

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 21ST DAY OF FEBRUARY 2006 AT 2:00 P.M.

PRESENT: DORETHA E. MOODY – CHAIR	ELECTION DISTRICT #4
MICHAEL W. STONE - VICE CHAIR	ELECTION DISTRICT #5
DONALD L. HARAWAY	ELECTION DISTRICT #2
HARRISON A. MOODY	ELECTION DISTRICT #1
ROBERT L. BOWMAN IV	ELECTION DISTRICT #3

ADMINISTRATION

PRESENT: KEVIN MASSENGILL, INTERIM COUNTY ADMINISTRATOR
MICHAEL DREWRY, COUNTY ATTORNEY
ANNE HOWERTON, FINANCE DIRECTOR

=====

CLOSED MEETING

ROLL CALL:

PRESENT: Mr. Bowman
Mr. Haraway
Mr. Moody
Mr. Stone
Ms. Moody

The Chair convened the meeting in open session at 2:00 p.m.

Upon motion of Mr. Stone, seconded by Mr. Haraway,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under §2.2-3711 (A) (1) Personnel – County Administrator and §2.2-3711 (A) (1) Personnel - Social Services

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

The Chair reconvened the meeting in open session at 3:30 p.m.

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under §2.2-3711 (A) (1) Personnel – County Administrator, and §2.2-3711 (A) (1) Personnel - Social Services

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Moody, seconded by Mr. Haraway, this Certification Resolution was adopted.

Ayes: Mr. Bowman, Mr. Haraway, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

REGULAR MEETING

1, 2 & 3. CALL TO ORDER – ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE

Ms. Moody called the regular meeting to order at 3:32 p.m. followed by the roll call, the Lord's Prayer and the Pledge of Allegiance.

ROLL CALL:

PRESENT: Mr. Bowman
Mr. Haraway
Mr. Moody
Mr. Stone
Ms. Moody

4. AMENDMENTS TO AGENDA

Mr. Massengill, Interim County Administrator, requested that the consent agenda be amended to include the Automated Map Book Development Item. He requested that it be added as Item I on the consent agenda.

Upon motion of Mr. Moody, seconded by Mr. Bowman,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the consent agenda is amended as presented.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

5. CONSENT AGENDA

Mr. Haraway requested that Item C, Tax Exempt Financing of Equipment, be pulled for further questions.

Mr. Stone asked to review Item I Automated Map Book Development, that had just been added. Mr. Massengill asked that the item be pulled for further questions.

5.i. APPROVAL OF MINUTES FOR JANUARY 17, 2006 REGULAR MEETING

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the January 17, 2006 Regular Meeting are approved.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

5.ii. APPROVAL OF MINUTES FOR JANUARY 17, 2006 SPECIAL MEETING

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the January 17, 2006 Special Meeting are approved.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

5.iii. APPROVAL OF MINUTES FOR FEBRUARY 6, 2006 SPECIAL MEETING

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the February 6, 2006 Special Meeting are approved.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

5.B. CLAIMS

Upon Motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1052609 through 1052797 (voided check number 1052608).

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

FY – 05/06

Accounts Payable:

(101) General Fund	\$ 234,702.51
(103) Jail Commission	
(105) Recreation Fees	
(209) Litter Grant Fund	

(222) E911 Fund	\$ 4,581.14
(225) Courthouse Main Fund	\$ 6,639.54
(226) Law Library	
(228) Fire Programs & EMS	\$ 25,572.95
(229) Forfeited Assets	
(304) CDBG Grant Fund	\$ 780.74
(305) Capital Projects Fund	\$ 160,877.00
(401) County Debt Service	<u>\$ 20,283.38</u>
TOTAL	\$ 453,437.26

PAYROLL
January 31, 2006

(101) General Fund	\$ 551,981.96
(222) E911 Fund	\$ 54,198.57
(229) Forfeited Asset Sharing	
(304) CDBG Grant Fund	<u>\$ 9,402.63</u>
	\$ 615,583.16

5.C TAX EXEMPT FINANCING OF EQUIPMENT – (Item pulled from Consent Agenda)

The Board received the following memo from Michael Drewry, County Attorney.

The current CIP includes the financing of the following equipment: three fire truck tankers; two ambulances; one fire truck; and five law enforcement vehicles (the "Equipment"). The total amount of the financing will be approximately \$1.6 million. Anne Howerton and I investigated financing options. We determined that the best financial alternative for the County is to issue the financing as a bank qualified, tax-exempt debt. It has been calculated that this type of financing will save the County approximately \$102,960.00 during the 5 year term of the loan (*See attachment*). It is a complicating factor that some of the Equipment will be used by volunteer organizations which are classified as a nongovernmental use by federal tax rules. This factor may impact the tax-exempt status of the debt, but is not necessarily one that cannot be resolved. However, it does make this type of financing more complicated than a straightforward governmental financing. With that background, it is our opinion that to obtain the most favorable financing for the County, it will require the use of a financial advisor to negotiate the terms of a private placement with a financial institution and the use of bond counsel to draft legal documents and to certify that the debt is being offered as bank qualified, tax-exempt. It is estimated that the expense of obtaining a financial advisor will be a maximum of \$7,500 and bond counsel fee will be a maximum of \$20,000. The fees would be incorporated into the financing of the Equipment.

The Finance Director and I are requesting that the Board of Supervisors allow staff to proceed with the procurement of a financial advisor and bond counsel services as it relates to obtaining tax-exempt financing of the described Equipment.

Mr. Haraway asked Mr. Drewry to explain the phrase in his memo, "*it is a complicating factor that some of the Equipment will be used by volunteer organizations which are classified as a nongovernmental use by federal tax rules*".

Mr. Drewry responded that he and the Finance Director, Ms. Howerton, were trying to structure the item in question as a bank qualified tax-exempt financing. There is a complication under the Federal regulations that volunteer use of the equipment is nongovernmental use. He explained that it does not mean that it cannot be done tax-exempt. It means that the type of organization has to be identified. Also if that equipment can't be used as collateral, or if a lien can't be placed against it, then they will have to see if other equipment can be accepted to be used as collateral.

Mr. Haraway stated that he had two problems with this: 1) the interest rate would be higher; 2) that the \$7,500 and the \$20,000 additional monies had not been included in discussion during budget sessions. He asked whether this should be held until there was further clarification.

Ms. Howerton said the purpose of the memo was to enable them to go ahead with the financial adviser and bond counsel if needed to get the bank qualified financing straight. She said this was not approving the financing itself.

Mr. Drewry said he believed that this financing could be done tax-exempt. It, also, could be done as a straight financing but it would cost around 5.8%. He said they are trying to set it up where it will only cost around 3.8%. He said the bond counsel will be needed in order to do that. If the \$27,500 is spent up front there is a potential savings of \$103,000.

Mr. Moody said he had talked with Ms. Howerton about the VACo VMF pool and that there should be an answer back from them soon. He said if the County can get the money through them there won't be a need for a financial advisor, and the bond counsel would be split up among the localities. He said that might not be as high as the \$20,000. He said his vote would be on the need to do this. He asked Staff to also continue investigating financing through VACo and obtain financing from least expensive source.

Dinwiddie County, Virginia

Financing Indications on \$1,610,000 of Equipment

Annual Debt Service

DATE	(A) Equipment BQ 3.80%	(B) Equipment Non BQ 4.50%	(C) Equipment Taxable 5.80%
03/01/2007	361,180.00	367,450.00	378,380.00
03/01/2008	359,780.00	369,175.00	381,850.00
03/01/2009	358,000.00	365,225.00	379,160.00
03/01/2010	360,840.00	365,825.00	380,600.00
03/01/2011	358,110.00	365,750.00	380,880.00
Total	\$1,797,910.00	\$1,833,425.00	\$1,900,870.00

Benefit of Bank Qualified Issue (B) - (A)

\$35,515

Benefit of Tax-Exempt Issue (C) - (A)

\$102,960

Upon motion of Mr. Moody to approve, seconded by Mr. Stone,

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that the County Administrator is authorized to sign all necessary documents to obtain financial advisor services in a maximum amount of \$7,500 and bond counsel services in a maximum amount of \$20,000, to assist with the tax-exempt financing of the Equipment.

BE IT FURTHER RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia not to proceed until information is received from VACo/VML showing that proceeding is the most desirable option.

Ayes: Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

Abstain: Mr. Haraway

5.D. SCHOOL BOARD APPLICATION LITERARY FUND LOAN

Upon motion of Mr. Haraway for approval of the resolution as presented, seconded by Mr. Moody,

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

Resolution R-06-4 was approved as presented.

Resolution

of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA

R-06-4
AUTHORIZATION TO SUBMIT APPLICATION FOR LITERARY LOAN –
DINWIDDIE ELEMENTARY SCHOOL

AT A MEETING Of The Board Of Supervisors For The County Of Dinwiddie, Virginia, Held In The Said County On The 21st Day Of February, 2006:

WHEREAS, the School Board for the County of Dinwiddie, Virginia, on this day presented to this Board an application addressed to the State Board of Education of Virginia, for the purpose of borrowing from the Literary Fund the amount of Seven Million, Five Hundred Thousand (\$7,500,000) Dollars, for the new elementary school building located at Route 460, Dinwiddie, Virginia, Tax Parcels Numbers 19-112 and 19-20(c), to be paid in twenty (20) annual installments, and the interest thereon at two percent (2%) paid annually;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the application of the Dinwiddie County School Board to the State Board of Education of Virginia for a loan of Seven Million, Five Hundred Thousand (\$7,500,000) Dollars from the Literary Fund is hereby approved, and authority is hereby granted the said County School Board to borrow the said amount for the purpose set out in said application.

BE IT FURTHER RESOLVED, the Board of Supervisors of Dinwiddie County, Virginia recognizes that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year and hereby states its intent in future fiscal years, during the life of this loan, to make a cash appropriation sufficient for operational expenses and to pay this loan in annual installments and the interest thereon as required by law regulating loans from the Literary Fund.

I hereby certify that the foregoing is a true copy as taken from the minutes of the Board of Supervisors for the County of Dinwiddie, Virginia.

_____, Clerk
BOARD OF SUPERVISORS FOR THE COUNTY OF
Dinwiddie, Virginia

Upon motion of Mr. Haraway for approval of the resolution as presented, seconded by Mr. Moody,

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

Resolution R-06-5 was approved as presented.

Resolution

of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA

R-06-5

**AUTHORIZATION TO SUBMIT APPLICATION FOR LITERARY LOAN –
DINWIDDIE HIGH SCHOOL**

**AT A MEETING Of The Board Of Supervisors For The County Of Dinwiddie,
Virginia, Held In The Said County On The 21st Day Of February, 2006:**

WHEREAS, the School Board for the County of Dinwiddie, Virginia, on this day presented to this Board an application addressed to the State Board of Education of Virginia, for the purpose of borrowing from the Literary Fund the amount of Seven Million, Five Hundred Thousand (\$7,500,000) Dollars, for the new high school building located at Courthouse Road, Dinwiddie, Virginia, Tax Parcels Numbers 45-3 and 45-4, to be paid in twenty (20) annual installments, and the interest thereon at two percent (2%) paid annually;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia, that the application of the Dinwiddie County School Board to the State Board of Education of Virginia for a loan of Seven Million, Five Hundred Thousand (\$7,500,000) Dollars from the Literary Fund is hereby approved, and authority is hereby granted the said County School Board to borrow the said amount for the purpose set out in said application.

BE IT FURTHER RESOLVED, the Board of Supervisors of Dinwiddie County, Virginia recognizes that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year and hereby states its intent in future fiscal years, during the life of this loan, to make a cash appropriation sufficient for operational expenses and to pay this loan in annual installments and the interest thereon as required by law regulating loans from the Literary Fund.

I hereby certify that the foregoing is a true copy as taken from the minutes of the Board of Supervisors for the County of Dinwiddie, Virginia.

_____, Clerk
BOARD OF SUPERVISORS FOR THE COUNTY OF
DINWIDDIE, VIRGINIA

5. E. PURCHASE/APPROPRIATION – VEHICLE FOR PLANNING DEPARTMENT

The Board received the following memo from Scott Wrenn, Planning/Zoning Administrator.

The Dinwiddie County Planning & Zoning Department is requesting appropriation from the undesignated general fund balance and authorization to purchase a new four-wheel drive vehicle for the Environmental Planner. His current vehicle is a 1986 Chevrolet Blazer with over 200,000 miles on it, and it has been in the shop for repairs several

times over the past few months. The Planning Department needs a reliable four-wheel drive vehicle due to the number of off-road inspections and site visits.

Staff has reviewed the specifications for a Chevrolet Colorado 4x4, Compact Pick-up Truck on state contract at a cost of \$14,124.00 from R.K. Chevrolet. We priced this vehicle with several other dealerships, and the state contract had the lowest cost for this vehicle.

We recommend approval.

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and appropriate \$14,124.00 from the undesignated General Fund balance for the purchase of a Chevrolet Colorado 4x4 compact pickup truck from R.K. Chevrolet for the Planning Department.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

5.F. CHANGE ORDER – HOSE RESTRAINTS FOR EMS PUMPER/TANKER

The Board received the following memo from Chief Dennis Hale.

BACKGROUND

On October 27, 2005 the National Fire Protection Association Fire Department Apparatus Committee and the Standards Council issued a Tentative Interim Amendment to NFPA 1901-Standard for Automotive Fire Apparatus. This amendment became effective on November 18, 2005.

The amendment was made to add Section 15.10.7 which states: *Any hose storage area shall be equipped with a positive means to prevent unintentional deployment of the hose from the top, sides, front and rear of the hose storage area while the apparatus is underway in normal operations.*

This amendment was made in response to several incidents where fire hose falling from moving apparatus has resulted in personal injury and property damage. At least one death is also directly attributable to the unintentional deployment of hose from moving apparatus.

At the current time, Dinwiddie Fire & EMS has one unit awaiting production that was not specified with hose securing devices. Because this amendment is effective immediately that unit has to have the devices added to all hose beds.

Based on this, a change order has been initiated to the contract between Dinwiddie County and Smeal Fire Apparatus to add the necessary securing devices for a cost of \$993.00.

REQUESTED ACTION

Staff requests approval of the change order and appropriation of additional funding from the Capital Improvement Plan fund.

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the change order to the contract between Dinwiddie County and Smeal Fire Apparatus and appropriation of additional funding from the Capital Improvement Plan fund is approved as presented.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

WHEREAS, the Dinwiddie County Board of Supervisors approved the contract for the purchase of a 2000 gallon Pumper/Tanker from Smeal Fire Apparatus on August 16, 2005, and

WHEREAS, the immediate implementation of an amendment to NFPA 1901-Standard for Automotive Fire Apparatus has required a change order to add hose restraints to the apparatus, and

WHEREAS, the increase in price for said restraints shall not exceed \$1,000.00, and the final contract price shall not exceed \$370,689.00,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia, does hereby authorize and direct Dennis Hale, Division Chief of Fire & EMS, to execute the necessary documents to implement the change order and authorize and appropriate the additional funding of \$1,000.00 from the Capital Improvement Plan fund.

5.G. CONTRACTS – CELL PHONES

The Board received the following memo from Anne Howerton, Finance Director.

We have used Alltel for cellular phone service for a number of years and have experienced increasingly poor coverage and reception. This has especially become a problem for Law Enforcement and Emergency Medical Services personnel. We have discussed the problems with Alltel, and since they are unable to provide better coverage, they have agreed to release us from any further contractual obligation.

In selecting another carrier, Verizon appears to be the best choice. In our search for better coverage and reception, we tested several Nextel phones as well as Verizon, but their coverage wasn't any better than with Alltel. Verizon is under contract with the US General Services Administration for cellular service, and Virginia code allows procurement from such federal contracts.

With Verizon we will have 45 lines with a 9,000 minute pool, free voice mail, caller ID, call waiting, call forwarding, and 3 way calling, unlimited mobile to mobile, unlimited nights and weekends, and no roaming or long distance charges. The phones will be provided at no charge, and we will be able to keep our current phone numbers. The

Verizon monthly charge will be approximately \$200 more per month than it has been with Alltel, for an annual increase of approximately \$2,400.

We are asking the Board to approve the following resolution.

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County, Virginia does hereby authorize and direct Kevin Massengill, Interim County Administrator, to execute the necessary documents to contract for cellular phone service with Verizon Wireless.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

5.H. BOND REQUISITIONS: ES-13; HS-12; HS-13

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$12,768.00 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

No. ES-13

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: SunTrust Bank
FROM: The Industrial Development Authority of Dinwiddie County, Virginia, Project Fund
DATE: January 19, 2006

The undersigned Authorized County Representative requests that you make the following disbursement from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 60.00	Moseley Architects	Off Site Sewer Topo&Easement

\$ 912.00	Moseley Architects	Road Design Thru Property
\$ 150.00	Moseley Architects	Off Site Waterline Design
\$ 270.00	Moseley Architects	Off Site Sewer Design
\$ 11,376.00	Moseley Architects	Geotechnical Services
\$ 12,768.00		TOTAL OF THIS REQUISITION

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

Authorized County Representative

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$208,367.00 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
 Nays: None

No. HS-12

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
 \$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: SunTrust Bank

FROM: The Industrial Development Authority of Dinwiddie County, Virginia, Project Fund

DATE: January 19, 2006

The undersigned Authorized County Representative requests that you make the following disbursement from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
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\$191,600.00	Moseley Architects	Construction Documents
\$ 1,620.00	Moseley Architects	Design (3) R-Turn Lane
\$ 972.00	Moseley Architects	Design Reconstr Boisseau Rd.
\$ 1,215.00	Moseley Architects	Design of Widening Boisseau Rd.
\$ 3,024.00	Moseley Architects	Prepare Right-of-Way Plats
\$ 7,296.00	Moseley Architects	Sewage Pump Station&Waterworks
\$ 2,640.00	Moseley Architects	Stakeout Soil Borings
\$ 208,367.00		TOTAL OF THIS REQUISITION

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

Authorized County Representative

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia that a total disbursement of \$1,287.32 from the Lease Revenue and Refunding Bonds, Series 2004B is approved.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

No. HS-13

REQUISITION FROM THE PROJECT FUND

[Indicate whether from Note Account or Bond Account of Project Fund by marking a line through incorrect account]

Note/Bond Account

Industrial Development Authority of Dinwiddie County, Virginia
~~\$15,000,000 Lease Revenue Notes, Series 2004A and~~
\$41,040,000 Lease Revenue and Refunding Bonds, Series 2004B

TO: SunTrust Bank

FROM: The Industrial Development Authority of Dinwiddie County, Virginia, Project Fund

DATE: January 19, 2006

The undersigned Authorized County Representative requests that you make the following disbursement from the referenced Project Fund:

<u>AMOUNT</u>	<u>TO</u>	<u>PURPOSE</u>
\$ 1,287.32	Sands Anderson Marks & Miller	Site Acquisition
\$ 1,287.32		TOTAL OF THIS REQUISITION

An invoice or other evidence of indebtedness for each item listed above is attached hereto.

Authorized County Representative

5. I. AUTOMATED MAP BOOK DEVELOPMENT – (Item pulled from Consent Agenda)

The Board received the following memo from David Thompson, GIS Director.

This memo serves as a request to utilize Worldview Solutions Inc. in developing an automated map book process through the use of Dinwiddie County's present GIS system. This will allow for the production of map books in-house. Updates can be done in an expedited manner providing EMS and Deputies with the most current road information including cross-street and address range information for each intersection.

WorldView Solutions, Inc. has been determined to be the only source practically available for the purpose of developing an automated map book process, because of their original development of Dinwiddie's GIS and their development of *MyMap* software used exclusively by Dinwiddie County. As such, WorldView Solutions, Inc. has been selected as the only source available in accordance with Virginia Procurement Act, Virginia Code Section 2.2-4303.

The funds will be derived from the Wireless E911 fund through the Public Safety Department.

I recommend approval of utilizing WorldView Solutions, Inc. to develop an automated map book in an amount not to exceed \$7500.

Mr. Stone asked since this was scheduled to take place in the near future why was it being accelerated.

David Thompson, GIS Director, answered that this was something he had mentioned to the Board at the retreat in December. The issue at the time was the funds. He said that he had consulted with Dennis Hale, Chief of Public Safety, to make sure the funds were available to do the project. The money is coming from E911 funds.

He said that the map book is a separate component. It's the road map book. He said the map books that the County has currently were being done by an individual who used to come in to update the roads, which hasn't been done in a couple of years. He

said that the map books that are currently being provided to EMS and to citizens are antiquated. This automated map book development will allow that once a road is generated in a subdivision and assigned the attributes designating the address, it will automatically generate the high/low ranges and each cross street. This will help Fire and EMS.

Mr. Stone asked what the timeline was for getting this out if it was approved.

Mr. Thompson said that it would probably be the middle to end of March.

Mr. Haraway asked if the Board committed to the \$7,500 how long it would be before there would be the need for another large sum to be spent on this system.

Mr. Thompson said that this is something that GIS staff will be able to maintain.

Upon motion of Mr. Stone to approve as presented, seconded by Mr. Bowman,

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that it has been determined that WorldView Solutions, Inc. is the only source practically available for the purpose of developing an Automated Map Book for the County's GIS system.

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County that it authorizes the Interim County Administrator to execute the necessary documents to contract with WorldView Solutions, Inc. for developing an Automated Map Book in an amount not exceed \$7500.

6. CITIZEN COMMENTS:

Before the citizen comment period was opened Ms. Moody, Chair of the Board, made the following statement.

In accordance with the Board of Supervisors bylaws we will allow and listen to all persons desiring to speak to the Board in an orderly manner. Please do not address Board members by name, please address all comments to me. You are allowed three (3) minutes to speak after you have signed the registry. After you finish speaking and take your seat, please do not talk out loud to yourself, to your neighbors, or to the other speakers. This is disruptive to the order of the meeting and others attending. If this occurs I'll ask you to refrain from speaking out of order. If this continues I'll ask the Deputy Sheriff on duty to escort you out of the Board room. You must take responsibility for your own actions. Please keep your comments germane to the business at hand. As chair, it is my responsibility to keep the meeting in order at all times. Thank you in advance for our cooperation.

The Chair opened the citizen's comment period.

1. Linda Brandon – Dinwiddie County Registrar – apologized that she had signed up under citizen comment because her calendar didn't have this Tuesday as the meeting. She said she wanted to touch base with the Board members on the 80A Compliance. She said that about nine months ago representatives from the Center for Assisted Living inspected each precinct. There are four precincts that are totally compliant. There are nine that need improvement. She said that Gene Jones, Superintendent of Buildings and Grounds, had already completed some of the tasks. The paving that is needed in some precincts will be the most arduous task. She said the money to bring these precincts into compliance does not come from the State of Virginia nor the County of Dinwiddie. This money has already been federally mandated.
2. David M. Dudley – 25907 Smith Grove Road – Petersburg – said that the county is in a bad shape financially. He said that during the workshop that had been held recently, the Board had alluded to the fact that citizens could expect an increase in real estate taxes from \$.87 to \$1.10. He said that the Board needs to stop putting the burden on the taxpayer, and that the School Board finances are out of hand.
3. Anne Scarborough – Dinwiddie – said that she had come forward to correct something she had said at the last meeting. She said that a few years back the supervisors were so concerned about equal representation that was how we got District 2. She said that was the error; that she should have said they got two supervisors in the Rohoic District. She should have said two supervisors per district.

She said that according to her 2005 tax book out of the 95 counties there are only 13 higher than Dinwiddie. There is one that is the same, and one that is .878.

4. George Whitman, Jr. – 13010 Old Stage Road – Petersburg – said that citizens have the right to talk. He said that he felt the citizens were being closed out. He said that good citizens of the community who were well qualified could be appointed to committees in order to help out rather than going out and hiring people. He said that there could be a lot of help to the Board by having chairmen of these committees who would report back to the Board. This would help with making decisions. He said the County is understaffed. He said he had some serious problems with the school.

7.A. REPORT: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Ray Varney, Resident Engineer, said that in March the current work on Interstate 85 would be complete. He said they are working on a contract for pothole patching on Interstate 85, north and southbound as well as the ramps. Squirrel Level Road project continues to stay on schedule; Sawmill work will continue when the weather improves; Halifax will also continue when the weather improves; and Brills Road anticipated construction will start in March. Mr. Varney stated that it would probably be good if one or two Board members, along with some citizens of the county, could work with VDOT on a road priority review for the Secondary Six-Year Plan. He said he would

be glad to offer his services. He said that next month he hopes to bring with him the new assistant for maintenance.

Mr. Haraway asked if there was any reason why Namozine Road and Sutherland could not be considered as being included in the six-year plan (Namozine from Rt. 460 up to the turn to Sutherland Road to Cozy Cove).

Mr. Varney said that project was probably better suited than some of the other projects that were on the existing secondary six-year plan, strictly looking at traffic volumes, etc. He said he wasn't sure that he had enough information at this point.

Mr. Moody asked about the intersection of Namozine and Route 460. He said he knew there had been several accidents there.

Mr. Varney said it does not show up on the critical intersection report.

Mr. Haraway asked if a certain time of year is chosen when the numbers are counted. He said that regarding this particular intersection it would be very important that the study be conducted from June through August. He said the traffic probably doubles, or more, during that period of time.

Mr. Varney answered that the recent traffic counts were done when school was in session. He said the intersection history is just exactly that, a history. It counts them all year, year after year.

Mr. Moody asked if a request had ever been made to do traffic counts twice a year, during the school year period and during the summer to see if there's a difference.

Mr. Varney answered that they have, particularly if there is a development issue. He said that if there is a particular count that the Board needs he could get it for them.

Mr. Stone asked whether those two roads should be on the Secondary Six-Year Plan currently.

Mr. Varney answered no; and that, matter of fact, he was saying the opposite. They did not rank last year when he reviewed them. He said that maybe they would this year but there would have to be some additional different information.

Mr. Stone asked whether there is greater need for those two roads to be on the Secondary Six-Year Plan than what is currently on the Plan.

Mr. Varney answered yes. He said he that he was not sure of the scope of Baltimore Road. He said that when it comes time to start that project in 2008 he will need someone to tell him the vision for Baltimore Road. Namozine and the Sutherland Road area has the traffic count need. He said if he had a choice between Baltimore Road and improvements on Namozine Road, he would pick Namozine Road.

Mr. Stone commented that speaking for himself, for Mr. Varney to please feel free to tell him during the process this year whether a project should or shouldn't be included.

Mr. Stone also asked about Interstate 85 southbound where the old tolls used to be. He said there is a trailer that he didn't think would pass anyone's code.

Mr. Varney said that is the contractor's lay down area for the bridge construction.

Mr. Stone said the trailer needs to go.

Mr. Varney said he had no idea what the contractual obligations of that are, but that he would personally look into it.

Mr. Bowman said he wanted to echo what Mr. Stone had said; that they would like to hear Mr. Varney's professional opinion on what roads should be placed in that six-year plan according to need rather than political wants. He said he felt the Board was working together to try to accomplish needs in Dinwiddie County. He said also that someone had mentioned Claiborne Road to him. They said that when you turn off of Route 460 onto Claiborne Road going toward the ball field, at the bottom where the crown of the road is, it has a tendency to throw the cars into the other lane in both directions. He asked if that could be looked at and corrected.

Mr. Moody asked if there was a work schedule for Route 460.

Mr. Varney answered that there is more paving scheduled for Route 460 this year. Mr. Varney said also that he wanted to update Mr. Moody on the southbound Interstate 85 ramp onto Route 460 westbound that he had asked about previously. Mr. Varney said the District Traffic Engineer had looked into it and has some recommendations to make. That is in process and will be coming forward very soon. He said also that he had received a letter from the central office regarding not increasing the speed limit on Route 460. They had said no because of the safety conditions, i.e., guard rails on Route 460 were put in when it was built and they are no longer up to code for higher speeds. Therefore, it is not appropriate to increase the speed limit on Route 460.

Mr. Stone reminded Mr. Varney that on April 21st they would like for him to go to the town of McKenney for the high speed rail presentation.

Mr. Varney said that it is on his schedule.

Mr. Haraway asked Mr. Varney if it was the consensus of the Board that a traffic count be taken in July on Namozine Road and Sutherland Road, could he give the direction to do that.

Mr. Varney said absolutely.

Mr. Bowman said that a citizen had made a recommendation for Mr. Varney to consider reducing the speed limit a little west of Wal-Mart from 55 mph to 45 mph, which would probably help the trucks coming out of Wal-Mart and also help the intersection where the concrete trucks come out (Olgers Road).

Mr. Varney said they are working with that intersection now, and will report back to the Board.

Mr. Moody said he had requests to reduce it from Route 708 (Namozine Road) down to Route 226.

Mr. Varney said it probably won't work that far out but they will study it.

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Varney is authorized to conduct a seven-day traffic count just before the stop sign on Sutherland Road to just before the stop sign at Olgers Store at Namozine Road in the month of July, 2006.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

7.B. REPORT: SILVER STAR PROJECT

Abygail Staples stated that she is a seventh grader at Dinwiddie County Middle School, and a member of Girl Scout Troop 799. She said that she was present at the meeting to make a presentation to Fire Chief Ronnie Erb of Company 4, Namozine Volunteer Fire Department. She said that before making the presentation she would like to thank the County of Dinwiddie and Mr. Massengill, Interim County Administrator, for allowing her to place teddy bear drop off boxes at the County Administrative Building and Eastside Enhancement Center. The placement of these boxes was in support of her silver award project that she was working on in Girl Scouts. These boxes were used to collect teddy bears and other stuffed animals which were turned over to the Namozine Volunteer Fire Department who sponsored this project. The job was very successful with a total of 633 teddy bears collected to date. These teddy bears and stuffed animals are distributed to the Fire Departments throughout the county and the tri-city area. These stuffed animals will be used to provide comfort to small children in car accidents, in house fires, or other emergencies involving the fire department and emergency crews in Dinwiddie County.

At this time Abygail Staples presented the teddy bears to Mr. Erb.

Fire Chief Erb said that Abygail had collected enough stuffed animals for them to give to all the tri-cities area, and he thanked her.

Lori Stevens, Commissioner of Revenue, addressed the Board as troop leader of Troop 799. She said that Abygail had worked to earn her silver award in Girl Scouting. She stated that this award represents a girl's accomplishments in Girl Scouting and her community as she grows and works to improve her life and the lives of others. She said that Abygail had definitely accomplished that task. Ms. Stevens said the silver award is not an easy award to earn as it involves six individual steps. Forty hours of community service have to be accomplished. Ms. Stevens said this was no simple project to undertake and complete, and that Abygail did it and continues to demonstrate herself to be a leader, a model citizen, and a great Girl Scout.

7.C. REPORT: COMPREHENSIVE SERVICES GRANT

Marie Grant, Director of Comprehensive Services, spoke to the Board regarding a grant that had been received from the Department of Criminal Justice Services. This grant is to implement a community supervision program. This grant is in the amount of \$25,830. This is a one year, non-renewable grant that is 100% funded through the Department of Comprehensive Services and there is no local match. The program is designed to serve as an alternative to secure detention in the county. Ms. Grant stated that they are proposing that they will reduce the number of youth in secure detention by 50% during this initial year; and the amount of money spent in secure detention by 25%. Last year in FY05 Dinwiddie County spent \$217,762 in secure detention costs. In the absence of this program, the County is on track to spend that amount, if not a little more, in FY06. Ms. Grant said that the differential between the 50% and the 25% is because the youth that will remain in secure detention are the serious offenders who have often been transferred to Circuit Court to be tried as adults. The cost of holding a child in secure detention is \$88 per day. Last year Dinwiddie County had 52 youth in detention, 27 of those youth would be eligible for this program. If those 27 youth had been in this program it would have saved the County \$47,634. In addition to the secure detention costs, there were expenditures in electronic monitoring of \$24,575. They typically spend longer periods of time in detention. The youth who will be brought out of detention by this program are the youth who are in detention for 30 days or less. The youth will come into this program on a level system based on their score on an assessment administered at intake with Level 4 being the most intensive supervision and Level 1 being the least intensive supervision. They will be able to fluctuate between levels based on violations. They will be monitored electronically while they are on the program, both in the community and in their homes. They will not be allowed to have visitors in their home, or to leave their home without the accompaniment of a parent unless they are at school. Ms. Grant said also that job offers had been made to individuals for two part-time staff to operate this program. One will work from Monday to Thursday, and one will work from Friday to Monday. Both of these individuals have extensive background in juvenile justice.

7.D. REPORT: BOARD OF SUPERVISORS BYLAWS – NOTICE OF AMENDMENTS

Mr. Drewry stated that at the last meeting the Board had voted on bylaw amendments; and that at that time he and Mr. Massengill had both stated that it was just a start and that Mr. Drewry would go back through the bylaws and come back to the Board with suggestions. The suggestions that were before the Board were not to be voted on but to be discussed. He said that the main suggestion was the rules of procedure. Currently the rules are Chairman Rules, and Mr. Drewry said he had inserted the language for Robert's Rules. He said he was most familiar with these, and therefore it gave him better opportunity to go to a book and give an answer where Chairman's Rules do not. He said the next biggest change was deletion of financial controls which had been discussed with the Board and deleted per the Board's direction. Ms. Howerton, Finance Director, is working on putting these controls together in a financial procedure book.

Mr. Haraway said he would like a workshop on the subject of Robert's Rule of Order. One of the subjects he would like for the attorney to address at the workshop is the advantages and disadvantages of having Robert's Rule of Order.

Mr. Drewry said that he and Mr. Massengill would look at the agenda for the next meeting and see if it would be possible to have the workshop the day of the meeting either after or before the meeting.

PROCEDURE IN BOARDS

As a board member, what you need to know to participate properly in board meetings depends on their size. If there are more than about a dozen board members at a meeting, the same procedures are followed as at other meetings, exactly as described in the rest of this book.

If, however, not more than about a dozen board members are present, a more informal procedure is followed [RONR (10th ed.), p.469-71.]:

Informal Procedure in Small Boards

- + Board members do not have to stand or be recognized by the chair in order to speak or make motions.
- + Motions need not be seconded.
- + A board member may speak any number of times on a question (not just two), and motions to close or limit debate are generally not permitted.
- + A motion does not have to be pending in order to discuss a subject informally.
- + Votes can be taken initially by a show of hands.
- + If a proposal is perfectly clear to everyone it may be voted on even though no formal motion has been made.
- + In putting questions to a vote, the chairman need not stand.
- + The chairman can participate in debate just as any other board member and, subject to the custom in the particular board, can also make motions and vote.

BYLAWS

BOARD OF SUPERVISORS

DINWIDDIE COUNTY

Adopted March 16, 2004

Revised February 6,

2006

ARTICLE I

OFFICERS AND THEIR SELECTION

- A. The Officers of the Board of Supervisors shall consist of a Chairman and Vice Chairman, each of whom shall serve for a term of one (1) year.
- B. Nomination of Officers shall be made from the Board at the first meeting of each calendar year. Election of Officers shall follow immediately.

ARTICLE II

DUTIES OF OFFICERS

- A. The Chairman shall:
 - (1) Preside at all meetings;
 - ~~(2) Make committee appointments;~~
 - (3) Work closely with the County Administrator on day to day matters, approve appropriate financial documents, and approve the agenda for all meetings;
 - ~~(3 4)~~ Serve on all standing committees of the Board;
 - ~~(5 4)~~ Carry out such other duties as assigned by the Board.
- B. The Vice-Chairman shall act in the absence or inability of the Chairman to act.

ARTICLE III
AGENDA PREPARATION POLICY

- A. The County Administrator shall prepare an agenda for each regular meeting of the Board of Supervisors. Supervisors, staff, and others may submit to the County Administrator items for the agenda at any time prior to Noon Wednesday preceding the regular meeting to which such item relates. Emergency Items will be added as an amendment to the agenda
- B. Copies of the agenda shall be made available at the office of the County Administrator for each Supervisor and for members of the News Media serving the County and the public not later than close of business on Friday preceding the meeting to which it relates.

ARTICLE IV
MEETINGS

- A. The time and place of Board Meetings shall be set from time to time by resolution of the Board in conformance with State Law. The regular meeting schedule shall be set at the organizational meeting held in January each year.
- B. Minutes from the previous meeting shall be delivered to the Board members with the agenda prior to the next meeting. Unless requested by a Board member, the minutes will not be read and will be approved upon motion and vote of the Board.

C. ORDER OF BUSINESS –

(1) COMMENCEMENT OF MEETINGS:

At the time established in accordance with Article IV(A) of these By-Laws for the commencement of regular meetings or at the hour specified for continued or special meetings, the chairman shall call the meeting to order and shall direct the clerk to note the absence of any Board members by roll call. A quorum shall be required for commencement of any meeting.

(2) AGENDA:

An agenda shall be prepared by the County Administrator in accordance with Article III under these By-laws. The proposed agenda shall be adopted by the Board at each meeting. Should the chairman or any member of the Board have a matter which he or she feels needs to be brought to the attention of the Board but which is not on the agenda, or if there is an amendment to the order of the agenda, he or she may make a motion that an addition or amendment be made to the agenda. Such amended agenda must be approved by a majority of the Board members present.

D. QUORUM AND METHOD OF VOTING

A majority of the members of the Board of Supervisors shall constitute a quorum of the Board. All questions submitted to the Board for decision shall be determined by a *viva voce* vote of a majority of the supervisors voting on any such questions, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded.

E. PROCEDURE FOR ROLL CALL OF BOARD MEMBERS

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis per meeting.
- (3) The Chairman/Clerk shall restate all motions before a vote is taken and the result of the vote shall be announced following each vote.

F. GENERAL RULES OF PROCEDURE

~~(1) The proceedings of the Board, except as otherwise specifically provided in these bylaws and by applicable State law, shall be governed by Chairman Rules except that no second shall be required on any motion. The Board's Parliamentary Procedures shall be Robert's Rules of Order, Newly Revised, 10th edition, specifically to include Section 49, *Conduct of Business in Boards*, pages 469 – 471, in all matters not covered by the Board's bylaws, to the extent compatible with law and the historical practices of the Board. The County Attorney, or his or her designee, shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules shall be addressed to the County Attorney. The Board may amend, by Resolution, the rules as it deems appropriate. The following rules shall apply:~~

~~(12) Members are not required to obtain the floor before making motions or speaking, which they can do while seated. An appeal may be taken by any member from a ruling of the chair. A majority vote of those members present shall determine any appeal.~~

~~(2) 3) Motions need not be seconded. The Chairman shall be permitted to vote on all questions.~~

~~(3) 4) There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.~~

~~(4) Informal discussion of a subject is permitted while no motion is pending.~~

~~(5) The Chairman can speak in discussion without leaving the chair and can make motions and vote on all questions.~~

(6) When any Board member determines, prior to the calling of any issue before the Board, that he, because of conflict or otherwise, will abstain from voting on such issue, he shall announce such intention at the time the issue comes before the Board and shall not participate in the discussion on such issue or question.

(75) In the incidence of a tie vote the issue voted upon by the Board is dead and therefore voted down.

(8) Only Board members and the Parliamentarian shall have standing to raise noncompliance with these General Rules of Procedure, and only during the current meeting at the time of violation. Failure of the Board to comply with these General Rules of Procedure shall not invalidate any action taken by the Board.

G. MEMBER ABSENTING HIMSELF FROM MEETING PRIOR TO ADJOURNMENT

After the name of any member of the Board has been recorded as present at any meeting of the Board, he shall not absent himself previous to adjournment unless by consent of the Board.

H. BOARD TO SIT WITH OPEN DOORS

The Board of Supervisors shall sit with open doors and all persons conducting themselves in an orderly manner may attend the meetings; however, the Board may hold closed sessions as permitted by law and when deemed necessary by a majority vote of the Board.

The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Board as a single item. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda. The Clerk or his/her designee shall provide a brief written summary or memo on of each item included in the consent agenda. Upon request of any Board member who wishes to question or discuss an item, that ~~item~~ item shall be removed from the Consent Agenda. This item shall be transferred onto the agenda for consideration ~~under new~~ business.

I. CITIZENS COMMENT PERIOD RULES FOR CITIZEN COMMENT PERIOD

To ensure that the affairs of the Board and its committees may be conducted in an orderly manner, to ensure that all persons desiring to address the Board on matters pertinent to it are afforded an opportunity to do so, to permit persons in attendance to observe and hear the proceedings of the Board without distraction, and to permit to the fullest extent the Board to conduct County business with minimal disruption, the following rules are established.

(1) Each person desiring to speak must sign up in advance of the opening of the Citizens' Comment period on the agenda.

(2) Each speaker shall be limited to a period of three minutes per meeting; when

two minutes have passed the speaker will be reminded that there is one minute remaining.

- (3) Speakers who have signed up may use their allotted time only for themselves and may not donate their time to other speakers.
- (4) Speakers will not be permitted to use audiovisual materials or other visual displays, but may present written and photographic materials to the Board members.
- (5) Comments must be confined to matters germane to the business of the Board of Supervisors and shall not be cumulative or repetitive.
- (6) Speakers should address the Board with decorum – loud, boisterous, and disruptive behavior, obscenity, and vulgarity should be avoided as well as other words or acts tending to evoke violence or deemed to be a breach of the peace.
- (7) The Citizens' Comment period is not intended to be a question and answer period or time for dialogue with County officials. Questions which are raised during a comment period may at the discretion of the Board be responded to by County officials after sufficient time for appropriate investigation.
- (8) Speakers shall remain at the podium while addressing the Board.
- (9) Speakers shall not be interrupted by audience comments, calls/whistles, laughter, or other gestures. Individuals in the audience who do not abide by this policy after a warning will be asked to leave the meeting.
- (10) Expressive activities including, but not limited to, petitioning, picketing, displaying signs and posters, solicitation, demonstrating, pamphlet distribution, and conducting polls shall not be permitted within the Administration Building or at in any other building that the Board is meeting.

~~The time allotted for Citizens' Comment period will be thirty minutes per comment period, unless the agenda allots a different amount of time. Each speaker will be limited to three (3) minutes at the podium per meeting.~~

These rules do not preclude persons from delivering to the Board or its Clerk written materials including reports, statements, exhibits, letters, or signed petitions or to prohibit persons from presenting oral or written comments on any subject germane to the business of the Board to individual Board members or to the Board through its Clerk outside the context of the public meeting.

J. AGENDA ITEM PROCEDURE

The following guidelines shall be followed for comment addressed to specific agenda items:

- (1) In order to prevent obvious questions from consuming Board Meeting time, the Chairman and/or designated person(s) will give a brief explanation of each agenda item prior to opening the floor for citizens' comments.

ARTICLE V
PROCEDURE FOR DEALING WITH ITEMS NOT ON THE AGENDA

A. All matters not on the agenda must be raised during citizens comment period. Any matter not on the agenda shall not be considered unless approved for consideration by the majority of the Board present in accordance with Article IV, C (2). ~~Any matter not listed on the agenda shall not be acted upon over the objection of any three members present.~~

B. For any special meeting, the business to be discussed shall be stated in the call for such meeting. The Chairman or Administrator shall prepare a written agenda listing all items to be considered for every special meeting. No other business shall be discussed or acted upon unless approved for consideration by the majority of the Board present in accordance with Article IV, C (2). ~~over the objection of any three members present.~~

ARTICLE VI
PUBLIC HEARINGS

A. All public hearings will be advertised in accordance with the Virginia Code. Public hearings may be postponed, continued or canceled at the discretion of the Board.

B. In addition to those required by law, the Board at its discretion may hold public hearings when it decides that a hearing will be in the public interest.

C. The case before the Board shall be summarized by the Chairman or designated person(s). Interested parties wishing to speak must sign the register at the rear of the room prior to the start of the hearing. Each person wishing to speak will be called to the podium by the Chairman/Secretary in the order such person signed the register and must state his or her name and address for the record. Each speaker shall be limited to five (5) or three (3) minutes, unless waived by the Board.

D. Board Members shall limit their comments in public hearings to insure participation by the public without Board interference.

ARTICLE VII
APPOINTMENT OF COMMITTEES

Appointments to committees of the Board and to authorities, boards, and commissions, shall be made only by Resolution adopted by a majority of the full Board. Prior to consideration of the nomination, the nominee shall be notified to determine his or her willingness to serve and to determine if he or she meets the qualifications for such appointment.

~~ARTICLE VIII
PROCEDURES FOR FINANCIAL CONTROL~~

~~A. Annual appropriations shall be subject to the following method of internal control:~~

- ~~(1) The Board of Supervisors may make annual appropriations for the purpose of limiting the normal operating expenditures of the County.~~
- ~~(2) The County Administrator shall have the authority to transfer appropriations by line item within major categories, except for salary line items. All transfers are to be reported to the Board on a monthly basis.~~
- ~~(3) The County Administrator will not have the authority to transfer appropriations between major categories.~~
- ~~(4) The County Administrator will report to the Board in summary form all revenues and expenditures on a monthly basis.~~
- ~~(5) The County Administrator will report to all County Officers, by line items, expenditures every two months.~~

~~B. All normal operating expenditures of the County shall be processed in the following manner:~~

- ~~(1) All bills or invoices will be approved by the appropriate department head or constitutional officer, and received by the County Administrator.~~
- ~~(2) Checks and a check register will be prepared by the County Administrator's office.~~
- ~~(3) All bills, invoices, checks and check register will be reviewed by the County Administrator for approval.~~
- ~~(4) The County Administrator will review all invoices and submitted expenditures and initial the check register.~~
- ~~(5) All check registers will be presented to the Board of Supervisors for review and approval.~~
- ~~(6) The checks and check register will be presented to the Treasurer for review and approval.~~
- ~~(7) Upon approval, the Treasurer will sign all checks and keep one copy of the check register for the record.~~
- ~~(8) The checks will be distributed, as appropriate, by the County Administrator's office.~~

~~C. The Treasurer will submit a monthly report of financial condition on forms provided by the Board of Supervisors. The Board will consider approval of the report monthly.~~

ARTICLE ~~IV~~VIII

DUTIES OF THE COUNTY ADMINISTRATOR

The County Administrator shall:

- A. Prepare the agenda for each meeting for approval in conformance with the agenda preparation procedure outlined in these bylaws.
- B. Keep a written record of all business transacted by the Board.
- C. Administer the financial control procedures of the County.
- D. Advise and inform the Board on all matters affecting County government.
- E. Execute all formal documents authorized by the Board of Supervisors.
- F. Provide and supervise all staff services directly under the control of the Board of Supervisors.
- G. The County Administrator shall be responsible for all personnel management of the County. Department Directors will be hired and dismissed with the consent of the Board of Supervisors.
- H. Prepare an annual operating budget for the County government in accordance with guidelines established by the State auditor's office for approval by the Board of Supervisors. He shall be responsible for maintaining adequate financial and accounting records on all County business under his control.
- I. Serve as the Board's representative in all circumstances where the Chairman, Vice Chairman, or a majority of the Board Members are not available.
- J. Perform all other duties delegated by the Board as required by law.

ARTICLE IX AMENDMENTS

The Bylaws may be amended by a recorded majority vote of the entire membership of the Board after thirty (30) days prior written notice has been given to all members of the Board and a copy of the proposed amendment is sent with the notice.

CODE OF ETHICS AND STANDARDS OF CONDUCT FOR MEMBERS OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct,

any person serving on the Dinwiddie County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States and of all governments therein and never knowingly be a part to their evasion.
2. Put loyalty to the highest moral principles and to the County as a whole above loyalty to individuals, districts, or particular groups.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin or handicapping condition. Avoid adopting policies, supporting programs or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, and country of origin or handicapping condition.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members, favors or benefits under circumstances, which might be construed by reasonable persons as influencing the performance of Board of Supervisors duties.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word, which can be binding on public duty.
8. Engage in no business with the county government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of Board of Supervisors duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
9. Never use any information gained confidentially in the performance of Board of Supervisors duties as a means of making private profit.
10. Expose, through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions only to deal with sensitive personnel, legal or contractual matters as provided by the Code of Virginia.

12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
14. Review orally and in public session, at the annual organizational meeting, each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

7.E. REPORT: SMITH/PACKETT REQUEST FOR INCENTIVES

Mr. Bowman stated that he had a conflict with this case as he is an adjoining property owner. Mr. Bowman then left the Board room during the presentation and discussion of this case.

Mr. Massengill gave a brief background of this case. He said that staff has been working with Smith/Packett since January of 2003 in trying to locate a nursing home in Dinwiddie County. In order to have a nursing home locate in a jurisdiction, a Certificate of Public Need must be granted to the company by the Health Commissioner. Smith/Packett was granted the bed spaces needed: a 60 bed nursing home and 32 bed assisted living facility. At that time, the proposed facility was located across from Eastside Enhancement Center. Soon after this was granted, they recognized that the property they had was not going to work because of wetlands on the property, and the building footprint would not be positioned right. They returned to staff at that time and requested assistance in finding another location. On their own, however, they were able to find a replacement site. One of the disadvantages of the site was that it would cost approximately \$100,000 more. In addition, whereas the first site had water and sewer in proximity, the current property will require an extension that will cost approximately \$31,500 or more. Due to these expenses, and as Smith/Packett had received incentives in other jurisdictions in enterprise zones, they are requesting that the County offer incentives, even though it is not in an enterprise zone. Staff had a meeting on January 10, 2006 with the Industrial Development Authority (IDA) as a county cannot offer incentives directly to a private entity outside of an enterprise zone. In this particular case it would be necessary for the IDA to be the conduit. At the January 10th meeting the consensus of the IDA was that they would serve in this capacity if the Board of Supervisors would agree to offer some type of incentive in portion or in whole. The incentives requested are the building permit, the electrical permit, the mechanical, plumbing, fire suppression, demolition, land disturbance permit, and a sign permit all to be waived for a total of \$22,649.26. To extend the sewer would be approximately \$31,500, and the tap fees for sewer are \$160,425 and for water \$87,975 for a grand total of \$302,549. In an enterprise zone the tap fees are based on a 5/8 inch metered line. In their situation it would have been \$5,520, and extending the sewer would be something that would not be qualified in an enterprise zone. Smith/Packett is estimated to generate revenue to Dinwiddie County approximately \$56,000 annually. Of that, the incentives they have requested are \$302,000.

Mr. Massengill stated that staff has some considerations they would like to bring for the Board's edification: 1) the facility will create a significant number of professional jobs in the County; 2) Smith/Packett aggressively sought to locate in Dinwiddie County because they saw there was need here. Staff agreed. They did not request incentives from the County until the replacement site was identified and determined to be more than the original location. Incentives are typically offered as an inducement to locate, not after the announcement is made; 3) the location of the proposed site is not a part of the enterprise zone, so staff is concerned about what precedent would be set in offering incentives outside of the enterprise zone; 4) the water and sewer connection fee is estimated to be almost 80% of the total incentives requested, and if this were in an enterprise zone it would have been \$5,520. If approved, the County will require Smith/Packett to compose a performance contract with suitable clawback provisions in place. If the owner is unable to fulfill items as outlined in their proposal in a given timeframe, or decides to sell the center, the County should be protected. One portion of the incentives was for the County to maintain a private pump station. The Dinwiddie County Water Authority does not maintain private pump stations, and that has been taken off as an incentive. Mr. Massengill said that before Smith/Packett was asked to develop a contract, staff wished to find out whether the Board wanted to offer incentives.

Hunter Smith of Smith/Packett spoke to the Board. He said they did not request incentives originally because there was not a need. He said they are committed to building the nursing home. He said the question was whether they would be able to build the building they had wanted to build originally. He said they are not actually asking for incentives, but rather the reimbursement of taxes through time that would be generated specifically from their building. He said that if their building wasn't there, these taxes wouldn't be generated. He said they're not asking for the waiver of fees, but help for that amount. He said if the concern is the amount, they can scale back and go to \$211,000, and phase the project to build the infrastructure for the 32 additional assisted living beds in the nursing home. He said they were also originally asking for the incentives to be given to them in a five-year period. They've increased that to ten. He said the total proceeds of that building would not come back to Smith/Packett but rather would be evenly shared with the County and Smith/Packett. He said they were not asking for a vote that day. He said they would like to get to a point of discussion in the near future as to what the County is comfortable doing. He said they wanted to make it as easy a process as possible.

Mr. Haraway referred to the additional cost of \$302,000. He said the IRS is going to require them to depreciate the building over 28 years. He said that would mean there would be an additional approximately \$10,800 cost per year more than anticipated.

Mr. Smith replied that the \$302,000 doesn't get them whole, that they would still be absorbing a very large amount of that expense. He said the \$302,000 allows them to get in a more comfortable position.

Mr. Moody asked the estimated timeline on construction.

Mr. Smith answered that they would like to start in the next couple of months. He said they've had the plans finished but haven't given them to the County. They wanted to get the issue of phasing complete. He stated it would probably take them fifteen to eighteen months from now to have a fully operational nursing home. Mr. Smith said they would not be looking for the tax calculations to begin until the building is fully

operational. He said the taxes they are paying now and in the interim would go straight to the County.

Mr. Moody asked what would separate Smith/Packett out from any other business that would ask for the same incentive.

Mr. Smith replied that they are a nursing home; and they will be the only nursing home in Dinwiddie County for the foreseeable future. The Certificate of Public Need which they have received eliminates the ability for another nursing home to come in and compete. There is not the same scenario as with office uses or industry. He stated that another reason is the number of professionals they will be employing, and that they will be providing a unique service.

Mr. Haraway said he knows that the nursing home will be an asset to Dinwiddie County. He said further however, that his problem was that had they come to the Board at the beginning and asked for incentives he would have been more open to the idea. He said now they are at the point that Smith/Packett has been before the Central Virginia Health Planning Agency and the State Health Commissioner, and had this project approved by both with the understanding that the County was not going to subsidize the building cost of the facility. Mr. Haraway said he had not seen anything presented to the Board that would indicate that building in Dinwiddie County is any more expensive than building in another locality. He said that the only competition that Smith/Packett had in obtaining the Certificate of Public Need was from localities that had existing nursing homes. He said the other point was that the \$302,000 only represents 5% of the total building costs; and most developers have a contingency of 10%. He said, therefore, the 5% should not make this project so that it's financially unfeasible for Smith/Packett.

Mr. Smith said that he agreed. He said that Dinwiddie County is in the planning district of Prince George, Colonial Heights, Hopewell, and the City of Petersburg. Prince George does not have a nursing home either. He said he believed that the certificate was awarded to build in Dinwiddie because of the overwhelming support; and also for the fact that it does not have a nursing home. He said that on their end, the Certificate of Public Need can be moved; however, that is not something they want to do, nor have they entertained that idea. He said the cost of developing in Dinwiddie is not any more expensive than the other localities. He said their problem was a site problem. He said they do have a contingency in the budget. He said their issue is that Dinwiddie County has a very large Medicaid population. He said that typically a nursing home loses approximately \$12.50 a day on a Medicaid patient. They believe that because of the location and the need, the large majority of those 60 skilled nursing beds will be filled with Medicaid patients. He said the reason he didn't request incentives in the beginning was because they weren't needed with the original site. He said he doesn't like asking for incentives. He said they have every intention, regardless of whether they get the incentives or not, of building the nursing home and will be open in the same timeline. He said the situation is whether they will be able to set up a foundation that allows this nursing home to be expanded and to be an economic foundation for the future. He would like to build the home he had originally wanted to build. He said he would like to get a dialog as to what the Board would be willing to do. He said they are willing to do what they have said they will do, they are just asking for help.

Mr. Moody said he would like some time to talk about this some more.

Mr. Stone said he was ready to take action should the Board be ready.

Mr. Haraway said he was ready to take action, but was not against waiting if Mr. Moody felt strong about waiting.

Mr. Moody said his main concern was the impression of Dinwiddie County being a business friendly community. He said he would like to be able to study it and make sure that the Board is doing everything that can be done to entice industry or business to come into the County. He said he knew they were already coming, but it was something that he would feel more comfortable to take more time to look at the formulas and see if there was something that could be done to help business. He said he would like to meet within the next thirty days or so.

Mr. Haraway added that this is different from most any other business that would come into the county. He said what made it different was the Certificate of Public Need. He said that a lot of nursing home companies would love to have a certificate of need for 60 beds but are unable to get it. He said that this makes it different from another type of business that did not have this requirement. He said this should have been discussed and put on the table when the Certificate of Public Need was reviewed by the agency and by the Health Commissioner. He said it will take a lot for him to change his mind regarding granting this incentive.

Mr. Stone said he didn't have a problem if Mr. Moody needs a month.

Mr. Massengill said he would be in touch with Mr. Smith and schedule the meeting.

7. F. REPORT: ANIMAL SHELTER UPDATE

Gene Jones, Superintendent Buildings and Grounds, stated that last year he got a quote from DeStafano for drawing up plans for the animal shelter. His quote came back at \$13, 791.25. Mr. Jones said he felt this was too high to charge to just draw up plans. Therefore Mr. Jones said he drew the plans up himself. He gave the plans to Mr. Dwayne Abernathy, Dinwiddie County Building Inspector, and the state vet for review and neither had any problem with the plans. Mr. Jones said he is now receiving bids to get it built. He said he thought that by late spring it should be started, with a completion date in three to four months.

8. A. ACTION ITEM: ESTATE OF AGNES OZMAR RELEASE AGREEMENT

Mr. Drewry presented the following memo to the Board.

Charles T. Baskerville, Esquire, who represents Rebecca A. Koenig, Executor of the Estate of Agnes C. Ozmar, has requested that the Board of Supervisors gives consideration to the attached Release Agreement.

The Last Will and Testament of Ms. Ozmar has been admitted to probate in the Clerk's Office of the Circuit Court of Dinwiddie County. Article Two, paragraph b of Ms. Ozmar's Last Will and Testament bequeaths a portion of Ms. Ozmar's estate to the "Dinwiddie

Rescue Squad". There are two rescue squads in Dinwiddie County: one volunteer, and one paid. The amount represented by this bequest is approximately \$28,000.00

In her role as Executor, Ms. Koenig wants to be absolutely certain that she distributes the funds to the proper payee. The Executor indicates that Ms. Ozmar was served often by the volunteer organization, incorporated under the name "Dinwiddie Ambulance & Rescue Squad, Incorporated" and it is the Executor's belief that Ms. Ozmar clearly intended that the volunteer organization be the recipient of this bequest.

The Executor requests that if the Dinwiddie County government is agreeable to the bequest being paid to the volunteer organization, then the Board take appropriate action by authorizing the Board Chairman to sign the attached release agreement.

If the County is not agreeable to the bequest being paid to the volunteer organization, then the Executor will have to initiate proceedings in the Circuit Court requesting guidance of the Court in determining the proper payee. The Executor would like to avoid this expense.

Administrative staff and I recommend approval of the Release Agreement.

Mr. Haraway said that he agreed, but he felt that the County needs to do a better job of educating the public that the volunteer Dinwiddie rescue squad plays an unusually small role in delivering emergency service to county residents. They only conduct 2% or 3% of the total calls. They average about two calls per week. He said this is no fault of theirs, but that they have a manpower problem.

Upon motion of Mr. Moody, seconded by Mr. Stone

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that it directs the Chairman of the Board of Supervisors to sign the Release Agreement as presented, on behalf of the Board of Supervisors of Dinwiddie County.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

8.B. ACTION ITEM: DCWA/ARWA – WATER PLAN RESOLUTION

The Board received the memo below from Kevin Massengill, Interim County Administrator

BACKGROUND:

In accordance with Title 62.1 of the Code of Virginia, all counties, cities and towns in the Commonwealth of Virginia are required to submit a local water supply plan or participate in a regional planning unit in the submittal of a regional water supply plan to the State Water Control Board. With the above noted, the Appomattox River Water Authority (ARWA) has taken the lead in preparing a bid for professional services to prepare individual local plans for the members of the Authority (City of Petersburg, City of Colonial Heights, Chesterfield County, Dinwiddie County and Prince George County).

PURPOSE:

The purpose of this requirement is to establish a comprehensive water supply planning process for the development of local, regional, and state water supply plans. This process shall be designed to:

1. Ensure that adequate and safe drinking water is available to all citizens of the Commonwealth; and
2. Encourage, promote, and protect all other beneficial uses of the Commonwealth's water resources; and
3. Encourage, promote, and develop incentives for alternative water sources, including but not limited to desalinization.

REQUESTED BOARD ACTION:

At the November 14, 2005 Board meeting of the Dinwiddie County Water Authority (DCWA) the Board authorized the DCWA to pay for Dinwiddie County's portion of the State Water Plan. However, DCWA is not a member of the Appomattox River Water Authority (ARWA). Therefore, Dinwiddie County has a need to formally adopt the attached draft resolution.

As mentioned earlier, ARWA is in the process of securing professional services to conduct this plan for the region. A local public hearing is required by 15.2-1427 during the development of this local plan. In addition, the following is the proposed schedule for selecting a consultant:

- | | |
|-------------|--|
| 1. Feb 1 | RFQ's sent out & advertised |
| 2. Apr 3 | Cut off date for responses |
| 3. April 10 | Committee review responses, meet & select 3 or 4 firms |
| 4. May | Interviews & committee selection |
| 5. June | Verify local money budgeted for FY 2006/2007 |
| 6. June | Selection from Committee to Board |
| 7. June | ARWA Board selection |
| 8. July/Aug | Start work |

A selection committee has been created consisting of Roy Covington of Chesterfield, Robert Wilson of Dinwiddie County and Richard "D" Hartman of ARWA. The selection committee has determined that the Study may cost up to twice the original estimate of \$200,000 and the local budgeted shares should be: Chesterfield \$160,000 and all others at \$60,000. Again, DCWA has agreed to pay Dinwiddie County's share in full at no cost to the County.

State grant money is available to help offset these costs, up to \$50,000 per proposal. One requirement is that the attached draft resolution be passed.

Upon motion of Mr. Stone, seconded by Mr. Moody,

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia to adopt the attached resolution designating the Appomattox River Water Authority (ARWA) as the coordinating agency for a Regional Plan and the individual plans for its member localities, that gives ARWA the authority to enter into a contract with DEQ for the state grant, and states that the Dinwiddie County Water Authority (DCWA) will be

providing Dinwiddie County's share of the necessary matching funds in full at no cost to the County.

Ayes: Mr. Bowman, Mr. Haraway, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None



Resolution

of the BOARD OF SUPERVISORS of DINWIDDIE COUNTY, VIRGINIA

R-06-6

AUTHORIZATION FOR APPOMATTOX RIVER WATER AUTHORITY TO PREPARE AND ADMINISTER LOCAL WATER PLAN

**AT A MEETING Of The Board Of Supervisors For The County Of Dinwiddie,
Virginia, Held In The Said County On The 21st Day Of February, 2006:**

WHEREAS, the Commonwealth of Virginia has mandated that all localities in the state must prepare a Water Plan that addresses present and future drinking water needs; and

WHEREAS, the plan can be done by each locality or several localities may join together to prepare a regional plan that shows each locality's needs; and

WHEREAS, the Board of Directors of the Appomattox River Water Authority feels that a Regional approach would be best and would allow for the use of several recent Authority studies that determined member's future needs; and

WHEREAS, the Department of Environmental Quality may have grant funds available for Regional plans; and

WHEREAS, the Board of Directors of the Appomattox River Water Authority has authorized its Executive Director to apply for grant funds from the Department of Environmental Quality, expected to become available in June, 2006; and

WHEREAS, the Appomattox River Water Authority will act as the coordinating agency for a Regional Plan and the individual plans for its member localities, which are the City of Colonial Heights, the City of Petersburg, Chesterfield County, Dinwiddie County and Prince George County;

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Dinwiddie County agrees that the Appomattox River Water Authority will act on behalf of the County in preparation of the water plan; and

BE IT FURTHER RESOLVED, that the Appomattox River Water Authority may enter into and administer the grant with DEQ on behalf of the County; and

BE IT FURTHER RESOLVED, that the County understands that the Dinwiddie County Water Authority will be providing Dinwiddie County's share of the necessary matching funds in full at no cost to the County.

I hereby certify that the foregoing is a true copy as taken from the minutes of the Board of Supervisors for the County of Dinwiddie, Virginia.

_____, Clerk
BOARD OF SUPERVISORS FOR THE COUNTY OF
DINWIDDIE, VIRGINIA

8.C. HUMAN RESOURCES PERSONNEL MANUAL

The Board received the following memo from Michael Drewry, County Attorney.

A draft version of the Human Resources Personnel Manual (the "Manual") was presented to the Board at the January 17, 2006 meeting. Attached is a copy of the Manual, with edits requested by the Board. The edits are as follows:

Section V. Employee Compensation, Section (A) 4 (b) - Pay and Classifications (page 6) – Deleted language referring to non-acceptance of minimum pay step.

Section V. Employee Compensation, Section (B) 1 - Salary (page 7) – Added language defining a regular work week for exempt employees as being forty (40) hours minimum.

Section VI. Holidays and Leave, Section (B) 1 - Leave (page 12) – Leave carry-over to be approved by Board of Supervisors instead of County Administrator.

Section VI. Holidays and Leave, Section (B) 5 - Bereavement Leave (page 17) – Clarified that bereavement leave may not exceed 24 hours total.

Section VII. Employee Development, Section (B) - Education Leave (page 20) – Deleted sentence referring to leave being given without pay or with partial pay.

Administrative staff and I recommend approval of the attached draft Manual.

Mr. Haraway said he had reviewed the manual and was satisfied with all of it except one section, the increase in the annual leave. He said he was concerned about this because the people who work 7 days, 24 hours a day will acquire 3 additional days. That will mean that for those 3 additional days someone will have to be paid to fill in for them. He said that in all probability it will have to be time and half overtime payment which will increase the payroll. He said he also asked for a report from the financial officer on annual leave time. He said he was a little disappointed in seeing that some employees had rather large allotments of sick leave time in the previous year. He said he would like to see the manual passed with the exception of the annual leave increase; and to have a workshop to discuss the annual leave further.

Upon motion of Mr. Haraway, seconded by Mr. Moody,

BE IT RESOLVED, by the Board of Supervisors of Dinwiddie County, Virginia, that the Human Resources Personnel Manual be approved as presented with the exception for Sec. VI (B) (1) Annual Leave in which the years of service, hours earned per month and per year shall remain the same as in current manual.

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

DINWIDDIE COUNTY PERSONNEL MANUAL

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I. PURPOSE

The objective of this Manual is to provide a uniform system of personnel administration for the staff of the County of Dinwiddie (“County”), based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the County to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the County and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS OF ANY COUNTY EMPLOYEE, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE BOARD OF SUPERVISORS.

Additionally, it is the policy of the County to strive for safety in all activities and operations and to carry out the commitment of compliance with health and safety laws applicable to the County by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

The County Administrator has the authority and responsibility for administering the personnel system established under these policies and for rendering interpretations.

Whenever responsibilities fall to the County Administrator under these Policies, those duties may be delegated.

II. DEFINITIONS

- A. **Exempt Employee** – a salaried employee who performs executive, administrative or professional duties and certain computer professionals as defined under the Fair Labor Standards Act and its regulations and is exempt from the overtime provisions of the FLSA.
- B. **Full-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is hired to work a minimum of (40) forty hours a week.
- C. **Part-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work an established period of time that is less than (40) forty hours per week.

- D. **Probationary Employee** – a full or part-time employee who has not completed their probationary period. (See Section IV.C for more information.)
- E. **Regular Employee** – An employee hired into a position that was established to perform duties of a continuing nature.
- F. **Restricted Employee** – An employee who serves in a specially funded or otherwise restricted position. Employees who serve in such positions may not have the same benefits afforded regular employees nor may they have the right to grieve a termination or the end of the funded position.
- F. **Temporary Employee** – an individual hired on a term basis, e.g., day, week, period of months or on a project basis.
- G. **County Administrator** – the County Administrator or another individual designated by him or her to fulfill the responsibilities given to that Office in these policies.
- H. **Human Resources Office** – The office that provides guidance on these policies and that maintains the personnel and timekeeping reports.
- I. **Work Week** – For the purpose of calculating entitlements for overtime, the County's work week begins at 12:01 a.m. Sunday and ends at 12:00 midnight Saturday; fire protection and law enforcement may have different work periods.

III. EQUAL EMPLOYMENT OPPORTUNITY

A. Policy Statement

It is the policy of the County to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, gender, age, national origin, marital status, sexual orientation, pregnancy, or disability. This policy applies to every aspect of employment practices including, but not limited to the following:

1. Recruiting, hiring and promoting in all job classifications without regard to race, color, religion, gender, age, national origin, marital status, sexual orientation, pregnancy, or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
2. All decisions for hiring or promotion shall be based solely upon each individual's qualifications for the position to be filled.
3. Other personnel actions such as compensation, benefits, transfers, layoffs, training, and/or assignments, will be administered without regard to race, color, religion, national origin, gender, age, marital status, sexual orientation, pregnancy, or disability.

B. Harassment

The County is committed to having a diverse workforce with all employees being valued for their individual capabilities and contributions, complying with all federal, state, and local laws on equal employment opportunity, and providing a workplace free from interpersonal conduct that does not relate to the County's business. In particular, the hostile atmosphere created by remarks and/or animosity based on ethnicity, race, sexual orientation, gender, national origin, marital status, disability, religious traits, pregnancy, unwelcome sexual advances, requests for sexual favors, or other similar conduct is not permitted.

Harassment based on race, gender, color, national origin, religion, age, marital status, sexual orientation, pregnancy, or disability will not be tolerated. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications. Conduct that may rise to the level of harassment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), and other actions that are demeaning or hostile.

C. Sexual Harassment

Sexual harassment is unwelcome advances, requests for favors, or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is either explicitly or implicitly made a term of condition of employment;
2. submission or rejection of such conduct is used as a basis for employment decisions;
3. the conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

1. physical assaults;
2. subtle or overt pressures or direct requests for sexual favors
3. inappropriate displays of sexually suggestive objects or pictures;
4. a pattern of unwelcome conduct of a sexual nature that would be offensive to a reasonable person such as unnecessary touching, abusive or demeaning language or gestures (including remarks about another's clothing, body or body movements, or sexual activities), or teasing or joking.

No supervisor or coworker shall explicitly or implicitly communicate that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment.

D. Accommodating Individuals with Disabilities

The County provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the County, or if the employee poses a direct threat to health and safety.

E. Violations

An employee who believes that the Equal Employment Opportunity policy is being violated should (1) inform the offending person(s) that the conduct is unwelcome and (2) should report the conduct immediately to the County Administrator or Human Resources Officer/Risk Manager. The report should be made in writing; however, a report will also be accepted by phone or in person.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.

A non-employee who subjects an employee to harassment in the workplace will be informed of the County's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

An employee violating this policy will be subject to disciplinary action, up to and including termination. The employee who brought the complaint will be provided information on the outcome of the investigation.

F. Retaliation

Retaliation is illegal and contrary to the policy of the County. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he or she is being retaliated against, a report, preferably in writing, should be made to the County Administrator. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

IV. RECRUITMENT AND SELECTION

A. Open Positions

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the salary offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, provided that the current employee is qualified for the position and the placement best serves the needs of the County. The County Administrator, at his discretion, may elect to recruit through open competition and not through the internal hiring process for any vacancy.

B. Hiring of Relatives

No family member shall directly or indirectly supervise another member of the same family. A selection of a family member of a department head or higher County official shall be reviewed and approved by the County Administrator prior to their employment. A family member of the Board of Supervisors shall not be hired by the County in any capacity.

A family member is defined for the purposes of this section as spouse, parent, spouse's parent, son, daughter, brother, sister, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparents, grandchildren, step-children, guardian, and step-parents.

C. Probationary Period

Every employee must serve a probationary period in the position. During this period the employee must show that he or she is capable and willing to perform the job satisfactorily. At three (3) months and at the end of the probationary period the employee will be evaluated to determine satisfactory performance. If satisfactory performance is attained the employee will be entitled to all the benefits of non-probationary status. The probationary period and date is extended for all leaves without pay that were taken during the period.

1. All new full-time and part-time employees serve a six (6) month probationary period
2. All employees who apply for and obtain another position within the County will serve a three (3) month probationary period in the new position.
3. Employees who are transferred, demoted, or who otherwise are placed in a new position at the direction of management do not have to serve a probationary period.
4. In establishing a probationary period, the County does not abrogate or modify in any way the employment-at-will status that applies to its employment relationship with all employees.

D. Hiring Authority

The County Administrator has complete authority for hiring, promoting and discharging employees in accordance with these policies.

V. EMPLOYEE COMPENSATION

A. Pay and Classifications

1. The compensation plan for employees shall consist of:
 - a. A classification system for all regular positions.
 - b. A paygrade that sets a salary range for each regular position.
2. The rates of pay for each employee within a paygrade shall be set by the County Administrator.
3. The compensation plan may be amended by the County Board of Supervisors or by the County Administrator within the limits of appropriations by the Board of Supervisors.
4. New employees should be placed on the minimum pay step for the position. Placement on the minimum step is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. Exceptions may be made in the following cases:
 - (a) When a new employee's qualifications are less than the minimum, the employee shall enter service at one or two steps below the minimum rate of the class;
 - (b) When a new employee more than meets the minimum qualifications, ~~and will not accept the minimum pay step~~, the employee may be appointed at a higher pay step.

B. Salary

Salary is a predetermined amount of compensation regularly received each pay period. The following are the number of hours that are to be worked for the salary received:

1. Exempt Employees: employees who perform duties exempt from the overtime requirements of the Fair Labor Standards Act receive a salary for however many hours they work in a work week. Full-time exempt employees are expected to work a regular work week of at least forty (40) hours.

2. Non-Exempt Employees: employees who perform duties that are not exempt from the overtime requirements of the Fair Labor Standards Act receive a salary for forty (40) hours of work in a work week.
3. Law Enforcement and Fire Protection Employees: employees who perform law enforcement or fire protection duties, may have a work period greater than 7 days (a work period can be from seven to twenty eight days). These employees receive a salary for the maximum amount of hours worked before overtime is due in the work period established.
4. There is nothing in these policies that prohibits an employee receiving hourly wages in lieu of a salary.

C. Hours of Work

1. Hours of Work

The County Administrator shall establish the hours of work for all County employees. It is a condition of employment that each employee strictly adhere to the work schedule.

2. Standard Schedule

The standard scheduled workweek for which salary is paid consists of 40 hours during a seven day work period. Most schedules are for Monday through Friday, but schedules may be adjusted to include weekend or evening hours as may be necessary. This does not preclude the establishment of specified schedules other than 40 hours in a given work period if approved by the County Administrator. For law enforcement and fire protection employees the schedule may be established for a period of up to twenty-eight days.

3. Meal Breaks

Employees are required to take a 30 minute meal break. The meal break does not count in the hours worked (unless the employee is scheduled to work through the meal break).

4. Flexible Scheduling

Flexible work scheduling may be used, with the approval of the supervisor, for the purpose of extending a meal break or for adjusting the day's scheduled hours; if such adjustment in schedule is made, the employee will be required to adjust the hours worked in that day so that there will be no missed work time. Under no circumstances may the time be made up during another workweek.

5. Late Arrivals

If an employee is unable to report for work or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his or her scheduled work hour and provide the reason for his absence or tardiness. Paid leave may or may not be approved for such tardiness. If an employee has difficulty reaching his supervisor, he should leave a message on the supervisor's telephone reporting his absence; after a message is left the employee must continue to attempt to contact the supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee.

6. Adjustments to Work Schedules

Hours of work, schedules, and duty assignments within a work period are to be established by the Department Head. They may vary among employees and work units. Schedules may also be adjusted to meet FMLA and ADA requirements.

7. Absence Without Leave

Absence without leave is defined as the failure to report for work without the approval of the employee's supervisor or Department Head. In addition, it includes the failure of an employee to report for work as expected at the end of an authorized leave. If the employee is unable to provide an adequate explanation upon the return to work for failing to get the proper approval for the absence, the employee may be subject to disciplinary action in accordance with the standards of conduct listed in this manual. All absences without leave will result in an hour for hour deduction in salary for non-exempt employees. Exempt employees may receive a one day suspension without pay.

8. Time Reports

Every employee is required to complete reports for hours or days worked. Employees exempt from overtime must report total days worked and any leave taken during each week. All other employees must keep daily time reports showing hours worked each day.

The accuracy of the reports is the responsibility of each employee. The County will provide forms to be used for reporting.

D. Performance Increases

The County promotes excellence in its workforce. Salary increases within budget constraints may be given to that end. Each employee's performance will be reviewed annually during the period of May 1 – June 15 and based on satisfactory performance and contributions to the organization, pay increases may be given. In exceptional circumstances an employee's pay may be increased in less than a year for meritorious service or enhanced responsibilities,

per County Administrator's approval. Pay increases are not automatic or guaranteed.

E. Overtime Compensation

Employees who are not in exempt positions under the Fair Labor Standards Act will be compensated in wages or in compensatory time at the rate of time and a half for all hours actually worked in excess of forty (40) hours a work week. Unless authorized to do so, employees should not work over (40) forty hours during a workweek. If an employee works over the scheduled hours for a particular day without advanced authorization, the employee should inform the supervisor immediately on the day following.

Exempt employees who are required to work beyond normal hours or on weekends and holidays may be given Special Duty Leave at the discretion of the County Administrator.

An employee who believes that a provision of the Fair Labor Standards Act has been violated (the position is misclassified as exempt, overtime compensation is due, improper deductions from wages, etc.) or that there has been retaliation for bringing a complaint or asserting a right under the Act, may file a complaint with the County Administrator or the Human Resources Officer/Risk Manager. Complaints will be promptly and thoroughly investigated and corrective action, including the payment of additional compensation, will be taken if a violation is founded.

F. Benefits

1. Regular full-time employees are eligible for the following benefits:

a. Group Health Plan Coverage

Health plan coverage is provided through a program established by the Board of Supervisors. The terms of such plan(s) are subject to change as the Board may determine. The County requires that the payment for health care coverage be made as a payroll deduction; employees will have to authorize this deduction from their paycheck.

b. Group Health Plan Continuation Coverage

Employees who leave employment with the County may elect to continue health care coverage for themselves and their family members, if the family members were enrolled at the time of termination, under the terms of COBRA.

c. Group Life Insurance

The Virginia Retirement System group life insurance program is provided at no cost to the employee. The plan provides life insurance and accidental death and dismemberment coverage

during active employment. The coverage amount for natural death is the employee's salary, rounded to the next highest thousand dollars, then doubled. The accidental death benefit is double the natural death benefit. In addition, any member of the Group Life Insurance plan is eligible to purchase additional life insurance at a value of up to four-times his/her salary through the program's optional life insurance program and may elect coverage for the spouse and children.

d. Other Benefits Deductions

In addition to the above benefits, employees may have other voluntary deductions withheld from their paychecks for any additional programs that have been approved by the County.

e. Retirement and Disability Retirement

The County pays the employee's contribution of his/her regular salary each pay period for each employee to the Virginia Retirement System. The retirement plan offers disability retirement.

2. All employees receive the following benefits:

a. Social Security/Medicare

A portion of an employee's salary or wages is withheld each pay period for Social Security/Medicare contributions in accordance with the prevailing federal contribution schedule. The County, as employer, is required to match the amount that is withheld from the employee for these purposes.

b. Workers' Compensation

Workers' Compensation benefits are provided to all employees. In the event of a work-related illness or injury, an employee should notify the Department Head immediately. The County Administrator's Office should be notified the same day so that the necessary information may be verified and the required forms completed. Additional information on Workers' Compensation is found in the section IX.A of this policy.

G. Pay Days

Pay days occur once a month with paychecks issued the last day of the month. When a pay day occurs on a County holiday, employees normally are paid the day before the holiday. If a pay day occurs on a weekend, employees normally are paid on the Friday before.

VI. HOLIDAYS AND LEAVE

A. Holidays

Employees are entitled to days designated as holidays by the Board of Supervisors. The following holidays are routinely observed by the County. Full-time employees shall be granted time off for these days without charging the time against leave balances:

New Year's Day	January 1
Lee-Jackson	Friday preceding 3 rd Monday of January
Martin Luther King, Jr.	3 rd Monday of January
Presidents Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Day	December 25

Holidays falling on Saturday or Sunday shall be taken on the Friday or the Monday respectively as approved by the Board of Supervisors and announced by the County.

B. Leave

1. Annual Leave

Full-time employees earn paid annual leave at the end of each month. Full time employees earn annual leave until the end of the indicated year as follows:

<u>Years of Service</u>	<u>Hours earned per month</u>	<u>Hours earned per year</u>
0 – 5 yrs. inclusive	6.67 hours	80 hours
6 – 10 yrs. inclusive	10 hours	120 hours
11 – 15 yrs. inclusive	12 hours	144 hours
16 yrs. or more	13.33 hours	160 hours

Annual leave may be used for personal purposes. The use of annual leave must be scheduled in advance by the supervisor and Department Head.

The maximum number of hours that an employee may carry over at the end of the calendar year is equal to 12 months multiplied by the annual leave earned per month by the employee. Hours in excess of the maximum number will be forfeited. Employees who were scheduled to use leave but because of their essential duties were not able to do so during the calendar year may request permission from the County Administrator Board of Supervisors to carry over more than the maximum

number.

In counting the monthly accrual amount, the total record of employment with the County will be used in determining the years of service. No annual leave balances may be transferred from another employer.

When employment terminates, whether through retirement or for other reasons, the employee will be paid for all unused annual leave up to the maximum number of hours an employee is allowed to carry over at the end of a calendar year. In the event of the death of an employee, payment of the accrued annual leave balances up to the maximum number will be made to the estate. If such estate has not been qualified, payment shall be made pursuant to Section 64.1-123 of the Code of Virginia.

2. Sick Leave

Full-time employees earn ten (10) hours of sick leave at the end of each month. Employees may carry over all accrued sick leave. Sick leave may be used when an employee is unable to work the required number of hours in the work week because of a personal illness or for other medical reasons and for doctor and dental appointments that could not be scheduled outside of work hours. Employees also may use their accrued sick leave, at the discretion of the County Administrator, when a member of the employee's immediate family is ill or has a medical condition that requires the care of the employee. (An immediate family member for purposes of sick leave is a spouse, mother, father, child, brother or sister, or any relative, either by blood or marriage, living in employee's household.)

At any time, the supervisor or Department Head may require an employee to submit a doctor's statement certifying the reason for the employee's absence. An employee who is absent for three or more days is required to provide a statement from the doctor explaining the need for the sick leave and the anticipated date of return. Absences for chronic conditions that have been substantiated with a doctors' statement will not have to be reverified for each three day absence, however, reverification is at the supervisor's or Department Head's discretion.

Upon termination of employment for any reason an employee shall not be entitled to any compensation for accrued sick leave.

3. Family and Medical Leave

Employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA is unpaid leave, however, the County may require an employee to use accrued paid leave on an hour for hour basis in conjunction with FMLA leave until the paid leave balances are exhausted.

a. Eligible Employees

To be covered under the FMLA, an employee must have worked for the County for twelve (12) months (which do not have to be consecutive) and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

Key employees who have been notified at the time that the request for leave is made that they are key employees are eligible for FMLA leave; however, they are not entitled to have their position held open for them. (See Job Restoration.)

b. Purposes for which FMLA Leave May Be Taken

FMLA leave may be used:

- (1) to care for an employee's child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption, or foster care),
- (2) to care for an employee's spouse, child, or parent (does not include in-laws) who has a serious health condition,
- (3) to care for the employee when the employee is unable to work because of a serious health condition.

A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of

- (1) a family member – the family member must be incapable of self-care or
- (2) the employee – the employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.

Employees are required to obtain a health care provider certification for all absences for which FMLA benefits are being

requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the County at its discretion.

c. FMLA Benefits

(1) Leave:

An eligible employee is entitled to use twelve weeks of unpaid leave during a twelve-month period. The twelve month period begins on January 1 and terminates on December 31 of each year. Employees may be required to use accumulated paid leave (sick, vacation, compensatory, annual, etc.) on an hour for hour basis concurrently with the FMLA leave. If FMLA leave is exhausted before the end of the twelve month period, the employee will not be entitled to further FMLA leave.

An employee is required to request FMLA leave in writing at least thirty days before the leave is to start if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practicable. The County may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced hours basis. Certification from a health care provider for the need for intermittent or reduced hours will be required when the leave is not for the serious health condition of the employee.

FMLA leave taken for birth, adoption, placement, or foster care can not be taken intermittently unless the County agrees. If both parents work for the County, the total FMLA leave that may be taken for this event is twelve weeks, pro-rated between the parents as they choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve months following the event.

Should the County obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave previously given may be withdrawn.

(2) Job Restoration:

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the County.

A key employee is a employee who is among the highest paid ten percent of the County's workforce. A key employee will be notified in writing of his or her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when the key employee notice is received, the employee will be given a reasonable time to return to work before losing the right to job restoration.

(3) Health Benefits:

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on unpaid leave, participation in the health care plan will continue, provided that the employee pays for his share of the premiums. If the employee fails to make the premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the County for the County's share of the health care premiums paid.

(4) Health Care Provider Certifications

The County may require the employee or the employee's family member to obtain certification from a second health care provider, and if the first and second certifications do not agree, the County may require a certification from a third health care provider. The County will pay for second and third health care provider certifications.

Health care provider certifications should include at least the following information:

- a) the date on which the serious health care condition commenced,

- b) the anticipated duration of the serious health care condition and the continuing nature of the condition,
- c) the medical facts establishing that the condition is a serious health care condition,
- d) the family member is unable to provide self-care and the employee is required to care for the family member or in the case of an employee requesting leave for his or her own care, the employee is unable to work at all or unable to perform any of the essential functions of the job,
- e) the medical reasons for the use of intermittent leave and its expected duration and frequency.

A health care provider may be a doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioners, nurse midwives, clinical social workers, or any other health care provider recognized by the County's health plan(s). Christian Science practitioners are also included within this definition.

4. Civil Leave

An employee may be granted leave with full pay for the time serving on a jury, attending court or an administrative proceeding as a witness (including grievance proceedings); reasonable travel time associated with such service shall be included in such leave. If such service is required as part of the employee's job with the County such time shall be counted as hours worked. Should less than five hours be required, an employee is expected to work the remaining hours in the work day. Civil leave may not be used for court or administrative hearing procedures if the matter is personal.

An employee receiving compensation for these civic duties (compensation does not include the amount that the court may give for expenses) shall either turn the payment received over to the County or use annual or compensatory leave for such service.

5. Bereavement Leave

Bereavement leave is defined as leave with pay provided by the County that is granted to employees upon the death of a member of the immediate family. Immediate family for the purposes of bereavement leave is defined as: spouse, parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, and same relatives of spouse.

An employee may request to use bereavement leave for a period not to exceed twenty-four (24) hours of leave ~~three working days~~ per death. Such leave must be used within the thirty days immediately following the death of the family member. If more than the twenty-four (24) hours of leave ~~three working days~~ are needed, or if leave is desired for a death other than for a member of the immediate family, another type of leave must be requested.

Bereavement leave must be approved by the Department Head. In the event of multiple deaths in the employee's immediate family, each death shall be treated separately and bereavement leave shall be granted accordingly.

6. Military Leave

An employee in a regular position who is called for active duty, or as a member of the reserve components, of the United States Army, Navy, Air Force, Marines Corps, and Coast Guard will have job restoration rights if (1) notice of the call for duty is provided to the County, (2) the employee has not previously used five years of military leave during his course of employment with the County, (3) the employee is honorably discharged, and (4) the employee upon the conclusion of military service reports back to work within the statutorily established time periods.

An employee must give the County advanced notice, either orally or in writing, of the call to military service. The County requests that an employee complete a leave request form and provide a copy of the military orders prior to departure. If an employee without justification fails to provide this notice, the employee will not be entitled to be restored to his job at the conclusion of the leave. If military orders were not provided prior to departure, in order to assure job restoration rights, an employee must provide such orders or evidence of military service.

An employee desiring to return to his position after military service must report back to work within these periods of time (travel time not included):

- a. Less than 30 days of service - within 8 hours of the first regularly scheduled work day after returning home
- b. 31-180 days of service - within 14 days of completing military service
- c. Over 181 days of service - no later than 90 days of completing military service.
- d. If the employee is incapacitated, injured, or ill from an illness or injury incurred during military service, the days allotted to report to work commences at the date that the employee recovers from such incapacity or illness provided that two years have not lapsed since discharge.

An employee on military leave who is in a regular position will receive fifteen days of paid leave per federal fiscal year; the remainder of the leave will be without County pay unless the Board of Supervisors decides to provide a supplement to military pay. The period of military service will count for the purposes of benefits as if the employee had remained employed in County employment, e.g. seniority and leave entitlements. To supplement the military pay received, an employee may use accrued annual leave.

When an employee is called to military service, the employee has the right to elect under COBRA continuation of health plan coverage for up to eighteen months or for the duration of the military leave whichever is shorter. The County will provide the election forms in order that the employee and other covered individuals receive notice of their right to elect continuation coverage.

Upon return from military service the employee will be placed in the position he would have held if he had been continually employed. If the employee is no longer qualified to perform the duties of the former position, the employee may be placed in a position of like seniority status and pay. The County, at its election, may fill on a temporary basis, the position vacated by the employee on military leave.

7. Leave Without Pay

An employee may be granted leave without pay by the County Administrator should circumstances warrant such action. Applications for leave of absence should be presented in writing to the County Administrator.

Leave without pay for reasons other than Family and Medical and military leave will not be granted for more than two consecutive calendar months. If an employee cannot return to work before the end of the two months (with or without reasonable accommodation), the employee will be separated from County service. However, when extraordinary circumstances exist, the County Administrator may grant a longer period of leave without pay.

When an employee is on leave without pay, the County's contribution to health care coverage, retirement, life insurance, and other benefits to which the County contributes will not be made during the pay period in which the leave without pay was taken, except at the discretion of the County Administrator. An employee on leave without pay may continue to be covered by the County's insurance policies, however the employee will be responsible for payment of all premium costs. When the leave without pay is taken under the Family and Medical Leave Act; while on FMLA leave the County will continue to contribute its share to health care coverage.

8. Special Duty Leave

Special duty leave is an authorized hour-for-hour absence with full pay for hours worked on a holiday, rest day, or when the County offices are closed. The County Administrator, at his sole discretion, may provide exempt employees with special duty leave for hours worked on holidays and weekends. Employees whose normal schedule requires work on weekend days will not receive Special Duty Leave for those days but only for work on a holiday.

Special duty leave may be used for the purpose of and in lieu of annual and sick leave and shall be taken at a time approved by the employee's supervisor or the Department Head. Special duty leave credits lapse at the end of the calendar year. Special duty leave may be carried over to the next year with the approval of the County Administrator. There is no payment for special duty leave at termination.

9. Compensatory Leave

The County may provide compensatory time in lieu of cash overtime. If provided, non-exempt employees who actually work over forty (40) hours in a workweek will receive compensatory time at a rate of 1.5 hours for each hour, or part thereof, worked in excess of 40 hours. For law enforcement and fire protection employees, compensatory leave may be provided for each hour worked as overtime in the adjusted work period.

Employees who regularly work periods of longer than 40 hours, will receive overtime consistent with the Fair Labor Standards Act. The County may, at its sole discretion, pay cash overtime rather than compensatory leave at any time and may cash out the leave time at its discretion. An employee will be compensated for all unused compensatory time upon separation from employment with the County.

The County desires to have earned compensatory time used in as close proximity to the date it was earned as possible. Employees are encouraged to request the use of this time from their supervisor during the following week if possible. Supervisors should be flexible in granting the use of compensatory leave and only deny it when the demands of the workplace require it.

VII. EMPLOYEE DEVELOPMENT

It is the policy of the County to encourage employees to obtain training designed to develop the employee's value to the organization.

A. Required Training

The cost of training and related expenses undertaken at the direction of the County will be paid in full by the County and the hours spent in training are considered work time and the employee will receive salary or wages for this time.

B. Education Leave

Education leave is time off from work for educational pursuits taken for personal or professional development. ~~Such leave is discretionary and may be given without pay or with partial pay.~~ An employee may request leave and / or reimbursement of tuition costs in accordance with the County's tuition reimbursement plan.

VIII. PERFORMANCE APPRAISALS

The work of each employee will be evaluated at least annually by the immediate supervisor. The supervisor will meet with the employee to discuss the year's performance. A written report of the appraisal will be prepared with a copy provided to the employee being appraised and a copy for the personnel files. If the employee believes that the report is unfair, he or she may prepare comments to be attached to the supervisor's appraisal report.

IX. HEALTH AND SAFETY

A. Workers' Compensation

Workers' Compensation may provide benefits for an employee in the event of certain work related injuries, diseases or deaths. If the injury or disease is compensable the medical and disability benefits may be awarded.

A job related injury or disease, no matter how insignificant, must be reported to the supervisor as soon as possible, but within 24 hours. The supervisor is responsible for obtaining from the employee, co-workers, and/or the attending physician the cause(s) and effect(s) of the injury or disease and reporting, in a manner prescribed by the County Administrator, the following information:

- Employee's name and classification
- Nature of injury
- Date and time of injury
- Cause of injury
- Place where injury occurred
- Nature of any medical services required
- Any known or projected time lost from work as a result of injury

Such report shall be completed and submitted to the County Administrator by the close of business that day, but no later than twenty-four (24) hours after the accident, injury, or illness.

The County has selected a panel of physicians to whom employees must go for all work-related injuries. In the event an injury requires immediate medical attention, the employee may go directly to the nearest hospital emergency room; follow-up care must be with a doctor included in the panel of physicians. All time away from work must be authorized by the panel physician.

If an employee is unable to report to work because of a compensable Workers' Compensation injury or disease, the employee will be paid as provided by law.

Workers' Compensation payments for lost work time do not begin until after the first (7) seven calendar days; if the disability continues for three weeks, the employee will be compensated for the first seven days of lost salary or wages.

To avoid a loss of pay, an employee absent Workers' Compensation may use accrued paid leave to cover the first seven days. If the employee receives compensation for the first seven days, and has used paid leave balances for that period, the employee can have the leave balances restored by paying the County the full amount of the hours used.

Workers' Compensation benefits pay up to 66 2/3% of the full amount of the salary or wages that the employee would have earned. Full-time employees may use their accrued paid leave to supplement the compensation received under Workers' Compensation up to an amount equal to full after tax salary.

B. Occupational Safety and Health

The County attempts to provide a safe and healthy working environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety. If an employee does not know, or is uncertain, on how to properly operate equipment, before doing so they should seek training from the supervisor or Safety Coordinator.

Each supervisor has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury. Further, it is the responsibility of each employee to perform all work in a safe manner. All hazards, deaths, injuries, and illnesses that occur on County property or while performing work duties off-site must be reported to the County Administrator by the close of business that day, but no later than twenty-four (24) hours after the accident, injury, illness or of discovery of the safety violation.

Employees are directed to utilize all applicable safety procedures and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their workstation. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

Specifically, employees shall:

1. Report all injuries, regardless of severity, to the supervisor immediately but no later than twenty-four (24) hours. If the supervisor is not available, the injury must be reported to the County Administrator before medical treatment is sought unless the injury is one requiring emergency treatment;
2. Report and, if possible, correct all unsafe conditions or acts;
3. Avoid horseplay and mischief, which could cause injury;

4. Take all standard safety precautions to prevent injury; and
5. Follow all safety rules.

C. Operation Of A Motor Vehicle When Performing Job Duties

Any applicant or employee who will operate a motor vehicle in the course of performing job duties must possess and maintain a valid Virginia driver's license with a driving record that is acceptable to the County. Generally negative points on a driver's license may disqualify the employee from using such vehicle in the performance of the job duties. Driving records will be checked prior to hiring and periodically during employment. Consent to this driving record check is a condition of employment.

The Department Head is responsible for notifying the County Administrator's Office of any employee who will operate a County-owned vehicle. Motor vehicle operators required to possess a commercial driver's license (CDL) will be subject to drug testing in accordance with federal law.

Employees provided with County-owned vehicles are to use them on official business only. Travel to and from an employee's home and the place of employment must be approved by the County Administrator and the value of such personal use of the vehicle will count as income to the employee. Any other use of the vehicle is not authorized.

Employees, who are assigned County vehicles, are responsible for assuring that the vehicles are properly operated, maintained, and the interiors kept clean. Smoking is not permitted in County vehicles. Employees are required to check their vehicles at least weekly to determine if they are operating properly, tires are properly inflated, etc., and report any problems promptly to their supervisor for attention.

The use of seat belts is required at all times when the vehicle is in operation. If weather conditions are such that the use of windshield wipers is required, employees are required to use headlights while operating the County vehicle.

D. Vehicle Accident Investigation

Accidents involving any County vehicle or equipment must be reported to the Human Resources Officer/Risk Manager immediately.

A review of the circumstances surrounding any vehicle accident will be made by the Human Resources Officer/Risk Manager utilizing reports of the accident including those filed by the employee and by the appropriate law enforcement agency. If an accident is found to be the result of employee negligence, the employee may be required to pay the costs of repairing or replacing the vehicle as well as any other damages to the County and third-parties. Additionally, the employee may be subject to disciplinary action.

E. Workplace Violence

The County has no tolerance for violence. If an employee displays any violence in the workplace or threatens violence in the workplace, the employee will be subject to immediate discipline, up to and including discharge, and criminal charges. The County defines violence to include physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons and threats or talk of violence.

Employees can help prevent violence in the workplace by reporting what they see in the workplace that could indicate that a coworker is in trouble. Employees often are in a better position than management to know what is happening with those with whom they work. Concerns may be presented to the employee's supervisor or the Department Head.

Employees may not carry weapons on their person either inside the workplace or in the parking areas. In addition, when working outside their normal work area, employees are prohibited from carrying weapons on their person, unless the carrying of weapons is a part of their position.

Weapons include guns, knives, explosives and other items used to threaten harm to another person. Appropriate disciplinary action, up to and including discharge, will be taken against any employee who is in violation of this policy.

X. ELECTRONIC COMMUNICATIONS

A. Communication Equipment and the Internet

The County provides electronic, digital and wire communications equipment for business purposes. The use of this equipment is not for personal use. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications including images and sounds. There should be no expectation of privacy in any communications received, sent, or stored on equipment or on the Internet service provided by the County. The County will have access to a log of all usage, including a list of employees who have used the Internet and the sites they visited.

The County may provide unlimited access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the County may establish an Internet account that may be accessed by employees.

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addressees and passwords are not provided to make employees' usage confidential or private. E-mails, sound and image recordings generated on County work time or on County property are business records of the County. The usage of electronic, digital, or wire communication devices, including

the Internet (whether it is used on the County's account or the employee's personal account) is subject to the same code of conduct which applies to all other actions in the workplace. Using the County's communications equipment and Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge.

The Information Technology Department and the supervisor will have access to employee's passwords and may use such password to log on to the computer at any time for purposes of monitoring. Employees must not share their passwords with any other individual, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access.

Employees are representatives of the County when using the County's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

Using the Internet for personal reasons may result in disciplinary action. The following applies to Internet usage:

- A. Acceptable Activities – Activities that conform to the purpose, goals, and mission of the County and to each user's authorized job duties and responsibilities. The following list, although not all-inclusive, provides some examples of acceptable uses:

Communication with federal, state, or local government personnel, vendors and other private businesses;

Communications, including information exchange, for professional development or to maintain knowledge or skills;

Activities involving university-association, government-advisory, or standards activities; and

Communications for administrative purposes.

- B. Unacceptable Activities – Activities that do not conform to the purpose, goals, and mission of the County and to each user's authorized job duties and responsibilities. The following list, although not all-inclusive, provides some examples of unacceptable uses:

Private or personal, for-profit, business activities (e.g., consulting for pay, sale of goods such as Avon and Amway products, etc.);

Use for any illegal purpose, including communications, which violate any laws or regulations;

B. Consent to Monitoring

Before using electronic, digital, and wire communications equipment employees will be required to consent to the monitoring of all communications sent, received and stored on equipment provided by the County or an electronic, wire, or digital services provided by the County.

XI. ALCOHOL AND DRUG FREE WORKPLACE

A. General Overview

All County workplaces shall be free from drugs and alcohol. The unlawful manufacture, distribution, dispensation, possession, or use of an illegal drug, controlled substance, or alcohol is prohibited in any County workplace. A "controlled substance" is any illegal drug or any controlled substance listed in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 801). Employees shall not be involved with activities involving the unlawful application, possession, market, or transfer of controlled substances in any manner.

An employee who has reason to believe that the performance of another employee is impaired by a controlled substance or alcohol shall immediately notify the supervisor or County Administrator. If an employee is using any prescribed or over-the-counter medication that may impair performance of his or her duties, the employee shall report that fact to the supervisor.

B. Employee Responsibilities

1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, prescribed medication, or alcohol.
2. No employee shall dispense, possess, use, or distribute any controlled substance, prescribed medication or alcohol while at work
3. Any employee convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the County Administrator within five days after the conviction.
4. No employee shall consume alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
5. No employee shall be impaired by alcoholic beverages or illegal drugs during work hours, or consume such while at work during breaks or lunches.
6. No employee shall represent the County in an official capacity while impaired by alcohol, illegal drugs, or medication.
7. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the County.
8. If an employee is using prescription or non-prescription medication that

may impair performance of duties; the employee shall report the nature of the impairment to his or her supervisor.

9. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or County Administrator.
10. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action, up to and including termination, will be taken if an employee uses, distributes, or reports to work impaired by such substances.

C. Drug & Alcohol Screening

1. All Positions

The County reserves the right to test all employees, regardless of position, for the presence of controlled substances and/or alcohol under the following situations:

- a. Upon reasonable suspicion that an employee is using a controlled substance and/or alcohol or is under the influence of a controlled substance and/or alcohol; and
- b. Upon returning to work after a serious on-duty or off-duty accident that involved the use of alcohol and/or a controlled substance, or after the employee has tested positive for controlled substance or alcohol use while on duty.

2. Safety Sensitive Positions Not Requiring a Commercial Drivers License

The County reserves the right to test all employees and applicants of safety sensitive positions for the presence of controlled substances and/or alcohol under the following situations:

- a. Prior to hiring;
- b. On a random basis;
- c. Upon reasonable suspicion that an employee is using a controlled substance and/or alcohol or is under the influence of a controlled substance and/or alcohol; and
- d. Upon returning to work after a serious on-duty or off-duty accident that involved the use of alcohol and/or a controlled substance, or after the employee has tested positive for controlled substance or alcohol use while on duty.

3. All Positions Requiring a Commercial Drivers License

Pursuant to the Omnibus Transportation Employee Testing Act of 1991 and the implementing regulations (49 C.F.R., Parts 40 and 382, et. al.) and this policy, the following applicants and employees for positions requiring a Commercial Drivers License (CDL) will be tested for controlled substances and/or alcohol under the following situations:

- a. Prior to hiring, if the position is safety-sensitive;
- b. On a random basis;
- c. Post-accident testing for accidents involving an employee:
 - (1) Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (2) Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (a) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (b) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- d. Upon reasonable suspicion; and
- e. Upon return-to-duty and follow-up testing in accordance with 49 C.F.R. part 40, subpart O.

D. Refusal to Submit to Test

Applicants for safety sensitive positions who refuse to submit to a pre-employment controlled substance and/or alcohol test shall be removed from consideration for employment. Employees who refuse to submit to a controlled substance and/or alcohol test will be subjected to disciplinary action, including termination.

E. Consequence of Positive Controlled Substance or Alcohol Test

1. When a controlled substance or alcohol test is positive, or when the employee engages in the prohibited conduct by this policy, the employee may be disciplined for such conduct. The discipline may be a suspension or termination depending upon the circumstances. In lieu of termination for a first positive test, and with the concurrence of the County Administrator, an employee may be placed on leave without pay if the employee elects to participate in an approved rehabilitation program at

the employee's expense. Upon the satisfactory completion of the rehabilitation program the employee will be permitted to return to work under the following conditions: (1) the employee presents adequate documentation that the rehabilitation program was successfully completed; (2) the employee consents to having the documentation verified through consultation with the rehabilitation program; (3) the employee submits to and passes a controlled substance or alcohol test; and (4) the employee consents to subsequent testing on a random basis for a period of a year.

2. Notwithstanding the requirements above, no employee required to have a Commercial Drivers License (CDL) who has engaged in conduct prohibited by Section II may perform safety-sensitive functions, including driving a commercial motor vehicle, unless the employee has met the requirements of 49 C.F.R. part 40, subpart O.

F. Reporting Requirements

Employees must notify the County Administrator in writing of a conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. The County shall inform any federal contracting or granting agency from which the County has received a grant or award of financial assistance within ten (10) calendar days after receiving actual notice that an employee covered under the federal Drug-Free Workplace Act, has been convicted of a criminal drug statute violation occurring in the workplace.

XII. POLITICAL ACTIVITY

A. General Rules

1. An employee shall not be asked or coerced to support a political activity, whether funds or time are involved.
2. An employee shall not engage in political activity on work premises during work hours.
3. An employee shall not use County-owned equipment, supplies or resources, and other attendant material (diskettes, paper, computer online and access charges, etc.) when engaged in political activities.
4. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
5. An employee shall not use the employee's title or position while engaging in political activity.

B. Federally Funded Positions

Employees who work in positions that receive federal funding must abide by the provisions of the federal Hatch Act. The Hatch Act restricts certain political activities of employees in the agency. This policy is to set forth what activities fall within this Act.

1. Prohibited Activities

- a. An employee may not
 - (1) be a candidate for public office in a partisan election (an election in which one of more of the candidates was elected as or is a representative of a political party whose presidential candidates received votes in the preceding presidential election).
 - (2) use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office
 - (3) directly or indirectly, coerce, attempt to coerce, command, or advise an employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- b. These prohibitions are aimed at activities such as threatening to deny promotion to any employee who does not vote for certain candidates, requiring employees to contribute to a political fund, influencing an employee to buy tickets to a political fund raising event or similar event, or advising employees to take part in a political activity.

2. Permissible Activities

- a. An employee may take an active part in
 - (1) Political management which includes membership in as well as holding office in political parties, attendance and participation at political conventions, volunteer work for partisan candidates, political parties, etc..
 - (2) Political campaigns which includes campaigning for candidates in partisan elections by making speeches, writing letters, drafting speeches, and soliciting voters to support or oppose a candidate as well as attending political meetings or rallies.
 - (3) Fundraising which includes making financial contributions and soliciting and collecting voluntary political contributions.
- b. An employee may hold an office if appointed to a vacancy but cannot campaign for that office if it is in a partisan election.

- c. An employee may serve as an election official at the polls and may serve as a poll watcher, checker, or challenger for a political party or candidate in a partisan election.

3. Penalties for Violating the Law

If the federal Merit System Protection Board finds that the offense warrants dismissal from employment, the County will terminate the employee.

4. Further Information

The full text of the federal regulations are found in Title 5 of the Code of Federal Regulations part 151.

XIII. OUTSIDE EMPLOYMENT

No employee may engage in any other employment, nor in any private business, nor in the conduct of a profession or other remunerative activity, during work hours or while engaged in work for the County. Additionally, employees may not engage in such remunerative activities outside work hours in a manner or to an extent that affects or is deemed likely to affect the employee's work productivity. In engaging in such activities, employees must adhere to the Virginia Conflict of Interest Act.

Any employee who wishes to work outside work hours must obtain prior written approval from the County Administrator.

XIV. CONFLICT OF INTEREST

Employees are in a position of public trust; therefore, they may not engage in any activity, either privately or officially, where a conflict of interest may exist. Employees should never accept gifts, gratuities, or rewards for any services which they perform in their jobs. Additionally, County employees are prohibited from using information gained while performing their job to influence or further their own personal interests. All employees are subject to the Virginia Conflict of Interest Act, § 2.2-3100 et. seq. of the Code of Virginia, which prohibits an employee from engaging in a transaction or a contract in which the employee has a financial interest which comes to him or her directly or through an immediate family member. It is a crime to violate this Act and therefore every employee should read the act and seek advice prior to engaging in an activity for which a conflict of interest may exist.

XV. PERSONAL CONDUCT

A. Personal Appearance

An important aspect of the County's public image is conveyed in an employee's personal appearance, as people tend to judge employees and any organization they may represent by their appearance. Respect to the people served by the County is reflected in part by personal appearance. Accordingly, employee's

dress, grooming, and personal hygiene should be appropriate to the work situation. Employees are expected to dress in a manner that is presentable in a business environment. Employees are encouraged to talk with their supervisors when they have questions about proper appearance.

B. Personal Finances

Employees should manage their personal finances so that they do not adversely impact job performance. The failure of employees to meet financial obligations may impose an administrative and financial burden on the County in terms of extra bookkeeping and the need to respond to, and comply with, court processes.

No employee will be terminated because of the fact that wages or salary has been subjected to garnishment for one indebtedness. However, repeated garnishments for more than one indebtedness may result in discipline, up to and including discharge, depending on the circumstances of the case.

C. Telephone Usage

1. Personal Local Calls

All personal telephone calls should be kept to a minimum number and length. Monthly telephone bills may be monitored by the Department Head and the County Administrator. The employee will be notified of any abuse of this policy for corrective action.

2. Personal Long Distance Calls

Personal long distance calls are not to be made from Department telephones unless charges are reversed or charged to the employee's personal telephone number or personal credit card account. Calls may not be charged to a Department account with the intent of reimbursing the Department unless prior approval has been obtained from the County Administrator and the County is reimbursed by the employee.

3. Personal Cellular Calls

Personal calls are not to be made on County cellular telephones unless prior approval has been obtained from the County Administrator. These telephones are provided to employees for work-related calls. If it becomes necessary to use the cellular phone for a personal call, the employee will be required to reimburse the County for the call.

D. Performance of Job Duties

Employees are expected to report to work on time and to work their full scheduled hours. While at work employees are expected to diligently perform the duties of the job without taking time for non-county business or activities.

XVI. PERSONNEL RECORDS

Each personnel file will contain, at a minimum, an application form, payroll change notice forms, employee performance review forms, emergency contact information, written disciplinary notices, and any other information pertinent to an employee's status.

Each personnel file is to be kept current for tax and benefit deduction purposes and, therefore, any change affecting an employee's personnel record (name, marital status, address, number of Federal and State exemptions claimed, retirement, insurance, etc.) must be reported to the Human Resources Office immediately.

Personnel records are filed in the Human Resources Office and are maintained in confidence. An employee may have access to his/her personnel file upon written request to the Human Resources Officer/Risk Manager.

Medical records and other documentation such as the federal Immigration and Naturalization I-9 forms will be kept in separate, confidential files. Information from these files will be released in accordance with law and policies.

XVII. MISCELLANEOUS

A. Child Care

Although discouraged, there may be times when an employee does not have child care arrangements. At such times, an employee whose presence is necessary for the operations of the department may bring a child to work for however long work duties are required. Approval must be obtained from the County Administrator prior to any employee bringing his/her child to work.

B. Citizen Satisfaction

The County is judged by the professionalism and the quality of services or product it provides. Therefore, the citizens are "The Boss" and must always be treated in a courteous and respectful manner.

Realizing that County staff is often responsible for enforcing regulations that may not be popular with those that must comply with them, employees still must continually strive to satisfy the citizens. When the job is done well, everyone will feel that they have been treated fairly and given a receptive ear.

Any dissatisfaction, whether the problem is real or perceived on the part of the citizen, must be dealt with immediately and courteously. Every reasonable effort should be made to satisfy the citizen.

C. Inclement Weather Conditions

There are times when weather conditions are such that it is necessary to close County offices to protect the health and safety of employees. Such circumstances are referred to as inclement weather conditions.

The decision to close offices will be made by the County Administrator.

Employees will be notified by their supervisor if offices are closed during working hours. Employees are advised to listen to local radio/TV announcements for notice if offices have not yet opened for the day. If you have any doubt, call your supervisor.

Some employees may be designated to work during an authorized closing or a holiday. These designated emergency personnel are required to report to work unless otherwise notified by their supervisor.

Except as otherwise noted when there is an authorized all-day closing, an employees' pay will not be deducted for such absence. However, in order to qualify for payment, an employee must be scheduled to work on the day of the all-day closing. Exception: employees whose scheduled rest day falls on a day when the offices are closed will not receive any extra compensation.

When inclement weather conditions result in authorized changes in the work schedule for just a portion of the day, such as late openings or early closings, full-time employees will be paid for such authorized absences. To qualify for payment, however, these employees must work all or part of their work schedule not affected by the authorized change.

When inclement weather conditions create transportation difficulties that result in late arrival of a non-designated full-time employee for work, such lost time need not be applied to leave balances nor should the employee otherwise experience loss of pay, if, in the judgment of the County Administrator, the lost time was justifiable in view of weather conditions.

D. Information Dissemination

Information obtained and disseminated in the workplace is the property of the County and may not be released except after approval through appropriate channels. Much of the information the County receives is confidential under the law and may not be released or disclosed to others.

E. Right to Inspect Property

Desks, telephones, lockers, and computers are the property of the County. The County reserves the right to enter or inspect an employee's work area including, but not limited to, desks and computer storage disks, with or without notice. Such searches will be for work-related purposes and will be reasonable in their inception and reasonable in the scope of the intrusion.

F. Layoffs

There may be a time when the County needs to adjust the size of the workforce. If the Board of Supervisors decides that an adjustment necessitates a reduction in the number of employees, a layoff will result. Layoffs may be the result of economic conditions, lack of work, programmatic changes, reorganization, or position abolishment. Employees will be given advanced notice of any pending layoff and the policies and procedures that will be implemented to effect the layoff. In choosing among employees to be selected for layoff, some of the

factors which will be used include past performance ability to satisfactorily perform in newly configured position and seniority.

H. Smoking

County buildings are designated as non-smoking. In addition, smoking is prohibited in vehicles owned by the County.

XVIII. DISCIPLINE AND GRIEVANCES

County employees are expected to conduct themselves in a professional and courteous manner in the performance of their duties. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the County.

A. Disciplinary Actions

Disciplinary actions include, but are not limited to:

1. Reporting to work under the influence of or impaired by alcoholic beverages and/or illegal drugs and narcotics or the use, sale, dispensing, or possession of alcoholic beverages and/or illegal drugs and narcotics on County premises.
2. Using profane, vulgar, abusive, harassing, discriminatory, hostile or angry words or gestures at work.
3. Possessing firearms, explosives, or other weapons, without authorization, on County property.
4. Fighting, assaulting, threatening, or intimidating other employees, clients, vendors or visitors.
5. Stealing, destroying, defacing, or misusing County property or property of other employees, clients, vendors or visitors.
6. Falsifying or altering any County record or report, such as an application for employment, a medical report, a time record, an expense account, an absentee report, etc.
7. Engaging in any form of sexual or other harassment.
8. Insubordination or the refusal by an employee to follow management's instructions concerning a job-related matter.
9. Gambling on County property.
10. Smoking where prohibited by local ordinance or County rules.
11. Sleeping on the job.
12. Failure to abide by any County policies and procedures.
13. Improper attire or inappropriate personal appearance.
14. Soliciting for the purchase of goods and services or distributing goods on County property or while on the job.
15. Inadequate or unsatisfactory work performance.
16. Disruptive behavior. (Examples include, but are not limited to, disturbing fellow workers, hindering work processes, etc.)
17. Failure to report to work or tardiness without proper authorization by supervisor.
18. Personal use of County property including the Internet.

B. Progressive Discipline

Under normal circumstances, the County endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies or violations of the above standards and an opportunity to improve. The County retains, however, the right to discipline in a manner that promotes the effectiveness of the organization. This policy does not modify the status of employees as employees-at-will or in any way restricts the County's right to bypass the disciplinary procedures suggested.

C. Application of Progressive Discipline

The recommended sequence of discipline is:

1. If an employee is not meeting the County's standards of behavior or performance, the employee's supervisor should take the following action:
 - (a) meet with the employee to discuss the matter to find facts and learn of mitigating circumstances;
 - (b) inform the employee of the nature of the problem and the action necessary to correct it; and
 - (c) prepare documentation for the supervisor's own records that the meeting has taken place.

2. If corrective action(s) do not resolve the problem(s), the supervisor should hold another meeting with the employee and take the following action:
 - (a) issue a written reprimand to the employee, which contains a notice that additional incidences may result in a more severe disciplinary action, up to and including termination;
 - (b) give a copy of the written reprimand to the employee; and
 - (c) forward the original copy of the written reprimand to the County Administrator's Office for inclusion in the employee's personnel file.

NOTE: The County Administrator is available for consultation prior to the issuance of a written reprimand and such consultation is encouraged.

3. If there are additional occurrences, the supervisor should take one of the following actions, depending on the severity of the conduct:
 - (a) issue an additional written reprimand;
 - (b) issue an additional written reprimand and suspend the employee without pay (prior to any disciplinary suspension the employee should be given a notice of the charge, the intended action, i.e., disciplinary suspension, and a period of time to prepare an

explanation as to why the suspension should not be given prior to the actual issuance of the written reprimand and suspension); or

- (c) issue an additional written reprimand and terminate the employee (the employee should be given a notice of the charge, the intended action, i.e., termination, and a period of time to prepare an explanation as to why the termination should not be given prior to the actual issuance of the written reprimand and termination); and
- (d) forward the original copy of the written reprimand to the County Administrator's office for inclusion in the employee's personnel file.

NOTE: Again, the County Administrator is available for consultation prior to the issuance of a written reprimand and such consultation is encouraged.

D. Progressive Discipline Where There Are Unrelated Problems

The progressive disciplinary procedures described above may also be applied to an employee who is experiencing unrelated problems involving job performance and/or behavior, e.g., violating one standard at one point and a different at another point.

E. Suspension Pending Investigation

In cases involving alleged serious misconduct, such as a major breach of policy or violation of law, the employee may be immediately suspended pending investigation into the matter.

1. Suspension pending investigation is not disciplinary. A suspension pending investigation is with or without pay and may not last longer than 10 workdays. If an extension beyond the 10 workdays is necessary, the County will resume the employee's compensation, although the employee may not immediately be returned to work.
2. If the employee chooses, and the County Administrator agrees, the time towards suspension without pay pending investigation may be charged to the employee's annual leave balances.
 - (a) If, at the conclusion of the agency investigation, there is no written reprimand issued, the employee who was suspended without pay and who used annual leave will have the annual leave reinstated. If annual leave was not used or the employee was placed on leave without pay, lost pay will be reinstated.
 - (b) If a written reprimand is issued, the annual leave taken will not be restored unless the employee is reinstated by a grievance panel.

F. Use of Grievance Procedure

Employees who believe that they have been disciplined too severely or who question the reason for receiving a written reprimand may utilize the County's grievance procedure to challenge such action.

G. Future Violations of the Standards of Conduct

If a disciplined employee works a full year without further action being instituted under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy depending on such things as severity of the offense, length of time, etc.

H. Grievance Procedure

Employees are encouraged to resolve problems and complaints through informal means so that employees can freely discuss concerns with their immediate supervisors and upper-management. However, to the extent such concerns cannot be resolved informally, the County has a grievance procedure that affords an immediate and fair method for the resolution of disputes which may arise between the County and its employees.

1. Covered Employees

The grievance procedure is available to all regular full-time and regular part-time County employees excluding probationary employees, with the following exceptions: (1) elected officials, (2) appointees of elected groups or individuals, and (3) deputies and executive assistants to the County Administrator, (4) agency (department) heads or other chief executive officers of government operations, (5) employees whose term of employment is limited by law, (6) temporary, limited term and seasonal employees, and (7) employees electing to proceed pursuant to any other applicable existing procedure in the resolution of their grievance, e.g., law enforcement officers as defined in Chapter 5 (§ 9.1-500 et seq.) of Title 9.1 whose grievance may fall within the procedure but have elected to proceed pursuant to provisions Virginia Code § 15.2-1507(A)(3)(a)(7).

Pursuant to Virginia Code § 15.2-1507(A)(3)(c), the County Administrator determines the officers and employees exempted from this grievance procedure and is responsible for maintaining an up-to-date list of positions ineligible for participation in the grievance procedure.

The employees of the Community Services Board are provided a separate grievance policy as provided by state law. Therefore, they are not covered by this grievance procedure.

2. Time Extensions

The time frames provided in these procedures may be extended by mutual agreement of the employee and the County. Time frames may also be extended for just cause by the County Administrator.

3. Matters That Can Be Grieved

A grievance is defined as a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to:

- a. disciplinary actions involving dismissals, demotions and suspensions, dismissals for unsatisfactory job performance;
- b. the application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in subsection 4(c) below;
- c. discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, marital status, pregnancy, national origin or sex; and
- d. acts of retaliation as a result of utilization of the grievance procedure or participation in the grievance procedure of another County employee, or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly of Virginia; or has reported an incidence of fraud, abuse, or gross mismanagement. There shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

As used herein, the term, "grievance" shall not be interpreted to mean negotiations of wages, salaries, benefits or terms of employment.

4. Matters That Cannot Be Grieved

Management reserves the exclusive right to manage the affairs and operations of County government. Accordingly, the following complaints are nongrievable:

- a. establishment and revision of wages or salaries, position classifications, or general benefits;
- b. work activity accepted by an employee as a condition of employment or work activity which may reasonably be expected to be part of the job content;
- c. the contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
- d. failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly;

- e. the methods, means and personnel by which such work activities are to be carried on;
- f. except where such action affects an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition;
- g. the hiring, promotion, transfer, assignment and retention of employees within the County; and
- h. the relief of employees from duties of the County in emergencies.

In any grievance brought under the exception to subsection 4(f) above the action shall be upheld upon a showing by the County that: (1) there was a valid business reason for the action, and (2) the employee was notified of such reason in writing prior to the effective date of the action.

5. Determination of Grievability/Qualification for a Panel Hearing

If some questions should exist concerning the grievability of a specific problem or if the employee is covered under the procedure, and if the questions cannot be resolved, a request for a ruling of grievability, including the question of access to these grievance procedures, may be made by either party. The request must be made in writing to the County Administrator, who shall respond within ten (10) calendar days. In any case, no grievance may proceed to a panel hearing before grievability has been determined. Only after grievability has been determined may a grievance be processed through to the grievance panel stage. The County Administrator shall make a determination of whether an issue qualifies for a panel hearing within ten (10) calendar days of receipt of a request for a panel hearing. A copy of the County Administrator's ruling on grievability and qualification for a panel hearing shall be sent to employee.

The decision of the County Administrator may be appealed by the employee to the Dinwiddie County Circuit Court for a hearing on the question of grievability (or access) or on whether the grievance qualifies for a panel hearing. Proceedings for review of the decision of the County Administrator shall be instituted by filing a notice of appeal with the County Administrator within ten (10) calendar days after the date of receipt of the decision. Within ten (10) calendar days thereafter, the County Administrator shall transmit to the Clerk of the Dinwiddie County Circuit Court: a copy of the decision of the County Administrator, a copy of the notice of the appeal, and the exhibits. A list of the evidence provided to the Court shall also be furnished to the employee.

Within thirty (30) days of receipt of such records by the Clerk, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be

necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice require. The decision of the Court is final and is not appealable.

6. Compliance with Procedure

After the initial filing of a written grievance, the failure of either party to comply with all substantial requirements of the grievance procedure without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) work days of receipt of written notification by the other party of the compliance violation. Such written notification by the employee shall be made to the County Administrator, who shall make a determination regarding compliance with these procedures. The County Administrator may require a clear written explanation of the basis for just cause extensions or exceptions.

Failure of either party without just cause to comply with any substantial procedural requirements at the panel hearing shall result in a decision in favor of the other party.

7. Grievance Procedure

An employee wishing to file a grievance shall have the right to follow all steps of this procedure as listed below with complete freedom from reprisal. Except for the final management step (Step III), the only persons who may be present in a management step meeting are the grievant and the appropriate County official at the level at which the grievance is being heard. Witnesses may appear during the management steps (Steps I through III) of these procedures, but shall only be present when actually providing testimony.

a. Step I (oral presentation):

A grievance must be initiated within twenty (20) calendar days after the event giving rise to the grievance by informing the immediate supervisor or the person who issued the disciplinary action for a discussion of the grievance. If the last day to file the grievance falls on Saturday, Sunday, or an official County holiday, then the final day for filing the grievance shall fall on the next work day. The supervisor or person who issued the discipline shall discuss the grievance with the employee and make an inquiry into the facts and circumstances of the complaint. The supervisor or person who issued the discipline shall give the employee a reply within five (5) work days following the discussion of the grievance. If the grievance alleges discrimination or retaliation, the employee may initiate the grievance with the manager above the person(s) who allegedly discriminated or retaliated (e.g., the Department Head or the County Administrator).

b. Step II (written presentation):

If the grievance is not resolved as a result of Step I, the employee may within five (5) work days after receiving the Step I reply, file a written grievance with the Department Head. The employee must be sure that the written grievance is complete in all detail and specifies the specific relief expected. No additions, deletions or adjustments to the written grievance will be allowed or accepted at a later point within the procedure. The Department Head will have a meeting to discuss the complaint with the employee within five (5) work days following receipt of the written grievance. Within five (5) work days following this meeting, the Department Head must respond in writing to the employee outlining the decision and the reason therefore. In the event that the employee's supervisor is the County Administrator, the employee should omit Step II and proceed to Step III.

c. Step III (meeting with County Administrator):

If the Department Head's response in Step II does not resolve the grievance, the employee may within five (5) work days after receiving the Step II reply, file a written request for a meeting with the County Administrator. A copy shall also be sent to the employee's Department Head. Upon receipt of the written request for a hearing, the County Administrator shall within five (5) work days schedule the meeting. The County Administrator may request the presence of the Department Head or any other County official. The grievant may have present at the hearing a representative or legal counsel at the grievant's own expense. If the employee is represented by legal counsel, the County may be represented by the County Attorney or other appropriate legal representative. Witnesses for either side may appear. The County Administrator will establish the procedures to be used for the meeting. The County Administrator shall give the employee a written reply within five (5) work days after the conclusion of the meeting. A copy of the reply shall be sent to the employee's Department Head.

d. Step IV:

If the County Administrator's reply in Step III does not resolve the grievance, the employee may within five (5) work days after receiving the Step III reply, request that the grievance be submitted to a panel hearing. Such request must be in writing and made to the County Administrator.

In submitting this written request it is not necessary that the employee again provide a written statement of what has occurred as this was contained in employee's written grievance submitted at Step II and is part of the record will be made available to the grievance panel.

e. Appointment of Grievance Panel:

Within ten (10) work days after the date of the written request for a panel hearing, a panel shall be chosen.

To insure an impartial panel, such panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of such an attorney shall serve as a panel member.

The employee and the County Administrator shall each respectively select a panel member within ten (10) work days. A third member shall be chosen by the first two appointees within ten (10) work days. If no agreement on a third member can be made, the selection shall be made by the Judge of the Circuit Court. The third panel member shall be the chairperson of the panel.

In employee termination and retaliation cases, the County at its sole discretion may choose to have an administrative hearing officer selected by the Executive Secretary of the Supreme Court serve as the third panel member. The County shall bear the expenses of such administrative hearing officer, when selected.

8. Hearing

Within ten (10) work days from the date of selection of the full panel, the panel shall establish a date, time and place for the hearing. The panel chairperson shall immediately notify all parties of the date. Copies of the written record in the case from STEP II and III shall be provided to the panel members by the County.

The employee may have present at the hearing a representative or legal counsel at employee's own expense. Witnesses may appear.

The conduct of the hearing shall be as follows:

- a. The panel which hears the final grievance appeal is the last administrative step in the resolution of the grievance. The panel has the responsibility for determining whether the County policies and procedures have been applied properly in each instance. The panel does not have the authority for formulating policies or procedures and cannot change any such policies or procedures.

The panel may not order the payment of money in excess of or contrary to Board of Supervisor appropriation.

- b. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing.
- c. The County shall provide the panel with copies of the grievance record prior to the panel hearing. A listing of documents provided to the panel shall be provided to the grievant and his/her representative. During the course of the hearing, the panel shall also determine the admissibility and presentation of materials or exhibits other than the grievance record.
- d. Without regard to burden of proof, the panel has discretion as to the order of the presentation of information or evidence by the parties, but shall afford full and equal opportunity to all parties for the presentation of such materials.

For example in cases of discipline, normally the County will proceed first in the presentation of evidence, while the grievant normally proceeds first in the presentation of evidence in all other matters brought before the panel.

- e. The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to an understanding and resolution of the dispute. The panel shall determine the relevancy and materiality of the information or evidence and may ask clarifying questions of any person appearing before the panel. All evidence shall be presented in the presence of the panel and of the parties except by mutual agreement of the parties.
- f. At its discretion, the panel may request that both parties submit and exchange documents or exhibits that they wish to be considered in the hearing ahead of the hearing date to allow panel members time to read them. The panel may also request the parties to submit and exchange a list of their witnesses prior to the hearing.
- g. Panel hearings are not meant to be conducted like proceedings in a court of law; the rules of evidence do not necessarily apply and hearsay may be admitted at the discretion of the panel. The panel is also responsible for deciding procedural issues arising at the hearing and should rule on objections by a majority vote.
- h. The majority decision of the panel shall be final unless reconsidered as provided below, and shall be consistent with written policy and applicable law. Such decision shall be entered within ten (10) work days following the conclusion of the hearing.

9. Challenges to Decision

- a. Either party may petition the Dinwiddie County Circuit Court for an order requiring the implementation of the decision of the panel.
- b. If a written request to reconsider the panel decision is submitted by either party within five (5) work days of receipt of the decision, the panel by majority vote may elect to review its decision or reopen the hearing for good cause shown, or both.
- c. Any challenge of panel decision on the grounds of inconsistency with laws or written policy shall be submitted by either party within five (5) work days to the County Administrator for a decision. If the County Administrator has a direct personal involvement in the event or events giving rise to the grievance, the County Administrator shall forward the challenge to the Commonwealth's Attorney for Dinwiddie County for a decision. The challenge is to be decided within five (5) work days after submission of the challenge to the Commonwealth Attorney.

XIX. TERMINATION OF EMPLOYMENT

A. Resignation

To resign in good standing, an exempt employee must give at least four weeks advance notice and all other employees must give at least two weeks advance notice. If special circumstances exist, the notice requirement may be waived by the County Administrator. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a voluntary resignation.

B. Termination for Inability to Perform

An employee may be terminated if he or she becomes physically or mentally unable to perform the duties of the position. However, any such action shall be taken in a manner that complies with the requirements of the Americans with Disabilities Act and other federal and state laws.

XX. MODIFICATION OF POLICIES

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the County without notice.

FORMS:

DINWIDDIE COUNTY
ACKNOWLEDGMENT OF RECEIPT OF
PERSONNEL MANUAL

I have received a copy of the Dinwiddie County Personnel manual on _____[date]. I understand that the County has the right to amend or modify its contents at any time and that I will abide by its provisions.

The Personnel manual does not constitute or imply an oral or written contract of employment nor do they alter my right or the right of the County to terminate my employment at any time. I understand that these policies include provisions to which I must adhere as a condition of employment.

Signature

Printed Name

Date

DINWIDDIE COUNTY
RELEASE OF INFORMATION

Date: _____

To: _____
Name of Current/Former Employer

Address of Current/Former Employer

(Employee's name, printed)

I, _____, hereby authorize the release of information requested by Dinwiddie County pertaining to my employment with your organization. I understand that references will be checked before a formal offer of employment will be made.

Signature

Position Held

Social Security Number

Period of Employment

DINWIDDIE COUNTY
CONSENT FOR BACKGROUND CHECK

In connection with my application for employment with Dinwiddie County, I understand that inquiries will be made concerning my employment and education histories, driving records, and other related matters. Accordingly, I hereby authorize all former employers and all others to release any and all information maintained by any such employer, agency, or entity concerning my personal history.

I also understand that the County may obtain a consumer report from a consumer reporting agency.

In consideration of the County's acceptance and consideration of my application for employment, I hereby, do for my heirs, agents, executors, administrators, and assigns, release and forever discharge the County from all claims, demands, damages, actions, and causes of action pertaining to or arising out of the County's consideration of my application for employment and its use, so long as not malicious, of all information obtained in the course or as a result of all inquiries made into my personal history, and release and forever discharge all former employers, and all other public and private concerns from all liability arising out of the disclosure to the County of information pertaining to my personal history, including but not limited to the release of copies of any documents contained in any files so maintained relating in any manner to me.

Signature

Printed Name

Date

_____ Social Security Number

Current Address

Previous Address

This release shall be valid for one year after the date of signing. Copies of this release shall be as effective as the original.

DINWIDDIE COUNTY

**AUTHORITY FOR RELEASE OF INFORMATION
FOR FINGERPRINT-BASED BACKGROUND CHECK**

I have applied for a position that has been designated as "sensitive" with Dinwiddie County. This designation permits the agency to conduct a fingerprint-based criminal history check. Therefore, I hereby authorize

any investigator or duly accredited representative of Dinwiddie County bearing this release, or a copy thereof, to obtain any information from law enforcement/criminal justice agencies and report the results of such search to the designated representative of Dinwiddie County. I direct that such information be released upon request to the bearer of this form. I understand that the information released is for official use by Dinwiddie County.

I submit to fingerprinting and understand that my fingerprints will be sent to the Federal Bureau of Investigation for a criminal history check.

I hereby release any individual, including records custodians, from any and all liability for damages of whatever kind or nature that may at any time result to me on account of compliance, or any attempt to comply, with this authorization. Should there be any questions as to the validity of this release, you may contact me as indicated below.

I understand that any and all information collected pursuant to this background check may be used in assessing my suitability for the position for which I have applied. The information will not be shared with parties outside of Dinwiddie County. I further understand that I may challenge the results of the background investigation conducted by the Virginia State Police or the Federal Bureau of Investigation and may request information needed to make such a challenge from Dinwiddie County.

Signature (full name):	
Print full name:	
Other names currently or previously used:	
Current address:	
Telephone number:	Date:

DINWIDDIE COUNTY

CONSENT TO INSPECTION AND MONITORING

I understand that Dinwiddie County reserves the right to search any property located on or brought into its facilities, including but not limited to desks, lockers, closets, computers, purses, briefcases, or vehicles. I recognize that I have no expectation of privacy in what I place, store, or leave in these containers or on the County's property.

I further understand, and hereby consent, to the County's monitoring communications received, stored or transmitted on electronic, digital, and wire communications equipment and systems provided by the County or used in the course of conducting business for the County. I understand that this equipment is provided exclusively for business use and not for personal use.

Signature

Printed Name

Date

DINWIDDIE COUNTY

**UNDERSTANDING ON THE USE OF
COMPENSATORY TIME IN LIEU OF OVERTIME PAY**

I acknowledge that I have been hired / employed in a position in which Dinwiddie County compensates employees for overtime hours by

providing compensatory time at the rate of one and one half hours for each hour worked over forty (40) hours in the workweek.

I further understand that

- (1) compensatory time in lieu of overtime pay has been, and is, a condition of employment;
- (2) compensatory time earned will be preserved until such time as I may elect to use it, cash it out at the time of my termination of employment, or otherwise use it consistent with the provisions of the Fair Labor Standards Act or until the County elects to cash it out or requires me to use it;
- (3) I have the right to request the use of the compensatory time at any time and that the County will allow me to use it within a reasonable time after the request is made unless my absence would unduly disrupt the operations of my work unit.

Signature

Print Name Above

Date

COUNTY OF DINWIDDIE, VIRGINIA

**USE AGREEMENT FOR
ELECTRONIC MAIL AND NETWORK/INTERNET SERVICES**

I have been authorized access to either Electronic Mail or Network/Internet services. This access is provided through County-owned personal computers and/or networks (County Local Area or Wide-Area Network or other network).

I have read, understand, and agree to rules on Electronic Communication found in Section X of the Personnel manual and the following additional terms and conditions that govern my use of these services:

Access has been granted to me by the County, as a privilege, for me to perform authorized duties and responsibilities for the County. I understand that the County may revoke this privilege at any time, at the County's sole discretion.

I will not use or knowingly permit the use of any access control mechanism (e.g., log-in ID, password, terminal ID, user IDs) for any purpose other than that required to perform authorized duties.

I will not disclose any access control mechanism (i.e. password), unless authorized to do so, in writing, by the County.

I will not use any access control mechanism (i.e. password), which has not been expressly assigned to me to the County.

I understand the ethical and legal use of software, recognize that the unauthorized use or copying of software is illegal, and agree to refrain from all illegal and unethical actions involving software.

I agree to abide by all County policies, procedures, standards, guidelines, and other regulations regarding technology usage.

I understand that all electronic, digital, and wire communications received, sent or stored may be monitored and that the privacy of such messages is in no way guaranteed and that personal use of e-mail is prohibited.

I understand that downloading or sending of large image (i.e. "jpg" or "gif") or audio (i.e. mp3) files that are not work related is prohibited.

If I observe or know of any violations of the terms of this agreement, by others, I accept responsibility for reporting such violations to my immediate manager and the County's Director of Information Systems.

By signing this agreement, I certify that I understand the terms and conditions of this agreement and that I accept responsibility for adhering to the agreement. I also acknowledge my understanding that any infractions on my part will result in disciplinary action, including but not limited to termination of my access privileges.

Employee Name (Print): _____

Employee Signature: _____ Date: _____

Department Head Signature _____

DINWIDDIE COUNTY

**NOTICE
KEY EMPLOYEE**

This is to notify you that your request for leave which began, or which will begin, on _____ is designated as Family and Medical Leave. You have already received notice of your rights under the Family and Medical Leave Act (the "FMLA").

Under the FMLA you are entitled to twelve weeks of FMLA leave each year. FMLA leave is unpaid leave; however the County requires that you use accumulated paid leave concurrently with the FMLA leave. Sick leave for family care purposes may only be used consistent to the terms of that policy.

You are deemed a Key Employee under the FMLA. Key Employees do not have job restoration rights at the conclusion of their leave if a determination is made that a substantial and grievous economic injury to the operations of the agency would result in keeping the position open.

Check one:

- At this time, such a determination has not been made. When a determination is made, a notice will be sent to you and you will have a reasonable opportunity to return to your position.
- At this time, a determination has been made that a substantial and grievous economic injury would result in keeping your job open during the period of the requested leave. The basis for this determination is _____

If you do not return to work within _____ work days,** your right to return to your position will no longer exist. If you fail to return to your position within this time period, you may still continue on leave, and will continue your health care and other benefits under the same terms as you are currently receiving them unless you inform the agency that you have no intention of returning to work.

If you have any questions on your FMLA rights, please contact the Human Resources Office.

DINWIDDIE COUNTY
NOTICE
NO RIGHT TO JOB RESTORATION

** The period of time must be reasonable based on the circumstances, e.g. such as the length of the leave and the urgency for the employee to return.

You previously received notice that you are a **Key Employee** under the Family and Medical Leave Act and as such might be denied restoration to your job when it is determined that a substantial and grievous economic injury would result if your position remained open until the completion of your FMLA leave. Such economic injury has been found. The basis for this determination _____
_____.

Accordingly, if you do not return to work within _____work days,** your right to return to your position will no longer exist. If you fail to return to your position within this time period, you may still continue on leave, and will continue your health benefits and other benefits under the same terms as you are currently receiving them unless you inform the agency that you have no intention of returning to work.

At the end of the leave, you may request reinstatement to you position. At that time, if the position has not been filed and if reinstatement to your position does not cause an substantial and grievous economic injury, you will be reinstated.

DINWIDDIE COUNTY

**REQUEST TO ENGAGE IN
OUTSIDE EMPLOYMENT OR
OTHER REMUNERATIVE ACTIVITIES**

** The period of time must be reasonable based on the circumstances, e.g. such as the length of the leave and the urgency for the employee to return.

is a vacancy on the Board of Zoning Appeals that should be addressed. A recommendation needs to be made and notification to the Circuit Court.

9. COUNTY ADMINISTRATOR COMMENTS

Mr. Kevin Massengill, Interim County Administrator, stated that the budget retreat was scheduled for Thursday and Friday, February 23rd and 24th. In addition, he said final edits for request for qualification and proposals for the Commerce Park have been made. The improved document has an extended timeframe for submittals that gives 10 weeks versus 6 weeks. He expects that responses will back around May 1st. At that time staff, as well as the Virginia Gateway Region, will review the responses and have recommendations back to the Board of Supervisors by Friday, May 12th. The Board meeting is May 16th and, hopefully, a selection can be made at that time. Work would begin sometime in the summer.

Mr. Massengill said that in response to Mr. Moody's request for an inventory of all surplus real estate property, staff had accomplished that. David Thompson, GIS Director, plotted it out on a map and has values, etc. which will come to the Board at a later date. In addition, Gene Jones and Karen Wilmoth did an inventory of surplus supplies and equipment at Eastside Community Center.

Mr. Massengill said that he and Mr. Varney had talked about the Secondary Six-Year Plan Commission. He asked if one or two would like to serve on that, to please let him know.

10. BOARD MEMBER COMMENTS

There were no Board member comments.

11. CLOSED SESSION

Mr. Bowman made the statement that he would not attend the closed session as the fact that he owns adjoining property is a conflict of interest.

Upon motion of Mr. Moody, seconded by Mr. Haraway,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under §2.2-3711 (A) (3) Real Property: Acquisition, Commerce Park

Ayes: Mr. Haraway, Mr. Moody, Mr. Stone, Ms. Moody
Abstain: Mr. Bowman

The Board reconvened in open session at 6:00 p.m.

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(3) Real Property: Acquisition, Commerce Park

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Stone, seconded by Mr. Haraway, this Certification Resolution was adopted.

Ayes: Mr. Haraway, Mr. Moody, Mr. Stone, Ms. Moody
Abstain: Mr. Bowman

CLOSED SESSION:

Upon motion of Mr. Haraway, seconded by Mr. Stone,

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under §2.2-3711 (A) (1) Personnel Appointments: County Administrator; and §2.2-3711 (A) (7) Legal Matters: Claims

Ayes: Mr. Haraway, Mr. Bowman, Mr. Moody, Mr. Stone, Ms. Moody
Nays: None

The Board reconvened in open session at 7:00 p.m.

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A) (1) Personnel Appointments: County Administrator; and §2.2-3711 (A) (7) Legal Matters: Claims,

AND WHEREAS, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

NOW BE IT CERTIFIED, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Haraway, seconded by Mr. Moody, this Certification Resolution was adopted.

Ayes: Mr. Moody, Mr. Bowman, Mr. Haraway, Mr. Stone, Ms. Moody
Nays: None

7:00 P.M. –

Ms. Moody stated that she would like to publicly thank Chief Alvin Langley of the Ford Volunteer Fire Department for providing dinner for the Board at his own expense.

12.A. PUBLIC HEARING: P-05-8 WHIPPONOCK, LLC, REZONING

Scott Wrenn, Zoning/Planning Administrator, submitted the summary report below to the board.

Mr. Brian Mitchell, of Towne Site Engineering, spoke in representation of the applicant. Mr. Mitchell stated that at the last meeting they had covered a lot of the technical aspects of this case and the details of the rezoning request. Since that time a joint meeting was held between the Board of Supervisors and the Planning Commission to discuss the case. Mr. Mitchell discussed the proffer statement amendments the applicant has offered in response to that meeting. He also brought up an item that was not covered at the last meeting, which was personal property tax revenue. He stated that the approval of this project is in the best interest of all the citizens of Dinwiddie County, and it would be a waste of one of Dinwiddie's valuable land resources to not approve it.

Mr. Moody asked whether number 12 on the proffers is contingent on the 90 acres being rezoned.

Mr. Mitchell answered that yes it is.

The Chair opened the public hearing in this case.

1) Brian Emory – 1212 Creek Court, Church Road – spoke in opposition to this case. He said there was a perceived conflict of interest of two members of the Board regarding this case. He said one member appointed the developer of P-05-8 to the Planning Commission, and is also a neighbor of the developer. Mr. Emory stated that the other Board member rents office space to a real estate business that is directly connected to one of the developers of P-05-8. He said that everyone who spoke in favor of the proposed rezoning was either connected by family or the possibility of financial gain.

2) Dean Edens – 17175 Lakeland Road, Church Road – spoke in opposition to this case. He stated that his property is adjacent to the proposed development, yet he had not received any formal notifications from the County regarding this rezoning proposal. He said that he and his wife had received all information on their home through their neighbors, *The Monitor*, and attendance of some previous Planning Commission meetings that they had found out about. He said that when the developer informed them of his intent to put in a subdivision, they did not object. They assumed the lot sizes would be five acres as was the case with them, and as the developer did not mention anything about rezoning to two acres. He stated that two acres of his property are identified in the developer's document as part of the acreage for the subdivision, Tax Parcel 26A and 26C.

Mr. Stone asked Mr. Edens whether he had received notification at either level, Planning Commission or Board.

Mr. Edens stated he had never received notification in the mail.

Mr. Moody asked Mr. Edens his mailing address which Mr. Edens stated as 17175 Lakeland Road.

Mr. Moody asked what was P.O. Box 82, Waverly, Virginia?

Mr. Eden said he had no idea.

Mr. Moody asked Mr. Eden if he received his mail at 17175 Lakeland Road; and Mr. Eden answered, yes at a mailbox at that address. He stated that he also received mail at a post office box which was 391 Sutherland, Virginia. He said all the County tax documents come to his 17175 Lakeland Road address.

Mr. Bowman asked Mr. Eden if he had ever lived in Waverly, and Mr. Eden responded no.

Mr. Drewry interjected that the adjoining land owners are to receive notice, however it is adequate if the notice is sent to an address that the Commissioner of Revenue has on the tax records.

3) Nancy Pinchefskey – 1028 Sutherland Road, Church Road – spoke in opposition to this case. She stated that the County's school system is overcrowded and distributed three sheets of information to the Board regarding this. She said that in the beginning the applicant stated that the development would only make a minimal impact on the county's school system. She said that since the school system is already overcrowded there is no possible way for it not to be affected.

4) David Hale – 1311 Sutherland Road, Church Road – spoke in opposition to this case. He distributed to the Board an EPA Introduction To Well Head Protection and a Workplan Book; as well as documentation regarding his presentation. He said there will be an impact on the ground water system. He stated that these concerns need to be addressed.

5) Phil Hanley – 835 Even Keel Lane, Church Road – spoke in opposition to this case. He discussed the condition of Route 623, also known as Sutherland Road, and the traffic concerns if this rezoning is approved. He stated that the proffers offered by the applicant fall short of what will be needed.

6) John Schmidt – 826 Sutherland Road, Church Road – spoke in opposition to this case. He said that EMS and Fire will be taxed with the projected development.

7) Mark Krueger – 841 Even Keel Lane, Church Road – spoke in opposition to this case. He said that he had never received notice of the rezoning. He said he has lived on the lake since 1995. He spoke regarding environmental concerns, and the impact of the rezoning on Lake Chesdin.

8) Brenda Emory – 1213 Creek Court, Church Road – spoke in opposition to this case. She asked why this developer had offered Chesterfield County bigger and better proffers than were being offered to Dinwiddie County. She asked why a five-acre lot was such a bad idea.

9) Charles Friedl – 20213 Charlotte Road – Sutherland – spoke in support of this case. He said that Dinwiddie County needs to look at future economic resources in order to pay for known future expenditures. He said that local revenue can only be

increased by increasing taxes, increased growth, and/or new sources of funds generated by fees or taxation. He said that his interpretation of a recent report by the County auditing firm indicated that growth would be the primary means to generate the greatest amount of revenue.

10) Michael W. Bratschi – 23500 Cutbank Road – McKenney – spoke in opposition to this case. He said that although he does not live in the area of the proposed subdivision, and is not directly impacted, he feels everyone in the county will be affected by the decision made. He stated 200 people had signed a petition that they did not want the rezoning, and that the Planning Commission had voted not to approve this subdivision. He asked if this was the same firm that was cited by EPA for a \$135,000 fine.

As there was no one else signed up to speak, the Chair closed the public hearing in this case.

Mr. Mitchell spoke regarding the issue of Mr. Eden stating that two acres of his land were included as the developer's property. He assured that no acreage was included that belonged to either Mr. Hale or Mr. Eden. He said that the title company, Hill and Rainey had done the title report.

Mr. Drewry, County Attorney, asked a question regarding Mr. Eden being notified. He said that he is listed as being an adjacent land owner property and asked if that list is provided by the developer.

Mr. Wrenn, Planning/ Zoning Administrator, answered that yes it is.

Mr. Drewry said that the list has Mr. Eden's name on it, but it has P.O. Box 82, Waverly, Virginia as his address.

Mr. Mitchell said they went to the Assessor's office and pulled tax maps and addresses for the list.

Mr. Drewry said that in looking at the application, Gray Lumber Company's address is P.O. Box 82, Waverly, Virginia.

Mr. Mitchell said that was a typo.

Mr. Eden said that at the very first meeting at Midway School where the applicant and Mr. Mitchell came to address residents prior to submission; he also did not receive notification of that meeting and that he also provided his correct address at that meeting.

Mr. Mitchell apologized.

Mr. Massengill, Interim County Administrator, stated that also Mr. Krueger had stated that he did not receive notification and that he was an adjacent property owner.

Mr. Mitchell said that in other localities, instead of doing adjacents, they do a big circle around the proposal and that they probably should do that in Dinwiddie as well.

Mr. Drewry asked Mr. Eden, in order to be clear, was his property 26A and B. Mr. Eden said it was 26A, B, and C and he is adjoining.

Mr. Drewry said the Virginia Code is very specific to notice requirements in a rezoning case and very specific to adjoining land owners. It states that a notice to adjoining land owners shall be given by the local Planning Commission at least five days prior to the hearing. Mr. Drewry said he was concerned about this from a legal standpoint as there have been cases in the past in which rezonings were invalidated because of improper notice. He said the County is dependant upon the applicants to provide adjoining land owner addresses to the County. He stated that it is valid if you use the tax assessor's address, even if it's incorrect. He said he did not think that Gray Lumber Company's address is listed beside Mr. Eden's name in the Tax Assessor's office.

Mr. Stone asked whether when an application is submitted does staff go and verify each adjacent land owner. Mr. Massengill said that staff is supposed to identify each adjacent land owner. Mr. Stone asked if any phone calls were made to adjacent land owners. Mr. Massengill said no.

The Chair asked Mr. Drewry's recommendation as to voting on this case.

Mr. Drewry responded that because he knows that past cases have been invalidated because of improper notice requirements he would suggest that the Board defer this case.

Mr. Stone asked if staff had double checked the acreage.

Mr. Massengill said that Mr. Wrenn had verified to him that the acreage had been verified.

Mr. Eden said he would be willing to waive the notification so that the decision could be carried on, and he would have his attorneys draw up a document to that affect if necessary.

Mr. Drewry stated that past cases before the Supreme Court have stated that the state code must be followed exactly. He said his legal opinion was that any Board action could be potentially invalidated because of the notice requirement, and he needed to further investigate the facts surrounding the present matter.

Ms. Moody said she was not willing to do anything illegal, and she would like a motion to defer this case.

Mr. Haraway said before the motion was entertained he would like to ask Mr. Drewry as the County Attorney did he see any problem with Mr. Haraway voting on Whipponock, LLC rezoning.

Mr. Drewry answered that he had citizens who had come to him, and that he had also received written comments regarding facts about Mr. Haraway and Mr. Bowman. He said he had reviewed those facts and discussed them with citizens. He stated he did not see the facts as he knew them to be an illegal conflict of interest under the conflict of interest law.

Mr. Haraway said he would also like to correct two statements that had been made that were incorrect: 1) indicating that his only daughter, Pamela, is married to Brian Cobb; and 2) a letter that he received 35 copies of it said that Mr. Cobb is his next door neighbor. He said that his daughter Pamela is not married to Brian Cobb. Mr. Haraway said that in response to the second statement, Mr. Cobb lives 1 mile from him and that there are 25 houses in between Mr. Cobb's house and his.

Mr. Moody asked Mr. Drewry whether a vote either in the negative or the affirmative would be improper at this time.

Mr. Drewry answered that either way it could be legally challenged. He said, of course, it would be more likely to be legally challenged if it were an affirmative vote. He said if there was a denial the applicant would have to decide what legal actions he would want to take.

Mr. Moody said he had received very few calls in favor of this case from his district, that 99 to 1 are opposed to it. Mr. Moody offered a motion to deny the request. There was no second to his motion.

No vote was taken, and the Chair declared that the motion died.

Mr. Haraway asked if a vote was taken on this motion would that mean that the only action that would need to be taken would be for Mr. Eden to receive notice of the meeting.

Mr. Drewry answered that he would need to research it a little more. He said his concern was that the Virginia Code states that the Planning Commission is supposed to give this notice, and therefore the meeting may need to be a joint Planning Commission and Board of Supervisors meeting. He said it will have to be noticed in the paper and notices sent back out to all adjoining property owners.

Mr. Stone asked if the public hearing would be continued at the March 21st meeting.

Mr. Drewry said yes.

Planning Summary Report

Name:	Scott Wrenn, Zoning Administrator/Planner
File:	P-05-8
Applicant:	Whipponock, LLC
Property Address:	Sutherland Road, Sutherland, VA 23885
Magisterial District:	Namozine District
Acreage:	391.06 acres
Tax Map Parcels:	1-10 & 10A; 1-(4)-4A; 1-(9)-1B (part of); 2-1, 5-13
Zoning:	Residential, Conservative RR to Residential, Rural RR-1
Date:	February 6, 2006

At the January 3, 2006 Board of Supervisors meeting, the Board voted to defer the rezoning case to the February Board meeting, after staff recommended deferral to review the hydrological report and the proffers that had been modified the day of the meeting. The Board directed staff to coordinate a special meeting between the Board of Supervisors and the Planning Commission to discuss the Commission vote of disapproval on the rezoning case. On January 17, 2006, the Board met with the Planning Commission to discuss this request for rezoning. At the special meeting, the Planning Commission addressed concerns regarding impacts to the transportation system, additional number of children on the school system, Response times for Fire/EMS and law enforcement, and the potential future development of adjacent properties.

On January 23, 2006, Staff has met with the applicant's representatives and discussed the comments from the special meeting between the Planning Commission and Board. As a result, the applicant decided to update the proffers that were submitted to the County to better reflect the concerns noted by the Planning Commission and Board. On February 3, 2006, the applicant provided the County with an updated proffer statement.

In summary, the following changes are noted for your edification:

- Proffer Statement 6 – The applicant has increased the heated square footage area of the homes to no less than 2,200 square feet for interior lots and no less than 2,800 square feet for waterfront lots. This is an increase of 200 square feet for interior lots and 300 square feet for waterfront lots from the proffer statement submitted on January 3, 2006.
- Proffer Statement 11 – The applicant will have a maximum number of one hundred fifty-six (156) lots in the proposed development. This statement was added to the January 3, 2006 statement.
- Proffer Statement 12 – The applicant has the option to acquire an additional ninety (90) acres to install a VDOT approved right turn lane into the primary entrance to the proposed development, contingent upon the acquisition and rezoning of the ninety (90) areas to RR-1 with the same proffers as the current case. This statement was added after the Special Meeting.
- Proffer Statement 13 – The applicant will provide the Homeowners Association with a parcel of waterfront property for recreational use as well as future amenities pending acquisition of appropriate local, state, and federal permits. This statement was added after the Special Meeting.

BACKGROUND

Planning Commission Vote:

The Planning Commission heard the rezoning request, P-05-8, at their December 14, 2005 meeting. The Planning Commission voted 4-1 (Abstaining: Mr. Stone and Mr. Cobb) to recommend disapproval of P-05-8 to the Board.

Past Meeting Minutes:

Attached in your packets are copies of the Planning Commission minutes and review letters from Public Safety, School System, and VDOT. The listed agencies will be present at the Board of Supervisors meeting to answer any questions the Board may have of them.

Staff Recommendation:

The Staff has reviewed the rezoning matter and is satisfied that the applicant has successfully responded and addressed the impacts of rezoning the properties to allow greater residential density.

In developing this recommendation, staff has evaluated the advantages and disadvantages of rezoning this property and believes that the overall proposed development will have a positive impact for the County. Specifically, staff wishes to share the following comments:

1. Staff feels that the proposed development will continue to diversify the existing housing inventory of the County. Such diversity is needed to balance the number of low, moderate and higher income housing and provide an advantageous mix.
2. The proposed development will bring a satisfactory amount of revenue from real estate to the County.
3. The applicant has voluntarily offered a cash proffer. Such Monies, allow the County to make Capital Improvements resulting from the impact of the development. Nearly 75% of the proffer being offered will be spent on improvements identified by the Dinwiddie County School System and incorporated into the County's CIP Plan. Staff recognizes there will be an associated increase in student enrollment. However, staff supports the School Superintendent's characterization of this increase to be minimal.
4. Staff recognizes the need for transportation improvements to Route 623 (Sutherland Road) and Route 708 (Namozine Road). Staff recommends and urges the Board to add these routes to the Virginia Department of Transportation Secondary Six Year Plan for Dinwiddie County.
5. Finally, Staff reviews each case by its own merits and determines recommendations base on that case alone. Therefore, like this request for rezoning, all future development of adjacent properties will facilitate a rezoning. Such request(s) for rezoning affords staff, the Planning Commission, and Board of Supervisors the opportunity to review additional impacts and concerns.

Therefore, Staff's recommendation of approval with proffers of the request for a rezoning based on the following reasons:

1. The applicant has provided signed proffers to the subject property.
2. The updated proffer statement accurately diminishes the impact this development will have on the County.

Upon motion of Mr. Bowman, seconded by Mr. Stone,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that P-05-8 Whipponock, LLC, Rezoning is deferred to the March 21, 2006 Board of Supervisors Meeting for a public hearing.

Ayes: Mr. Bowman, Mr. Haraway, Mr. Stone, Ms. Moody

Nays: Mr. Moody

12.B. P-05-10 NATALIE TUCKER REZONING

Due to the fact that portions of the public hearing notices were dropped from printing in the newspaper, P-05-10 Natalie Tucker Rezoning was not heard and was deferred to the March 21, 2006 Board of Supervisors meeting. The applicant was notified before the meeting.

12.C. P-05-11 PATRICK CASALE REZONING

Due to the fact that portions of the public hearing notices were dropped from printing in the newspaper, P-05-11 Patrick Casale Rezoning was not heard and was deferred to the March 21, 2006 Board of Supervisors meeting. The applicant were notified before the meeting.

12.D. PUBLIC HEARING: ORDINANCE TO AMEND COUNTY CODE § 22.35, BOARD OF ZONING APPEALS COMPOSITION

The Board received the memo below from County Attorney Michael Drewry.

The Chair opened the public hearing in this case.

As no one was signed up to speak, the public hearing was closed in this case.

Attached is a draft ordinance to amend the Code of the County of Dinwiddie, Chapter 22, Article III, Section 22-35 (a) concerning composition of the board of zoning appeals. The present Code requires that one member of the board of zoning appeals shall be an active member of the planning commission. The amendment changes the 'shall' to a may, which allows flexibility in future appointments.

The Planning Commission, Staff and the County Attorney recommend approval of the draft ordinance amendment.

Upon motion of Mr. Moody, seconded by Mr. Haraway,

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that the amendments to the Code of the County of Dinwiddie, Chapter 22, Article III, Section 22-35 are approved by this Board as presented.

Ayes: Mr. Bowman, Mr. Haraway, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

A-06-2

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985,
AS AMENDED, BY AMENDING SECTION 22-35 OF
ARTICLE III, CHAPTER 22 OF THE CODE
RELATING TO THE COMPOSITION, APPOINTMENT, TERMS AND COMPENSATION
OF MEMBERS OF THE BOARD OF ZONING APPEALS**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) *That the Code of the County of Dinwiddie, 1985, as amended, is amended as follows:*

Sec. 22-35. Composition; appointment, terms and compensation of members.

- (a) A board of zoning appeals consisting of five (5) members shall be appointed by the circuit court of the county. One such member may be a member of the planning commission.
- (b) The term of office of members of the board of zoning appeals shall be for five (5) years, except that of the first five (5) members appointed, one shall serve for five (5) years and one for one year. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- (c) The members of the board of zoning appeals shall serve without pay other than for travel expenses.

(Code 1970, § 17-101)

State law reference – Similar provisions, Code of Virginia, § 15.2-2308.

(2) *That this ordinance shall become effective immediately upon adoption.*

13. CITIZEN COMMENTS

Before the citizen comment period was opened Ms. Moody, Chair of the Board, stated the following:

In accordance with the Board of Supervisors bylaws we will allow and listen to all persons desiring to speak to the Board in an orderly manner. Please do not address Board members by name, please address all comments to me. You are allowed three (3) minutes to speak after you have signed the registry. After you finish speaking and take your seat, please do not talk out loud to yourself, to your neighbors, or to the other speakers. This is disruptive to the order of the meeting and others attending. If this occurs I'll ask you to refrain from speaking out of order. If this continues I'll ask the Deputy Sheriff on duty to escort you out of the Board room. You must take responsibility for your own actions. Please keep your comments germane to the business at hand. As chair, it is my responsibility to keep the meeting in order at all times. Thank you in advance for our cooperation.

1) Michael W. Bratschi – 23500 Cut Bank Road – McKenney – objected to one meeting per month and said he felt the citizens were not allowed to speak as they should. He thanked Mr. Stone for the Town Hall meetings.

2) Michael Wilde – 11647 Old Stage Road – objected to the way the citizen comments period was handled. He said that a Board member had put a building contractor on the Planning Commission.

As no one else was signed up to speak, the citizen's comment period was closed.

14. OLD / NEW BUSINESS

Mr. Moody said that next month there would be a joint Planning Commission/ Board of Supervisors meeting and there was a vacancy on the Planning Commission.

Mr. Massengill said there would be six instead of seven members.

Mr. Stone said that at the previous meeting he had requested that staff contact the three newspapers with the largest circulation. He said he would like to hear something on those at the next meeting.

Mr. Moody thanked the citizens for coming out to the public hearing process.

Mr. Bowman asked about the comp plan that's coming up and how that is being handled.

Mr. Massengill said that an RFP had been drafted to go outside for a consultant.

Mr. Bowman said he would like to see the issues that were pointed out in the last two comp plans addressed before the County starts a new one. He said \$100,000 had been spent on those suggestions and not the first correction had been made on the County's zoning ordinance which was something that had been a part of those suggestions. He said he would like to see that done before the County even considers doing another comp plan. He said he would also like to see the historic tourism overlay zone.

Mr. Massengill said that both documents, the RFP for the comp plan update and the tourism/historic overlay are waiting to be reviewed by the County Attorney.

Mr. Bowman said he would also like to see the setback requirements and the Route 1/460 corridor study put in place. He said he would like to see a time line as to when these things are going to the Planning Commission. He stated that he has two years remaining on the Board and he has been pushing for these things for eight years. He said he would like to see them accomplished before his term is completed. He said that if Mr. Drewry needs extra help, and the County doesn't have the money to hire someone, he would be willing to forfeit his salary to go toward him hiring someone to assist so that these things can be accomplished.

15. ADJOURNMENT

Upon motion of Mr. Moody, seconded by Mr. Haraway,

The meeting was adjourned at 9:10 p.m.

Ayes: Mr. Bowman, Mr. Haraway, Mr. Moody, Mr. Stone, Ms. Moody

Nays: None

Doretha E. Moody, Chair

ATTEST: _____
Kevin Massengill
Interim County Administrator
Clerk to the Board

/wjn