way of operating (i.e. preliminary agenda, consent agenda, regular agenda) and the staff will have to be made aware as to what is to be placed on which agenda. In closing, he suggested the Board eliminate this guideline as anything to be contained on the preliminary agenda must be submitted five (5) days prior to the meeting, and he questioned whether the Board really wanted to insist that items be in writing, as five (5) business days is a long time.

Supervisor Lackey advised that she would be in favor of leaving the aforementioned item ‘dormant’ and pertains only to items for the preliminary agenda.

**ii. On Page 8, Item I that denotes:**

“Upon a call for a question, the Chair shall determine whether there exists any objection to ending discussion. If none, the question shall be called. If a person objects, the Chair shall seek a second for the motion to call for the question. A two-



thirds (2/3) majority shall be required to end debate.” Therefore, he questioned with there being five (5) members of the Board, how will this be implemented and feel this should just indicate “the majority.”

**iii. Page 12, Section 6.4:**

Committee Rules and the fact that the Board hasn’t utilized concerns about Committee Rules (in the past) – based on the wording, established Committees will have to follow formal procedures, if this is what the Board desires; therefore, it should be denoted that the same rules will be in place for such Committees as what’s in place for the Board. In closing, he suggested that guidelines may need to be governed in a more informal structure.

**i.v. Page 7, Item 4.0:**

In the past, the Board has had a ‘Pledge of Allegiance and a Moment of Silence’ as a means to avoid any constitutional issues. In closing, he questioned whether the Board wanted to reinstate “a moment of silence” as this has been in place in the past.

Chairman Allen stated the item is from the Virginia Code and that he found no offense.

**MADISON COUNTY BOARD OF SUPERVISORS  
2012  
BYLAWS AND RULES OF PROCEDURE**

**SECTION I            PURPOSE AND BASIC PRINCIPLES**

**1.1 Purpose of Rules of Procedure**

- A     To enable County government to transact business expeditiously and efficiently;
- B     To protect the rights of each individual Board member;
- C     To preserve a spirit of cooperation among Board members; and
- D     To determine the pleasure of the Board on any matter.

**1.2 Basic Principles Underlying Rules of Procedure**

- A     Only one (1) subject may claim the attention of the Board at one time;



- B Each item presented for consideration will be entitled to full and free discussion.
- C Every member has rights equal to every other member;
- D The will of the majority must be carried out, and the rights of the minority must be preserved;
- E The personality and desires of each member should be merged into the larger unit – the Madison County Board of Supervisors; and
- F Discussion by members should be directed at the issue before the Board, and not at other members.

### 1.3 Rules of Interpretation

- A These Rules of Procedure are rules of parliamentary procedure and are for the convenience of its members only. They do not have the force of law.
- B Only members of the Board or the Parliamentarian have standing to raise a point of order or to challenge a ruling of the Chair or other action of the Board on the basis of compliance or non-compliance with these Rules of Procedure or, if the questioned action is not expressly covered by these procedures, by Robert's Rules of Order. In no event may questions over compliance herewith be raised judicially.
- C Non-compliance with these Rules of Procedure must be raised at the time of the non-compliance, prior to continued debate or a vote. If a challenge is raised in a timely manner by a member with standing as provided for herein, the only relief shall be the correction of the error in conformance with these Rules of procedure. If a challenge is not timely made, the right to challenge the non-compliance is waived. In no event will a violation hereof result in the voiding or overturning of any action of the Board.
- D Failure to comply with these rules or Robert's Rules of Order shall not invalidate Board action otherwise valid at law.

## Section II MEETINGS

### 2-1 Regular Meetings



- A The time and place of regular meetings of the Board of Supervisors (hereinafter referred to as the Board) shall be established at the Board's annual organizational meeting. Regular Board meetings shall be held in the Board Auditorium, County Administration Building, 414 North Main Street, Madison, Virginia, on the second (2<sup>nd</sup>) Tuesday of each month, beginning at 3:00 p.m., and a second session shall be conducted on that same Tuesday beginning at 7:00 p.m. The 4:00 p.m. regular meeting shall be devoted primarily to action/decision/policy formation items, and the 7:00 p.m. meeting shall be devoted primarily to public hearings and work sessions. A workshop session shall be scheduled the fourth (4<sup>th</sup>) Monday of each month at 2:00 p.m. in the building housing the offices of the County Administrator and shall normally last not more than two hours. A joint meeting with the Board and the Planning Commission will be scheduled for the first Wednesday of each month at 7:30 p.m., and will be held in the Board auditorium. The Board may, however, prescribe any other meeting place or time in compliance with § 15.2-1416 of the Code of Virginia (1950), as amended.
- B When a regularly scheduled meeting falls on a legal holiday or Election Day, the meeting shall be held on the following business day.
- C A regular meeting which may be canceled by the Chairman, or the Vice-Chairman if the Chairman is unable to act, upon a finding that weather or other conditions hazardous for the members or the public to attend the regular meeting, may be held on the next business day on which County offices are open.
- D Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the fixed date for the next regular meeting, until the business before the governing body is completed.

## 2-2 Special Meetings

- A The Board may hold such special meetings as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. Either the Chairman, or any two (2) members, may call a special meeting of the Board in such a manner as prescribed by §15.2-1418 of the Code of Virginia (1950), as amended. Only matters specified in the notice shall be considered unless all of the members of the Board are present. The notice of the special meeting may be waived if all members of



the Board attend the special meeting or sign a written waiver. Where a special meeting has been called the Board shall give to the media and general public such notice of the time, place and purpose of the meeting as is feasible.

### 2-3 Annual Organizational Meetings

- A The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting. The County Attorney shall preside during the election of the Chairman of the Board.
- B The Chairman shall be elected at the annual meeting for a term of one (1) year. The Chairman may succeed himself/herself in office. The Chairman and Vice Chairman shall continue to hold office until their successor takes office.
- C Following the election of Chairman, he/she will assume the chair and conduct the election of the Vice Chairman.
- D Following the election of the Vice Chairman, the Board shall:
  - 1 Establish dates, times and places for the regular meetings;
  - 2 Adopt its Rules of Procedure;
  - 3 The Chairman, with concurrence of a majority of the Board, shall make appointments to standing and ad hoc committees, preferably within one (1) week of the organizational meeting.

### 2-4 Quorum and Method of Voting

- A At any meeting, a majority of the Supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a voice vote. The Chairman may choose to have the vote by a roll call vote or by show of hands; however, if there is one (1) "no" vote or one (1) abstention, at the request of any member of the Board, the Board may be polled and the name of each member voting and how he or she voted shall be recorded. All votes on matters of ordinance shall be recorded by the clerk



along with the name of each member voting and how he or she voted.

- B Members abstaining shall state for the record their reason for abstaining, if they abstain on account of a conflict of interest as prescribed by state law.
- C A tie vote fails.
- D All adopted motions of the Board of Supervisors shall be construed as resolutions of the Board and shall be recorded in the official minutes as preceded by, "it is hereby resolved that ...". The name of each Board member voting on the motion shall be recorded in the official minutes along with how the member voted.

## 2-5 Board to Sit in Open Session

The Board shall sit in open session and all persons conducting themselves in an orderly manner may attend the meetings; provided, however, the Board may conduct Closed Session as permitted under the Virginia Freedom of Information Act.

## 2-6 Closed Sessions

- A Closed Sessions may only be convened in conformance with §2.2-3711 of the Code of Virginia (1950), as amended or as otherwise provided by law as there are other provisions that would make such sessions or discussions of items in those sessions confidential.
- B No resolution, ordinance, rule, contract, regulation or motion agreed to in a Closed Session shall become effective until the Board reconvenes in an open session and takes a vote of the membership on such resolution, ordinance, rule, contract or regulation or motion which shall have its substance reasonably identified in the open meeting.
- C At the conclusion of a Closed Session, the Board shall reconvene in open session immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:

- 1 Only public business matters lawfully exempted from open session requirements were discussed; and



- 2 Only public business matters identified in the motion convening the Closed Session were heard, discussed or considered.
  
- D The failure of the certification to receive the affirmative vote of a majority of the members present during the Closed Session shall not affect the validity or confidentiality of the Closed Session with respect to matters considered therein in compliance with the Freedom of Information Act.
  
- E The Board may permit non-members to attend a Closed Session if their presence will reasonably aid the Board in its consideration of an issue.
  
- F Any member may request a proposed Closed Session item be pulled from the agenda for a separate vote on entering Closed Session, at his or her discretion.
  
- G Any matter discussed in closed session is privileged and shall not be disclosed by any participant in the closed session, except as required by court order.

#### 2-7 Work Sessions

- A Work sessions may be held as regularly scheduled, specially called or recessed meetings of the Board, in order to work on issues to be considered by the Board in the future.
  
- B No formal votes may be taken at a work session.
  
- C Work sessions require legal notice pursuant to §2.2-3707 of the Code of Virginia (1950), as amended.

#### 2-8 Conduct in Meetings

- A The effectiveness and efficiency of governmental bodies in serving the public is enhanced by the proper conduct of all participants, whether government officials, employees, or members of the public, in meetings and work sessions of the Board or any Committees created pursuant to **Section VI** of these Rules of Procedure.



- B To this end, all such meetings and work sessions shall be conducted with observance by all participants of the fundamental rules of civility, including restraint in demeanor and respect for others and their views. This rule is not intended to restrict disagreement or opposition to any proposal, motion, or argument. It is intended to restrict the manner in which such disagreement or opposition is expressed to preclude those ways of discourse which tend to disrupt or impair the conduct of a meeting. Shouting, profanity, threats, personal attacks, and other similar actions are unacceptable. Should, in the view of the Chairman or a majority of the Board or any Committee, a participant violate the foregoing guidelines for conduct, the Chairman or the Chairman's designee may address the participant's deviation from the guidelines.
- C This rule of conduct shall be enforced by the Chairperson of the meeting who may order an unruly or disruptive individual or individuals whose conduct in the judgment of the Chairperson tends to disrupt or otherwise impair the conduct of the meeting, to be removed from the meeting.
- D The rules of conduct described in B. above are intended to apply to all Board appointees to any agency, committee, commission, or similar entity, regardless of whether all members of the entity are appointed by the Board.

### **Section III OFFICERS**

#### **3-1 Chairman and Vice Chairman**

The Chairman shall preside over all meetings of the Board of Supervisors. The Chairman shall appoint Board members to serve on standing committees and ad hoc committees established by the Board of Supervisors, such appointments to be made with concurrence of a majority of the members of the Board, promptly and within a reasonable time, preferably within one (1) week following the annual meeting. The Vice Chairman shall serve as Chairman when the Chairman is unavailable or unable to act for any reason.

#### **3-2 Clerk**



The Clerk of the Board shall be the County Administrator. The County Administrator may appoint one (1) or more members of the County staff to serve as Deputy Clerk of the Board.

### 3-3 **Parliamentarian**

The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure, Robert's Rules of Order, and any other applicable legal procedures, as may be directed by the Chairman, or as required as a result of a point of order raised by any one (1) or more Board members. If the County Attorney is unavailable, the County Administrator shall serve as Parliamentarian.

### 3-4 **Preservation of Order**

At meetings of the Board, the presiding officer shall preserve order and decorum.

## **SECTION IV CONDUCT OF BUSINESS**

### 4-0 **Prior to Call to Order or Convening of Business**

Invocation may be conducted in accordance with Va. Code § 15.2-1416.1, prior to the governing body's actual call to order or convening of business.

### 4-1 **Order of Business**

The first items shall be the Call to Order and Pledge of Allegiance and a Moment of Silence.

### 4-2 **Consent Agenda**

The Chairman and County Administrator shall style routine, non-controversial matters requiring Board action on a Consent Agenda. Items may be removed from the Consent Agenda and placed on the Regular Agenda by any member's request. Only one (1) motion is necessary to adopt all recommendations and action items on the Consent Agenda.

### 4-3 **Public Comment**



The Board shall set aside a time period for Public Comment at its regularly scheduled public hearing session each month. During this period the Board shall receive comment from any citizen on any topic not set for public hearing at that meeting, and no individual citizen should, at the Chairman's discretion, be allocated more than five (5) minutes of time to address the Board. Speakers shall not be allowed to (a) campaign for public office, (b) promote private business ventures, (c) engage in personal attacks, or (d) use profanity or vulgar language. Speakers may submit written record of their comments, or of comments they were unable to make because of time constraints that will be appended to the minutes of that meeting if submitted to the Clerk of the Board within business five days.

#### 4-4 Motions

- A No motion shall be discussed prior to being duly made in accordance with these Rules of Procedure. Once the motion is seconded, if a second is required, the person making the motion shall have a reasonable time as determined by the Chair to give his/her reasons in support of the motion prior to the start of debate.
- B All motions shall be duly seconded before being submitted to the Board for decision; if said motion requires a second by Robert's Rules of Order, latest edition.
- C When a question is under discussion, no motion shall be received unless it is one to amend, to commit, to postpone, for the previous question, for a substitute motion, a motion to lay on the table, or a motion to adjourn.
- D No member should speak for the second time on a motion until every member desiring to speak has spoken.
- E When a vote upon any motion has been announced, it may be reconsidered during the meeting session in which the motion was made, on the motion of any member who voted with the prevailing side, without the need for a formal motion to reconsider. In the case of a tie vote, neither side shall be considered as having prevailed for the purposes of this rule and such reconsideration may be initiated by the motion of any member.



- F In accordance with the Constitution of the Commonwealth of Virginia, a recorded affirmative vote of a majority of the entire Board shall be required to pass any ordinance or resolution imposing taxes, authorizing the borrowing of money, or appropriating funds. The Chair may, at his/her own discretion, call for a roll call vote.
- G All motions to adopt any ordinance shall be by voice vote and the clerk shall ensure that the minutes shall reflect the names of the persons voting and how they voted in the permanent record.
- H Upon a call for a question, the Chair shall determine whether there exists any objection to ending discussion. If none, the question shall be called. If any person objects, the Chair shall seek a second for the motion to call for the question. A two-thirds (2/3) majority shall be required to end debate.
- I A tie vote defeats the question being voted upon.
- J A motion to reconsider must be made at the same meeting or the next immediate meeting. A motion to reconsider must be made by a member of the Board who voted on the prevailing side when the original motion was voted upon. A motion to rescind or to amend a prior action adopting something with continuing effect by the Board may be made by any member of the Board at a subsequent meeting upon proper notice having been given. There is no time limit for the making of such a motion. However, such motions are improper if (1) the original action by the Board was subject to a motion for reconsideration, (2) the action or inaction of third-parties in reliance on the Board's approval of the original Board's action is impossible to undo, or (3) certain personnel actions, as described in Robert's Rules of Order, have been taken. Voting requirements are: (1) a majority of the entire Board, or (2) a majority of a quorum, if the call to the meeting provides the language of any proposed change.

#### 4-5 **Decisions on Points of Order**

The Chairman, when presiding at a meeting of the Board, without vacating the chair, shall refer any point of order to the Parliamentarian for an advisory opinion to the Chairman.

#### 4-6 **Same; Appeal to Board**



Any member of the Board may appeal to the Board the decision of the Chairman on any question of order or the interpretation of these Rules of Procedure. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

**4-7 Motion to Adjourn**

At a meeting of the Board, a motion to adjourn shall always be in order.

**4-8 Suspending Rules**

One (1) or more of these Rules of Procedure may be suspended with the concurrence of the majority of the members present.

**4-9 Amendment of Rules**

These Rules of Procedure may be amended by majority vote of the entire membership.

**4-10 Robert's Rules of Order**

The proceedings of the Board, except as otherwise provided in the Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order, latest edition.

**Section V AGENDA**

**5-1 Preparation**

- A The Clerk shall prepare a preliminary agenda for the regularly scheduled meetings conforming to the order of business specified in § 4-1 titled "Order of Business".
- B Any Board member may request that items be placed on the agenda by contacting the County Administrator by 2:00 p.m. on Friday prior to the Board meeting for which they wish the item scheduled. The County Administrator shall place requested items on the preliminary agenda for the next regular meeting following the request, subject to Paragraph A of this section.
- C All items which are requested to be placed on the preliminary agenda which have not been submitted within the prescribed



deadline shall be placed on the next regular agenda for consideration.

#### 5-2 **Delivery of Agenda**

- A The preliminary agenda and related materials for regular Board meetings shall be electronically posted and received by each member of the Board and the County Attorney by 4:00 p.m. on Friday prior to the meeting, unless a later time is approved by a majority of the Board.
- B The preliminary agenda and related materials shall be made available to the public within the County Administrative offices at least by 4:00 p.m. Friday prior to the meeting, or at least simultaneously with the Board's receipt.

#### 5-3 **Copies**

The Clerk of the Board shall prepare or cause to be prepared extra copies of the preliminary agenda and shall make the same available to the public in the Office of the County Administrator. The Clerk shall also have copies available at each meeting. The Clerk shall post the preliminary agenda in such public places in the County as shall give the public as much notice of the agenda as is feasible.

#### 5-4 **Finalization of Agenda**

The preliminary agenda shall be finalized at each meeting of the Board upon the Board's decision, by vote or apparent consensus, to add or delete items from the agenda, or to proceed with the agenda without alteration.

#### 5-5 **Comments, Queries of Board Members**

Board members are to observe the following rules during the discussion of agenda items, public hearings excepted:

- 1 Comments of Board members must be constructive. The Chairman ensures that comments are constructive.
- 2 The Chairman keeps discussions germane to the subject. The Chairman rules other comments out of order.



- 3 Discussion by members should be directed at the issue before the Board, and not at other members.

**5-6 Board Commendations**

The Board may issue Commendations to any person, persons, or groups for meritorious service to the community or other act meriting special recognition, by Resolution, as Resolutions are adopted. Such commendations shall be signed by the Chairman of the Board.

**SECTION VI BOARD AND OTHER COMMITTEES; APPOINTMENT**

**6-1 Board Committees; Appointments; Vacancies**

The Board, by majority vote, may establish or abolish standing or Ad hoc committees of the Board (i.e., Personnel, Rules, etc.). Each committee shall consist of at least two (2) members of the Board, unless otherwise established, and its members shall be appointed by the Chairman, with concurrence of a majority of the Board, preferably within one (1) week of the committee's creation or any reauthorization. The Chair shall likewise fill any vacancy. In addition, the Chairman shall appoint one Board member as an alternate for each committee, which alternate may sit and vote in the absence of an appointee to a Board committee.

**6-2 Citizen Appointments to Committees**

All appointments of citizens, other than members of the Board of Supervisors, shall be made by a majority vote of the Board members present.

**6-3 Officers; Visiting Board Members; Alternate Board Members**

- A Each committee shall have a chairman appointed by the Board Chairman. In the absence of the chair, the ranking member (in length of service) present shall serve as temporary chair. In the event that the two (2) members present rank equally, they shall agree among themselves who shall serve as chair.
- B Any visiting Board Member, providing there is not a quorum of the Board present, may participate in the discussion of the Committee's business, at the discretion of the Chairman, but not



- C In addition to the alternate, if there is a vacancy at a committee meeting, the committee chairman may appoint another Board member not assigned to the committee to fill the vacancy and serve as a voting committee member for that committee meeting.
- D Any Board member who misses three (3) consecutive regularly scheduled committee meetings of a committee to which he or she is assigned may be removed from that committee by majority vote of the Board of Supervisors.

#### 6-4 Committee Rules

- A These rules are promulgated for the purpose of assisting standing and ad hoc Board of Supervisor committees which exist to advise the Board on County related matters.
- B Wherever possible, Board committees shall operate in an informal manner. Procedurally, committees are encouraged to work cooperatively so as to not require an abundance of rules. However, at the discretion of the Committee Chairman, the Committee may be required to operate under the rules of procedure adopted by the full Board for the conduct of its business.
- C The primary function of Board Committees is to study and prepare issues prior to matters coming before the Board. Committees may often study items more thoroughly, effectively and efficiently than may be done at the full Board level.

#### 6-5 Meeting Times; Notice to Members and the Press

- A Meetings of committees shall, whenever possible, be held within the week after the regular Board meeting.
- B All standing committees should establish regular meeting times and dates, whether monthly or less often. If no business is known, then committees may be canceled with the permission of the Chair of that committee.
- C Ad-Hoc Board Committees should endeavor to establish regular meeting dates and times if it appears that the length of their service may extend beyond the range of three (3) months.



- D Committees should endeavor to not postpone scheduled meetings where there is business to discuss. Wherever possible, business from missed meetings shall be carried over to the next regularly scheduled committee-meeting day.
- E Special (unscheduled) committee meetings shall be allowed if needed, upon written notice authorized by the Committee chair, mailed at least five (5) working days in advance of the meeting date to all committee members and the Board Chair. The Chairman may choose to set a sooner meeting time upon direct notification to, and with the consent of all, committee members.
- F The staff shall endeavor to notify the press of all committee meetings as soon as a meeting is scheduled or canceled.

#### 6-6 **Organizational Committee Meetings; Quorum**

- A The first meeting of any committee after the Board's organizational meeting, and the first after the creation of any new or ad hoc board Committees, shall be called by the Chair of the committee pursuant to the notification rules shown above. The Committee should determine its meeting schedule at its organizational meeting; however, it may later amend its schedule as the need arises.
- B A quorum for business purposes shall be a simple majority of its members.

#### 6-7 **Call by Chairman; Agenda Preparation**

- A Any committee shall convene under these rules in order to consider any matter specially assigned to it by the Chair, upon his or her written request that the committee meet. Such request may require the committee to meet prior to their next scheduled meeting if, in the opinion of the chairman, it is necessary to do so.
- B All committee meetings shall have a prepared notice/agenda electronically posted or delivered to the committee members, the public, and the press at least three working days prior to the meeting. This notice may be shorter upon a special called meeting, with the consent of all members, but every effort shall be made to contact the press regarding any committee meeting. C Committee Agendas and Minutes shall be circulated to all Board



members and such other materials as designated by the Committee Chairman.

**6-8 Committee Clerk**

The County Administrator may assign a member of staff to the role of committee clerk for the various committees. This may be the same, or different, person than any person named as Deputy Clerk to the Board.

**Section 7 Interaction with County Employees**

**7-1 Supervisors Actions**

Supervisors should maintain close contact with County employees, especially Department Heads, to stay aware of needs of the County. However, unless otherwise legally authorized, no supervisor(s) shall directly give orders or direction to the County Administrator or any County employee unless such instruction is conveying a legal action of the Board.

After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, these Bylaws and Rules of Procedure, as amended, were adopted with the following vote recorded:

\_\_\_\_\_  
 J. Dave Allen, Chairman  
 Madison County Board of Supervisors

|                  | Aye          | Nay   | Absent | Abstain |
|------------------|--------------|-------|--------|---------|
| J. Dave Allen    | <u>  x  </u> | _____ | _____  | _____   |
| Doris G. Lackey  | <u>  x  </u> | _____ | _____  | _____   |
| Jerry J. Butler  | <u>  x  </u> | _____ | _____  | _____   |
| Pete J. Elliott  | <u>  x  </u> | _____ | _____  | _____   |
| Jonathon Weakley | <u>  x  </u> | _____ | _____  | _____   |

**5. PUBLIC COMMENT OPPORTUNITY:**

Chairman Allen opened the floor for public comment.

Jimmy Graves was present and verbalized concerns about the recent relocation of the Building Department and Zoning Department to the Old ABC Store and the amount of inconvenience that has been caused for the staff and citizens, as the staff has to travel



back and forth between their office and the Commissioner's Office to get the information needed to complete their work. In closing, he questioned why the Board implemented this move and whether the relocation of these two (2) offices will remain permanent.

Bill Campbell was present and advised the following concerns about the bylaws and how they came to be; the election of officers at the Organizational meeting (i.e. feels this action was chiseled out); comments about the hangtag being done away with this year; and the request brought forth by the Superintendent, as he feels this money could be spent elsewhere and the County shouldn't place an additional burden on the citizens. In closing, he doesn't feel the bylaws will be very friendly to the citizens and feels the County is headed down the wrong path.

Chairman Allen reiterated that each speaker will have five (5) minutes to provide their comments.

Dave Ashley was present and welcomed the new Supervisors; he also complained about staff being given two (2) additional days off and how this will create overtime pay for law enforcement and emergency personnel; he suggested the Supervisors think hard before spending tax dollars and also commented on the light in the auditorium that has been blinking on/off for a year that needs to be fixed as this could ignite a fire.

With no further comments being brought forth, Chairman Allen closed the public comment opportunity.

## **6. CODE OF ETHICS:**

Supervisor Lackey advised the Code of Ethics doesn't contain anything different than what the Board believes in at the present time. Additionally, she questioned whether the Board will expect all appointed Committees to follow suit on this matter regarding conduct and service to the citizens.

Supervisor Butler questioned whether this will include the school board members and volunteers throughout the County.

The County Attorney advised the guidelines will only pertain to those individuals appointed by the Madison County Board of Supervisors. Additionally, he advised the concerns about Item #18 that speaks about 'compliance and enforcement' and feels this guideline may cause some disputes; therefore, he suggested this be deleted as he doesn't want to see any County agency be involved in a dispute as to whether someone is 'ethical' or not. In closing, he advised that the Board shouldn't impose sanctions under such a loose structure, and participation should be voluntary.

The County Attorney also advised that the Board can adopt the Code of Ethics without requiring anyone to sign the document. In closing, he questioned what course of action does the Board intent to take should someone refuse to sign the document.

Supervisor Butler advised that he would like to see the recreational volunteers included.



Chairman Allen questioned the aforementioned suggestion since the Madison Parks & Recreation Authority is an independent authority.

The County Attorney advised that the authority is appointed by the Board and the guideline would apply; however, it will not apply to the Madison County School Board, since this entity consists of elected individuals. In closing, he questioned if there was any advantage to having anyone sign, as he suggested the Board adopt and not require anyone to sign.

After discussion, it was the consensus of the Board to agree with deleting Item #18, as suggested by the County Attorney, as well as making the last sentence in Item #18 become the last sentence in Item #17, and delete the signature page.

## MADISON COUNTY BOARD OF SUPERVISORS CODE OF ETHICS



### Preamble

The citizens and businesses of Madison County, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the County of Madison's Commitment to Excellence, the effective functioning of democratic government therefore requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.



To this end, the Madison County Board of Supervisors has adopted this Code of Ethics for members of the Board and of the County's boards, commissions and committees to assure public confidence in the integrity of local government and its effective and fair operation.

**1. Act in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Madison County and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Madison County Board of Supervisors, boards, commissions, and committees.

**2. Comply with the Law**

Members shall comply with the laws of the nation, the Commonwealth of Virginia and the County of Madison in the performance of their public duties. These laws include, but are not limited to: the United States and Virginia constitutions; the Code of the County of Madison; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and County ordinances and policies.

**3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Board of Supervisors, boards, commissions, and committees, the staff or public.

**4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the Board of Supervisors and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board of Supervisors by County staff.

**5. Conduct of Public Meetings**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

**6. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.



**7. Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the Board of Supervisors or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

**8. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

**9. Gifts and Favors**

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

**10. Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the County. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

**11. Use of Public Resources**

Members shall not use public resources that are not available to the public in general, such as County staff time, equipment, supplies or facilities, for private gain or personal purposes.

**12. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of the Board shall not appear on behalf of the private interests of third parties before the Board of Supervisors or any board, committee, commission or proceeding of the County, nor shall members of boards, committees or commissions appear before their own bodies or before the Board of Supervisors on behalf of the private interests of third parties on matters related to the areas of service of their bodies.



**13. Advocacy**

Members shall represent the official policies or positions of the Board of Supervisors, boards, commissions or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or Madison County, nor will they allow the inference that they do.

**14. Policy Role of Members**

The Board of Supervisors determines the policies of the County with the advice, information and analysis provided by the public, boards, commissions, and committees, and County staff. The Board of Supervisors delegates authority for the administration of the County to the County Administrator. Members therefore shall not interfere with the administrative functions of the County or the professional duties of County staff; nor shall they impair the ability of staff to implement Board policy decisions.

**15. Independence of Board and Commissions**

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Board of Supervisors shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee or commission proceedings.

**16. Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive work place environment for County employees and for citizens and businesses dealing with the County. Members shall recognize their special role in dealings with County employees and in no way create the perception of inappropriate direction to staff.

**17. Implementation**

As an expression of the standards of conduct for members expected by the County, the Madison County Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for the Board of Supervisors, applicants to boards, committees and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Madison County Code of Ethics. In addition, the Board of Supervisors, boards, committees and commissions, shall annually review the Code of Ethics and the Board of Supervisors shall consider recommendations from boards, committees and commissions to update it as necessary. A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Board of Supervisors, board, committee or commission decision.



After discussion, on motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board adopted the Code of Ethics, as amended, and approved, with the following vote recorded:

|                  |     |
|------------------|-----|
| J. Dave Allen    | Aye |
| Doris G. Lackey  | Aye |
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Aye |
| Jonathon Weakley | Aye |

## **7. HIRING FREEZE:**

Chairman Allen advised that in January 2010, the Board voted to impose a hiring freeze on all County positions, and required all Department Heads to petition before the Board to attain permission to advertise for any departmental vacancies. During the past two (2) years, there have been twenty-seven (27) requests to fill positions (out of twenty-eight [28]) and he feels it is an impediment to the Department Heads, as they are unable to fill vacancies within their departments without coming before the Board. In closing, he advised that the budget process has been approved for the allocation of funding for each position within all departments, and the Board has approved all request (except one [1]) to hire, and questioned the Board's effective regarding some offices.

Supervisor Butler advised that he wasn't in favor of lifting the existing hiring freeze; however, if additional help is needed, he would be in favor of hiring part-time personnel instead of full-time personnel, wherever possible, so as to eliminate paying benefits associated with a forty (40) hour, full-time work schedule. In closing, he provided a brief overview of a past analysis that was conducted in an attempt to reduce the standard employee workweek as a means to reduce costs (i.e. implemented by the former County Administrator to reduce hours to 37.5 hours per week); however, most of the hires have been for law enforcement and emergency medical staff.

Supervisor Elliott advised that he wasn't in favor of lifting the hiring freeze, as the County is faced with economic difficulties; he feels that county funding should be saved instead of using funding to hire additional staff, as the work is currently getting done.

Supervisor Weakley advised if the Board was looking to save funding by not filling a vacant position.

Supervisor Lackey questioned if the hiring freeze was on existing jobs

Chairman Allen explained that the Board voted in January 2010 to freeze all salaries, pay increases, hires or re-hires for full time and part-time in all County departments, including Constitutional Offices, unless approved by the Board of Supervisors.

Furthermore, it was also denoted that employees haven't had a salary increase for almost five (5) years.

Supervisor Weakley questioned whether the Board has looked at what is needed in order to get the job done.



Supervisor Lackey questioned whether other vacancies have gone unfilled in addition to the one (1) that has been referred to.

Chairman Allen advised that no action has been taken on the existing Facilities Director vacancy.

Supervisor Weakley questioned whether the County will move toward a public works department and call for restructuring.

Supervisor Lackey questioned the value involved in lifting the hiring freeze.

Chairman Allen advised that the action will allow the Departments and Constitutional Offices to operate within the budget funding they've been allocated. In closing, he advised that lifting the hiring freeze doesn't allow any department or office to create positions.

It was also denoted that restructuring was considered in the past budget cycle and that the Board failed to have the vacancy within the Commissioner of Revenue's Office filled.

Supervisor Elliott advised that he feels the money doesn't need to be spent just because it's in the budget.

Supervisor Butler also advised that he proposed two (2) part-time individuals be hired to fill the position.

Supervisor Lackey questioned if the hiring freeze remained in place, would this preclude the Board looking at small salary increases during the upcoming budget process.

The County Attorney explained if the aforementioned language was voted as a part of the budget, there can be a motion to amend the hiring freeze. In closing, he advised if the Board adopted a budget that imposed salary increases and it was approved, then this would ultimately amend the hiring freeze regulations that are in place; however, the Board can't 'strap its authority' in adopting the budget by separate policies. Furthermore, he stressed the budget as being one of the most important functions of the Board.

After discussion, on motion of Supervisor Butler, seconded by Supervisor Elliott, a request was made to continue the existing hiring freeze;

Supervisor Lackey questioned the need for the motion and why this is necessary.

With the following vote recorded:

|                  |     |
|------------------|-----|
| J. Dave Allen    | Nay |
| Doris G. Lackey  | Nay |
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Aye |
| Jonathon Weakley | Nay |

\*Motion failed\*

After discussion, on motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board voted to remove the existing hiring freeze, with the following vote recorded:



|                  |     |
|------------------|-----|
| J. Dave Allen    | Aye |
| Doris G. Lackey  | Aye |
| Jerry J. Butler  | Nay |
| Pete J. Elliott  | Nay |
| Jonathon Weakley | Aye |

### **8. CONTRACT REVIEW COMMITTEE REPORT (Jim Smith):**

Chairman Allen provided a brief overview of the establishment of the Contract Review Committee appointed by the Board to be responsible for reviewing all County contracts and procurement items and provide input to the Board.

James Smith advised there is an additional citizen that he'd like the Board to appoint to the committee.

Mr. Smith proceeded to provide a full overview of the Committee's purpose and the scope of work that will be implemented, and would like to move forward with a letter of introduction being provided to the employees.

Supervisor Butler questioned if a 'sunshine clause' of December 31, 2012 could be implemented, and also requested that minutes be taken at all future committee meetings, to which Mr. Smith advised will be done.

Mr. Smith advised there shouldn't be a problem with the clause and also advised if anything unusual arises, the County Attorney will need to be contacted.

### **9. TRANSFER STATION:**

Supervisor Elliott questioned why the County doesn't charge VDOT trucks a fee when they utilize the Transfer Station. Additionally, other surrounding localities impose a fee and the County has lost about \$10,000.00 thus far in fees because they weren't charged for tonnage.

Supervisor Weakley advised he felt it would only be fair to require VDOT to pay fees.

Mark Ford, Transfer Station Manager, was present and advised that Rappahannock County co-joins with Culpeper County, and VDOT pays fees to Culpeper County.

Supervisor Lackey questioned how this came about.

Supervisor Elliott advised that an agreement was apparently verbalized in the past; also there fees have increased at to haul at the Transfer Station and there is nothing in place to justify any of the changes. In closing, he was denoted that an RFP can be written to include a formula.

Mr. Ford advised that the fee for recycling metal depends on the market value. In the past, about \$6,000.00 was made for recycling metal minus the fee for the containers. Also, there has been public interest in being able to recycle plastics.

Supervisor Elliott advised that a citizen ran over a piece of metal at the Transfer Station that punctured a tire.



The County Attorney advised that this issue could be turned over to the legal defense of 'sovereign immunity.'

Ms. Miller advised that staff from Waste Management, Inc. advised that the citizen was very abrupt. In closing, they plan to erect signage.

The County Attorney questioned whether Waste Management, Inc. takes responsibility for any claims, to which Mr. Ford advised they did not.

Supervisor Weakley questioned the procedures in place for getting rid of the recyclable items.

Mr. Ford explained that the County pays to dispose of some items.

In closing, clarification was denoted as to what citizens are to do when recycling propane tanks.

After discussion, on motion of Supervisor Elliott, seconded by Supervisor Butler, the Board voted to charge VDOT for dumping debris at the Transfer Station from this day forward at the ongoing rate, with the following vote recorded:

|                  |     |
|------------------|-----|
| J. Dave Allen    | Aye |
| Doris G. Lackey  | Aye |
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Aye |
| Jonathon Weakley | Aye |

Supervisor Weakley questioned the terms that will need to be included in the RFP for the Transfer Station, and that perhaps the County can make the Sonoco contract coincide with the contract for Waste Management, Inc.

Mr. Ford advised that the contract for Waste Management, Inc. expires on June 30, 2014, and that Sonoco has been made aware the County is looking into securing a contract; therefore, they and other companies have expressed an interest in bidding on a future contract with the County for recycling.

Supervisor Elliott suggested the Board appoint someone to write an RFP that contains a variety of ways to attain pricing. In closing, the County must be careful in who is selected as a potential bidder may be unable to provide all the information that is needed for various services.

The County Attorney suggested the County check the contracts in place with surrounding localities and adapt an RFP to suit Madison County.

After discussion, it was suggested that RFP's from Greene, Culpeper and Orange Counties be investigated and discussed further at a future workshop session.

Chairman Allen advised the Board will need to enter into closed session before the dinner break to discuss a contract issue. In closing, he advised that any action taken or not taken, will be verbalized at the beginning of the 7:00 p.m. session.



Additionally, he advised there was discussion during a precious workshop session as to whether to determine a salary for the County Administrator position.

**10. Closed Session:**

***a. Closed Meeting***

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board convened in closed session, pursuant to Virginia Code Section 2.2-3711(A)(29) pertaining to the negotiations of the proposed terms of employment for a County Administrator (for Madison County), with the following vote recorded:

|                 |     |
|-----------------|-----|
| J. Dave Allen   | Aye |
| Doris G. Lackey | Aye |
| J. Dave Allen   | Aye |
| Eddie Dean      | Aye |
| Pete J. Elliott | Aye |

\*Robert Finks, Director of Emergency Communications, was asked to remain in closed session\*

***b. Return to Open Meeting***

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board voted to reconvene in open session, with the following vote recorded:

|                  |     |
|------------------|-----|
| J. Dave Allen    | Aye |
| Doris G. Lackey  | Aye |
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Aye |
| Jonathon Weakley | Aye |

***c. Motion to Certify Compliance***

On motion of Supervisor Butler, seconded by Supervisor Weakley, the Board voted to individually certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A)(29), and only matters that were identified in the motion to convene a closed session, were heard, discussed or considered in the closed meeting, with the following vote recorded:

|                  |     |
|------------------|-----|
| J. Dave Allen    | Aye |
| Doris G. Lackey  | Aye |
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Aye |
| Jonathon Weakley | Aye |



**d. Return to Open Session – Action to be announced during the 7:00 p.m. session.**

Chairman Allen recessed the meeting until 7:00 p.m.

\*\*\*\*\*

**11. Reconvene Meeting at 7:00 p.m.:**

Chairman Allen calling the meeting to order and noted that all members are present and a quorum was established

**12. Report of Action from Closed Session (if any):**

Chairman Allen advised that as a result of closed session, the Board discussed the establishment of a maximum salary for the County Administrator position. As a result of a recent meeting with representatives of Springsted, Inc., it was advised that this was necessary in order for them to proceed; therefore, the Board has arrived at the point where action will be taken on that issue.

On motion of Supervisor Weakley, seconded by Supervisor Lackey, the Board voted to establish a maximum salary for the position of County Administrator as negotiable based on qualifications and experience, with a maximum salary of \$94,000.00; benefits will be included, but are not limited to vehicle allowances or use of public vehicle, participation in the Virginia Retirement System, vacation, sick leave, group life insurance, medical insurance, professional dues and conferences. Moving and relocation expenses may be negotiated with the County. County residency is required within a reasonable time of appointment to the position.

Supervisor Elliott advised that during closed session that once a candidate has been names, he will then discuss a salary.

with the following vote recorded:

|                  |     |
|------------------|-----|
| J. Dave Allen    | Aye |
| Doris G. Lackey  | Aye |
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Nay |
| Jonathon Weakley | Aye |

**13. Public Comment Opportunity (Not to Exceed Five [5] Minutes Per Speaker):**

Chairman Allen opened the floor for public comment and advised that comments made during this period must not pertain to the discussion of Ordinance #2011-6 (Establish a Business License Fee).

Bill Campbell was present and challenged the five (5) minute public comment rule and asked whether it was the intent of the citizens to have these few minutes to speak.



Chairman Allen advised that the Madison County Board of Supervisors is in place to run the meeting as a governing body; the floor is opened for the citizens of the County to make a comment and not to try to take over the meeting process. In closing, he advised Mr. Campbell that he was 'out of order' and also advised that the only ones who can make a challenge are the members of the Board or the Parliamentarian.

Mr. Campbell advised that he has been asked on a number of occasions to speak for citizens of the County since he doesn't mind coming to the podium and saying something; many comments made in the past have been on the behalf of other citizens. In closing, he questioned Roberts' Rules of Order need to change since there are now bylaws in place. In closing, he commented on the hiring freeze and feels it should remain in place. Furthermore, he feels the issue on the Transfer Station should be referred to the Contract Review Committee and the hiring freeze, as he feels the freeze needs to remain in place.

Dave Ashley was present and feels the rules regarding the Agenda are not being followed as earlier indicated.

John Underwood was present and thanked the Board on behalf of many citizens and himself, for serving the citizens of Madison County and expressed appreciation for what services are offered to the citizens of the County.

#### **14. Public Hearing (Ordinance #2011-6 [Establish a Business License Fee]):**

The County Attorney provided an overview of the proposed business license fee of \$30.00 which is to be enforced by March 1, 2012. Additionally, there have been questions as to who would be subject to the tax (i.e. street festival). Although this issue was discussed and acted upon in the fall of 2010, the Board has comments along with the citizens as to whether those who come for the street festival and the events held at Graves' Mountain Lodge and similar types of events will be subject to the license fee. Furthermore, he felt the Ordinance was very unclear regarding the aforementioned issue and he was directed to add the following section to denote an exclusion for:

"any person, firm or corporation engaged in a business or professional service within Madison County for less than thirty (30) days per calendar year."

Additionally, he explained the intent was to exclude people who come for street festivals and events held at Graves' Mountain Lodge, etc. Additionally, another change that was made was a change in the date to make the Ordinance effective upon adoption, which will only be effective in the event the Board adopts the Ordinance. However, since this issue is up for discussion, there was no change to the enforcement date of March 1, 2012; therefore, he is unsure if the current time frame will be enough to get this in place and alert business owners in a timely manner. In closing, he stated the time frame will include 'from adoption to March 1, 2012' to allow business owners to make the application and pay the fee.

Currently, it is estimated there are about (600) local businesses in the County that pay sales taxes. Although this will be an annual tax and is in place for many surrounding



localities, this fee will have no impact on the County's Peddler's Ordinance, which is more along the lines of requiring a registration only. In closing, he advised that the Board normally doesn't take action following a Public Hearing until the next scheduled meeting.

Supervisor Butler questioned the fee being called a 'license fee' although some businesses will be exempt, despite the fact that each business will have to register.

The County Attorney advised that "license" is the wording used in the enabling statute. In closing, he advised that things need to remain 'easy' and 'simple' as much as possible.

Supervisor Elliott questioned the amount of revenue projected from this fee, to which Ms. Miller advised would be about \$20,000.00.

Supervisor Lackey advised that if all local businesses are expected to register, hopefully this will allow the County to compose a registry of what is actually operating within the County.

Supervisor Weakley questioned that there will be a \$20,000.00 budget shortfall should the Board fail to adopt the proposed license fee.

Ms. Miller explained that the Board's past concept and that an effort was made to check all businesses that pay sales tax within the County in order to gain an idea of what operates here.

In closing, Chairman Allen advised the County has potentially earned a savings at the Transfer Station in fees.

Chairman Allen opened the floor for public comment.

Chip Carver was present and commented on the anticipated revenue and the proposed exemptions and questioned whether the proposed fee will include vendors who participate in the annual County Fair. In closing, he suggested the County make the fee apply to all and not 'piece meal' the issue; therefore, he urged the Board to really think about what is being voted on.

Chairman Allen advised that most of the exemptions denoted within the Ordinance are required by State Code.

Steve Grayson was present and asked the Board to take action to change the exemptions, as Madison generated an excess of \$10,000,000.00 in tourism revenue; therefore, he challenged the Board to realize those funds are sent and will offset some of the costs.

Nick McDowell was present and questioned the fact that the bulk of internet fees are excluded.

Jacki Eisenberg was present and suggested the proposed Ordinance include all businesses. Furthermore, the definition of an "isolated incident" (i.e. arts/crafts) is categorized as an exemption, and she feels that some of the items listed as being exempt shouldn't be.



Bill Campbell was present and advised that today's items were brought up previously were overlooked. Also, the County Attorney has referred to the fee as a 'tax' and it isn't a 'tax.' Additionally, it appears the fee will be charged for each business and this will be a hassle for someone who has several small businesses.

John Underwood advised that it appears the effect was to bring forth some revenue for the County; therefore, he would like more details as to how the Board came forth with the \$20,000.00 as total revenue that will be projected.

Jimmy Graves was present and advised that County employees should be responsible for collection of these fees and not local business owners.

Supervisor Butler suggested the Board discuss the issue further during an upcoming workshop session.

Supervisor Elliott feels the Board voted to move forward with the Ordinance in order to balance the budget; therefore, it should be used as voted earlier.

Supervisor Weakley also suggested the issue be discussed further during the upcoming workshop session and push the date of implementation back just a bit.

Supervisor Lackey suggested the Board determine what the County wants to accomplish, as there appears to be much confusion about the exemptions denoted in the Ordinance. In closing, she would like to have a tax only and no fee, and feels more discussion is needed.

Chairman Allen advised there may have been some oversight when the Ordinance was adopted, as the exemptions denoted are required by legislation, which he feels was incorporated as a way to determine what businesses are in operation. Furthermore, if the Board decides to defer this issue, the next opportunity to take action will be in February, unless the Board decides to act tonight and change the effective date.

Concerns were verbalized as to whether the Board can take action to defer the implementation of the Ordinance until next year.

The County Attorney advised that the Board can establish a date at the time the revision to the Ordinance is acted upon or elect to delay the implementation of the Ordinance that was adopted on April 12, 2011.

After discussion, Supervisor Lackey motioned that the Board defer the implementation of Ordinance #2011-6 (Establish a Business License Fee) from March 1, 2012.

\*Motion dies for the lack of a second\*

Supervisor Butler advised that he will recuse himself from voting on the issue since he has a business.

Chairman Allen advised the Board can discuss the issue further at the upcoming workshop session and will then need to decide on a course of action.



### **15. Budget Liaison Assignments:**

Chairman Allen advised that all members have budget assignment worksheets that will need to be done. Additionally, the general idea behind this action is to assign members of the Board to each of the departments in the absence of a County Administrator.

- |   |                 |
|---|-----------------|
| <b>a. <u>Administration</u></b>         |                 |
| Commissioner of the Revenue             | Allen/Weakley   |
| Reassessment (Assessor)                 | Allen/Weakley   |
| Treasurer                               | Lackey          |
| Finance/Administration                  | Allen/Elliott   |
| <b>b. <u>Board of Elections</u></b>     |                 |
| Electoral Board/Registrar               | Weakley         |
| <b>c. <u>Judicial</u></b>               |                 |
| Clerk of Courts                         | Allen           |
| Madison Combined Courts                 | Allen           |
| Sheriff (Court Security)                | Butler/Lackey   |
| Commonwealth Attorney                   | Butler          |
| <b>d. <u>Public Safety</u></b>          |                 |
| Sheriff (Law Enforcement)               | Butler/Lackey   |
| Emergency Management                    | Allen           |
| 911 Center                              | Butler/Lackey   |
| EMS                                     | Butler/Elliott  |
| Building Official                       | Butler/Allen    |
| Animal Control & Facilities             | Elliott/Lackey  |
| <b>e. <u>Public Works</u></b>           |                 |
| Transfer Station                        | Elliott/Weakley |
| Facilities & Maintenance                | Elliott/Allen   |
| <b>f. <u>Parks &amp; Recreation</u></b> |                 |
| Parks & Recreation (Admin/Maint)        | Butler/Weakley  |
| <b>g. <u>Community Development</u></b>  |                 |
| Zoning & Planning                       | Butler/Lackey   |
| Extension & Con't Ed.                   | Allen           |

Chairman Allen advised that April 17, 2012 is the last day for the Treasurer and Commissioner to have everything in order to get the tax payments out by June 5, 2012

Ms. Miller advised that the Board will also need to review and adopt the FY2013 Budget calendar.



## **16. CAPITAL IMPROVEMENT PLAN:**

Supervisor Allen advised that he'd like to discuss the CIP at the workshop session and come up with a plan as to how the County would like to move forward on this matter.

Supervisor Lackey advised that financing arrangements are constantly changing and suggested a member from VML/VACo attend a future meeting and provide an update to the Board.

Supervisor Butler advised that he would like to see specific designs and receive comments before making any commitments.

Chairman Allen advised that Crabtree, Rohrbaugh, Inc. already performed the aforementioned action and nothing different has been done to date. Additionally, the Board has got to have everything in order along with financing. In closing, if the County isn't going to move forward for the next ten (10) years, we will be to the point where everything will need to be replaced.

Supervisor Lackey suggested the County proceed simultaneously. Additionally, there needs to be some preparation of the CIP and the auditors may be able to shed some light on this issue.

Supervisor Butler questioned whether long-term financing or bonds could be used.

Supervisor Weakley advised that a decision needs to be made during this fiscal year rather than waiting.

Chairman Allen agreed to have someone from VML/VACo attend once again.

Supervisor Lackey questioned if the representative will investigate other financing options that may be available.

Supervisor Butler questioned if there is a possibility to discuss a line of credit that involves bonds and fixed loans.

## **17. BUDGET AMENDMENT (Transient Occupancy Tax):**

Ms. Miller advised that Tracey Williams-Gardner, Director of Tourism, advised that the Tourism Committee has established the desire to spend some of the funding generated from the Transient Occupancy Tax. Additionally, she advised that these funds can only be used to promote tourism within the County, and the Board voted to establish the Tourism Committee for this purpose. In closing, she requested the Board amend the budget for \$8,000.00 and appropriate these funds into the TOT Fund (Transient Occupancy Fund) (i.e. not general fund), whereby if the County is ever audited, there will be a record that the aforementioned funds were spent as required (i.e. currently a balance of \$44,500.00 currently in the fund).

After discussion, on motion of Supervisor Elliott, seconded by Supervisor Butler, the Board voted to amend the County budget by \$8,000.00, with the following vote recorded:



|                  |     |
|------------------|-----|
| J. Dave Allen    | Aye |
| Doris G. Lackey  | Aye |
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Aye |
| Jonathon Weakley | Aye |

After discussion, on motion of Supervisor Butler, seconded by Supervisor Weakley, the Board voted to appropriate \$8,000.00 out of the Transient Occupancy Tax Fund for expenditures incurred by the program implemented by the Madison Tourism Committee, with the following vote recorded:

|                  |     |
|------------------|-----|
| J. Dave Allen    | Aye |
| Doris G. Lackey  | Aye |
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Aye |
| Jonathon Weakley | Aye |

### **18. COMPREHENSIVE PLAN 2012:**

Chairman Allen advised that the Madison County Planning Commission held a public hearing on the 2012 Comprehensive Plan in November 2011 and the Board has to schedule a public hearing as well.

The County Attorney advised that following the Board's public hearing, action will be required within a ninety-day (90) period as well (deadline is February 16, 2012). Additionally, he advised the Board can schedule the session on Monday, February 6, 2012 and take action at the February Regular Meeting on February 14, 2012. Furthermore, he advised that the proposed budget schedule denotes a public hearing is scheduled on February 6, 2012 for citizen input, which is an option. In closing, he advised that an advertisement will need to be published once a week for two (2) consecutive weeks.

Ms. Miller also reminded the Board that a public hearing will need to be scheduled regarding the school system's budget amendment request and may be able to handle both items during the same session.

After discussion, the Board agreed to hold the public hearing to receive citizen input on the FY2013 budget on Monday, February 6, 2012 at 7:00 p.m. and on the 2012 Comprehensive Plan and school system's budget amendment request on Monday, February 13, 2012 at 7:00 p.m., with both sessions being held in the auditorium of the Administration Center.

With no further action being required, on motion of Supervisor Lackey, seconded by Supervisor Weakley, Chairman Allen adjourned the meeting, with the following vote recorded:

|                 |     |
|-----------------|-----|
| J. Dave Allen   | Aye |
| Doris G. Lackey | Aye |



|                  |     |
|------------------|-----|
| Jerry J. Butler  | Aye |
| Pete J. Elliott  | Aye |
| Jonathon Weakley | Aye |

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J. Dave Allen, Chairman  
 Madison County Board of Supervisors

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Jacqueline S. Frye, Acting Clerk to the Board  
 Adopted on: April 10, 2012

Copies: J. Dave Allen, Doris G. Lackey, Jerry J. Butler, Pete J. Elliott, Jonathon Weakley,  
 V. R. Shackelford, III & Constitutional Officers

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***Resolution #2012-1 [To Adopt a Code of Ethics for the Members of the Madison County Board of Supervisors and for the Members of All Boards, Committees and Commissions Appointed by the Madison County Board of Supervisors]***

## ADDENDUM

### RESOLUTION #2012-1

#### A RESOLUTION TO ADOPT A CODE OF ETHICS FOR THE MEMBERS OF THE MADISON COUNTY BOARD OF SUPERVISORS AND FOR THE MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS APPOINTED BY THE BOARD OF SUPERVISORS

WHEREAS, the citizens and businesses of Madison County are entitled to have fair, ethical and accountable local government which has earned the public's full confidence; and

WHEREAS, in keeping with Madison County's commitment to excellence, all public officials, both elected and appointed, must comply with both the letter and spirit of the laws and policies affecting the operation of government; and

WHEREAS, all public officials, both elected and appointed, are required to be impartial and fair in their judgment and actions and ensure that public office is used for the public good; and



WHEREAS, the Madison County Board of Supervisors has determined that the adoption of a Code of Ethics for its members and the members of all Board-appointed boards, committees and commissions will assist in achieving these ends; now, therefore, be it

RESOLVED by the Madison County Board of Supervisors this 10<sup>th</sup> day of January 2012, that the following Code of Ethics is hereby adopted, as amended, on motion of Supervisor Lackey, seconded by Supervisor Weakley.

\_\_\_\_\_  
J. Dave Allen, Chairman  
Madison County Board of Supervisors

|                  | Aye          | Nay   | Absent | Abstain |
|------------------|--------------|-------|--------|---------|
| J. Dave Allen    | <u>  x  </u> | _____ | _____  | _____   |
| Doris G. Lackey  | <u>  x  </u> | _____ | _____  | _____   |
| Jerry J. Butler  | <u>  x  </u> | _____ | _____  | _____   |
| Pete J. Elliott  | <u>  x  </u> | _____ | _____  | _____   |
| Jonathon Weakley | <u>  x  </u> | _____ | _____  | _____   |

Testee: \_\_\_\_\_  
Jacqueline S. Frye, Acting Clerk to the Board

