

VIRGINIA: AT THE SPECIAL 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 6TH DAY OF FEBRUARY 2006 AT 6:00 P.M.

PRESENT: 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

ABSENT: DORETHA E. MOODY – CHAIR ELECTION DISTRICT #4

ADMINISTRATION

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

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CLOSED MEETING

Chairperson Doretha Moody was unable to attend the meeting. Therefore, Vice Chair Michael Stone convened the meeting in open session at 6:00 p.m.

Mr. Bowman commented that due to a conflict of interest he would not be attending the portion of the closed meeting under §2.2-3711 (A)(3) Land Acquisition: Commerce Park as he is an adjacent property owner.

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

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

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

Upon motion of Mr. Moody, seconded by Mr. Haraway the meeting reconvened into open session at 6:15 p.m.

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

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A) (3) Land 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. Moody, seconded by Mr. Haraway this Certification Resolution was adopted.

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

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

The Board of Supervisors of Dinwiddie County, Virginia convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel, County Administrator; §2.2-3711 (A)(1) – Personnel, Appointments: Industrial Development Authority, Planning Commission; and §2.2-3711 (A) (7) Legal Matters: Bylaws

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

Upon motion of Mr. Moody, seconded by Mr. Haraway the meeting reconvened into open session at 7:00 p.m.

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

CERTIFICATION

WHEREAS, this Board convened in a closed meeting under: §2.2-3711 (A)(1) – Personnel, County Administrator; §2.2-3711 (A)(1) – Personnel, Appointments: Industrial Development Authority, Planning Commission; and §2.23711 (A) (7) Legal Matters: Bylaws,

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
Nays: None
Absent: Ms. Moody

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

Vice Chair Michael Stone called the special meeting to order at 7:00 p.m. followed by the roll call, the Lord's Prayer and the Pledge of Allegiance.

ROLL CALL:

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

ABSENT: Ms. Moody

4. CLAIMS

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

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 1052484 through 1052607 (voided check numbers 1052336 and 1052823).

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

FY – 05/06

Accounts Payable:

(101) General Fund	\$ 119,678.54
(103) Jail Commission	\$ 389.64

(105) Recreation Fees	
(209) Litter Grant Fund	
(222) E911 Fund	\$ 748.04
(225) Courthouse Main Fund	\$ 3,439.29
(226) Law Library	
(228) Fire Programs & EMS	\$ 7,538.80
(229) Forfeited Assets	
(304) CDBG Grant Fund	\$ 1,068.70
(305) Capital Projects Fund	
(401) County Debt Service	_____
TOTAL	\$ 132,872.01

The claims were approved as presented.

5. PUBLIC HEARING: PLANNING COMMISSION ORDINANCE AMENDMENT

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

Attached is a draft ordinance to amend the Code of the County of Dinwiddie, Chapter 2, Article III, Sections 2-41 through 2-43 concerning the composition, appointment, qualifications and terms of the planning commission. A major change is that the present Code requires that one member of the planning commission shall be a member of the Board of Supervisors. One of the amendments changes the shall to a may, which allows flexibility in future appointments.

Staff and the County Attorney recommend approval of the draft ordinance amendments.

The Vice Chair opened the public hearing.

- 1) Michael W. Bratschi – 23500 Cutback Road – McKenney – asked that the Planning Commission membership be kept to five members, one from each district. He disagreed with questioning the vote of the Planning Commission on cases.
- 2) Anne Scarborough – Dinwiddie – asked that the Board please never consider putting fifteen members on the Planning Commission. She said she felt it was fair representation with one member per district.

Mr. Drewry commented that the code allows between five and fifteen. He said it can be a specific number as long as it is a number between five and fifteen.

Ms. Scarborough asked if the Board would consider restating that section and making it one per district.

Mr. Stone said that it would be discussed tonight.

As no one else was signed up to speak, the Vice Chair closed the public hearing.

Mr. Stone asked if there were any questions by the Board or staff.

Mr. Moody asked if the present terms of office would be changed.

Mr. Drewry stated that present terms would not be changed.

Mr. Haraway stated that a number of the Board members had favored having five people on the Planning Commission. He said that, however, they had changed their minds after talking with the Planning Commission members. They favored having seven members, and not having a reduction in membership.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that the amendments to the Code of the County of Dinwiddie, Chapter 2, Article III, Sections 2-41 through 2-43 are approved by this Board as presented.

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

Nays: None
Absent: Ms. Moody

A-06-1
AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985,
AS AMENDED, BY AMENDING SECTION 2-41 THROUGH 2-43 OF
ARTICLE III, CHAPTER 2 OF THE CODE
RELATING TO THE COMPOSITION, APPOINTMENT, QUALIFICATIONS AND
TERMS OF MEMBERS OF THE PLANNING COMMISSION

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 by deleting the following language shown with strikethroughs and inserting the following language shown underlined:*

Sec. 2-41. Composition; appointment of members.

The planning commission shall consist of not less than five (5) nor more than fifteen (15) members appointed by the board of supervisors, one (1) of whom may be a member of the board of supervisors.

(Code 1970, § 2-4)

State law reference – Composition of planning commission and appointment of members, Code of Virginia, § 15.2-2212.

Sec. 2-42. Qualifications of members.

Members of the planning commission shall be qualified, by knowledge and experience, to make decisions on questions of community growth and development. At least one-half of such members shall be owners of real property.

State law reference – Similar provisions, Code of Virginia, § 15.2-2212.

Sec. 2-43. Terms of members; filling of vacancies.

The term of a board of supervisors member of the planning commission shall correspond with his tenure of office as a supervisor. The remaining members of the commission first appointed shall serve respectively for terms of one (1) year, two (2) years, three (3) years and four (4) years, divided equally or as nearly equal as possible between the membership. Their successors shall be appointed for terms of four (4) years. Any vacancy on the commission shall be filled through appointment by the board of supervisors for the unexpired term.

(Code 1970, § 2-4)

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

ADOPTED

Dinwiddie County, Virginia

6.A. ACTION ITEM: AMENDMENT OF BYLAWS OF BOARD OF SUPERVISORS MEETINGS

Michael Drewry, County Attorney, presented the following memo to the Board.

- Attached is a copy of the Board of Supervisors Bylaws with draft amendments. Article X of the bylaws state that the bylaws may be amended by a majority vote of the entire Board after thirty days prior written notice. Notice was given to the Board on January 3, 2006. As such the amendments may now be considered.

- A summary of the amendments are as follows:

Article IV (C) – Order of Business: Current language is deleted. Amendments allow flexibility for the Board and staff in organizing one meeting per month. Meeting agendas will still need Board approval.

Article IV (I) – Citizens Comment Period: Amendments allow each speaker three minutes per meeting.

Article VI – Public Hearings: Current language states that public hearings will begin at 7:30 p.m. Amendments allow flexibility in setting public hearing times.

Article VII – Appointment of Committees: The meaning of the current language is unclear. Amendments allow flexibility in appointments. The Board may still adhere to self imposed procedures in making appointments and if desired, may amend the County Code relating to the composition of specific commissions and boards.

Staff and I recommend approval of the bylaw amendments as presented.

Mr. Drewry said this was a first draft of these bylaws. He will be going through them again and decide together with the Board whether they need further amendments or need to be redrafted.

Mr. Stone had a question regarding Page 4, Section I, second item. He said that at the December 16th workshop at Namozine Volunteer Fire Department staff made the recommendation to the Board of considering going to one meeting a month. During that time, Item II was specifically addressed by staff. Mr. Stone stated his position was to keep it as staff recommended. Their recommendation was that a citizen could speak during each session for three minutes each as long as it wasn't repetitive.

Mr. Stone had a comment regarding the time allotted for citizens to speak. He was concerned about the total time of thirty minutes for citizen comments. He said that if there happened to be a lot of people signed up to speak for three minutes each the total time could exceed thirty minutes. He said that if a citizen made the effort to come out to speak, he wouldn't want the thirty minute time limit to prohibit them from getting the opportunity to speak.

Mr. Moody said he agreed with Mr. Stone regarding the time limit for citizens to speak.

Mr. Drewry said that since the thirty minutes weren't addressed at the last meeting, if the Board gives him directive to strike it he will do that. He said there will be some other amendments coming back to the Board, noticed in February to come before the Board at the March meeting. He said he could bring it back to the Board at that time.

Mr. Moody said that the way he understood it, as it is written now, the Board can allow more time if they so choose.

Mr. Drewry said that if there are that many people signed up to speak, the agenda can be amended to extend the thirty minute time frame.

Mr. Moody suggested approving the bylaws as presently stated, and then Mr. Drewry can review them for any further changes that need to be made.

Mr. Massengill, Interim County Administrator, commented that staff would be happy to answer any questions that the Board may have on the citizen comment period. He said that staff felt strongly that two comment periods were needed. He said they didn't want it to be perceived that they wanted to stifle citizen comments in any way.

Mr. Moody said he understood that there would be two citizen comment periods.

Mr. Stone said that was correct, but the way the bylaws were worded the citizen would only be able to speak at one of the two. He said that the way Mr. Drewry had just redone the Planning Commission bylaws states that as long as your comments are not repetitive the citizen would be allowed to speak at both periods.

Mr. Drewry stated that in the amendments it does say three minutes per meeting. If a citizen spoke at the first afternoon session he would not be allowed to speak at the second citizen comment session at the evening portion. He said he understood the logic behind that to be that the evening meeting would be basically for public hearings. Therefore, a citizen could speak on a general topic at the afternoon session. That same citizen could speak again that night during the public hearing portion. It would preclude him from speaking at the citizen comment period.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County that the bylaw amendments as presented concerning Art. IV(C) Order of Business, Art. IV(I) Citizens Comment Period, Article VI Public Hearings, and Art. VII Appointment of Committees is approved by this Board.

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

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;
 - (4) Serve on all standing committees of the Board;
 - (5) 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) Call to order
- (2) Lord's Prayer and Pledge of Allegiance to the flag
- (3) Roll Call
- (4) Approval of minutes and consent agenda
- (5) Citizens comment period (Third Tuesday meeting)
- (6) Elected official's reports
- (7) Staff reports
- (8) Unfinished business
- (9) New business
- (10) Citizens comment period (First Tuesday meeting)
- (11) Adjourn

Any member has the authority to alter this order of business if he deems it necessary. The Board will go into closed session one and half (1 ½) hours prior to the meeting. Public Hearings will take place at 7:30 p.m. or as immediately thereafter as practicable.

COMMENCEMENT OF MEETINGS:

At the time established in accordance with Section 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.

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.

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.
- (2) 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.
- (3) The Chairman shall be permitted to vote on all questions.

(4) 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.

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

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 of each item included in the consent agenda. Upon request of any Board member who wishes to question or discuss an item, that 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
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 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. At the Board's first meeting of each month, the Citizens' Comment period will be placed before County Administrator comments; at the second meeting of the Board the Citizens' Comment period will be placed on the agenda after consent agenda.

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. 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 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 to begin at 7:30 p.m. during the regular Board Meeting and will be conducted as soon thereafter as the Board's agenda may allow. 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. All public hearings, whether required or not, will be advertised according to State law.

DC. 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.

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

ARTICLE VII APPOINTMENT OF COMMITTEES

A. The Chairman of the Board of Supervisors shall appoint committee members to any permanent or temporary committee established by the Board. The Chairman shall make his committee appointments within thirty (30) days of passage by the Board of Supervisors of a resolution creating a committee.

B. Appointments to other commissions and boards shall be approved by vote of the entire Board. Whenever possible, membership on such bodies shall be proportional by election districts. Vacancies will be filled by persons from the same districts. An individual who moves from a district to another district during his term of office shall remain in office until the expiration of his term. If any board or commission contains an odd number of members, then district under representation shall be on a rotating basis.

C. In accordance with Virginia Code section 44-146.19 (B) (2), the Board will annually appoint a member of the Board of Supervisors or the County Administrator as the Director of Emergency Management. The Director of Emergency Management will appoint a coordinator of emergency management with consent of the governing body. 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.
 - (9) 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 IX 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 as set forth in these bylaws.
- 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 X 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.

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.

6.B. ACTION ITEM: RESOLUTION – PLANNING COMMISSION / BOARD LIAISON

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

In accordance with Board of Supervisors (“the Board”) discussions, it has been suggested that the Planning Commission (the “Commission”) chairman attend Board meetings for the purpose of advising the Board on past and present matters that have been or are being considered by the Commission. It has also been suggested that the Commission chairman be compensated in the amount of \$50.00 per month for this additional duty. The draft motion below is presented for Board discussion and consideration.

Upon motion of Mr. Haraway to adopt the resolution as presented, seconded by Mr. Bowman,

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

The following resolution was adopted as presented.

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, that it directs the Chairman of the Planning Commission or his designee if he or she is unable to be present, to attend Regular Meetings of the Board of Supervisors for the purpose of advising the Board on matters that have been or are being considered by the Planning Commission.

BE IT FURTHER RESOLVED, that the Chairman of the Planning Commission shall receive an additional \$50.00 per month for their attendance at Board meetings and shall only be paid if he or she attends the Board meeting. This amount is in addition to the \$100.00 per month paid to all Planning Commission members which shall not exceed \$1200.00 per Commissioner per year, as previously approved by the Board of Supervisors. The additional amount of \$50.00 shall be appropriated from Planning Department budget funds beginning the month of February, 2006.

6.C. ACTION ITEM: APPOINTMENTS

Mr. Stone stated that by actions taken tonight and previous meetings of the Board of Supervisors it is the consensus of the Board that the Planning Commission Chair serve as the Board liaison between the Board of Supervisors and the Planning Commission. Mr. Stone then asked that the Board of Supervisors accept his resignation from the Dinwiddie County Planning Commission, and he asked a fellow Board member to please make the motion to accept his resignation.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the resignation of Michael W. Stone from the Planning Commission is accepted.

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

Mr. Massengill, Interim County Administrator, made a point of clarification that as Mr. Haraway had stated earlier in the meeting; there was a consensus of the Board originally to consider five members on the Planning Commission. After receiving some vital input from the Planning Commission, it was then determined that seven members would be more efficient. He stated that with Mr. Stone resigning from the Planning Commission it would leave two at large positions. Mr. Massengill said that by consensus he had been told by the Board of Supervisors to designate Sam Hayes as no longer representing district three and to be designated as an at large position. He asked for a motion for this designation.

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

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Sam Hayes be moved from representing District 3 on the Planning Commission to an at large position on the Planning Commission.

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

Upon motion to clarify and designate the members of the Planning Commission as stated below, seconded by Mr. Bowman,

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

BE IT RESOLVED that the Board of Supervisors of Dinwiddie County, Virginia does clarify and designate the members of the Planning Commission to be as presented.

- Dr. Moore, Chair, will represent District 1 where he resides
- Brian Cobb will represent District 2 where he resides
- There is a vacancy in District 3 because of the position just vacated by moving Sam Hayes to at large
- Butch Cunningham will represent District 4 where he resides
- Danny Lee, Vice Chair, will represent District 5 where he resides
- Sam Hayes will be at the first at large position
- There is a vacancy at the second at large position

Upon motion of Mr. Bowman to appoint Dennis Harris to represent District 3, seconded by Mr. Haraway,

Be it resolved that Dennis Harris is appointed to the Planning Commission to represent District 3 for a term ending February 28, 2010.

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

7. CITIZEN COMMENTS

- 1) Michael W. Bratschi – 2300 Cutbank Road – McKenney – spoke in opposition to Sam Hayes being moved from representing District 3 to an at large position on the Planning Commission. He said that if someone had a self serving motive for being on a board or commission they should not be allowed to serve. He was very much opposed to the school not being evacuated for a bomb threat. He also said that salaries of the lower echelon of County employees and School Board salaries of employees in like positions need to be evaluated. He said that the salaries of the County employees in these positions should be increased to the same as the School Board salaries.
- 2) Anne Scarborough – Dinwiddie – asked if the Board could tell the citizens what is being done with Northside School. She said it has deteriorated to the point it should be bulldozed.

8. COUNTY ADMINISTRATOR COMMENTS

Mr. Kevin Massengill, Interim County Administrator, announced that the Board would be having County Administrator interviews on Friday, February 10th at 3:00 p.m. in the County Administration Conference Room.

He said to reiterate what Mr. Drewry had said regarding the bylaws, that what had been done tonight was a Band-Aid approach. He said that at some point in the future staff would be looking to the Board for guidance regarding the bylaws.

Mr. Massengill said that he would like to take a few moments of his time to speak to Mrs. Scarborough's question regarding Northside School. He said that about three or four months ago he and Gene Jones, Building and Grounds Director, inspected

Northside Elementary School. He said that several thousands of dollars had been obligated during his first year with the County to put on a new roof on Northside. He said that since that time there have been vandals who have gone in and set fires and caused destruction. He said they had boarded up the windows and put a gate up at the front. He said he had been approached in the last few months, and had indicated this to the Board, that there has been some interest in putting that building and property out to bid to see if there is some interest in the development community. He said that staff is in the process of developing an RFP to put that out to bid.

9. BOARD MEMBER COMMENTS

Mr. Moody asked whether staff is getting the surplus property together.

Mr. Massengill answered that they are.

Mr. Moody said that he had noticed that a lot of public meetings have a sign on the front door that says "cell phones prohibited". He asked that staff create signs prohibiting cell phone use during public meetings at the administration building.

Mr. Bowman commented that the sign on the commerce park looks great. He said he would like to see another sign placed on Interstate 85. He said the traffic count there would be greater.

He said also that he and Ms. Moody had attended a meeting at Old Hickory Fire Station. He said there were some complaints about the coverage on the mobile units not being good in that area. He asked that staff look into that. He said that some of the deputies said they were having trouble receiving transmission on the portables as well. He asked that staff contact the chief and verify the problems.

Mr. Moody said he had also received a comment from someone who was having problems in his area. He said that, however, after he had talked with the sheriff's department they relayed to him that they have good coverage in that area.

Mr. Drewry commented that Mr. Moody had mentioned that to him and asked him to look into it from a legal standpoint. He said it came to his attention that there was good coverage so he did not look into it. He stated that if it is an issue, he will look into the contracts that were signed.

Mr. Stone stated that the next District 5 Meeting will be Monday, March 6, 2006 at McKenney Town Hall from 7:00 p.m. to 9:00 p.m.

Mr. Stone also said that in going over the December 16th workshop notes that one of Mr. Massengill's first comments was that the County needed to do a better job of communicating with the community, the residents and businesses. Mr. Stone said he agreed and that he had spoken with Mr. Horwedel about that numerous times. Mr. Stone said we used to prepare every other week press releases from any department within the County to submit to the local newspapers. He stated he would like the staff to look into having department heads, if they had something that needed to be shared, getting that information out. He said they should include a nice cover letter from that department stating that if any of the newspapers had questions or needed follow-up to feel free to contact that department. He said there are numerous publications within the county. He said he thought the three largest circulations would be *The Monitor*, *The Progress Index*, and the *Richmond Times Dispatch*. He asked that staff get some circulation numbers from those three publications, and start working on relationships with those three. He said that perhaps costs could be split with the Schools on certain ads. He said perhaps there could be volume rates for so many ads per year.

Mr. Bowman said he did have one other thing to mention. He said that he had attended a meeting on the past Sunday at the High School. The meeting was an organization meeting of a group of concerned citizens to raise money to build a field house. He said he thought they would try to follow the same plan that Prince George had followed.

Mr. Moody stated that, as Mr. Bowman had brought up, the County needs to do whatever it can to get a Chamber of Commerce started in Dinwiddie County. Mr. Massengill stated that the large employers of the county had been contacted, all of whom unanimously agreed that they would like to start a Chamber of Commerce. Someone needs to take responsibility of facilitating the startup.

There were no more comments from the Board.

Mr. Drewry made the comment that the draft of the republication of the Code had been received. He is looking forward to returning the draft with the changes that are needed and getting the final republication returned.

10. ADJOURNMENT

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

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

Nays: None

Absent: Ms. Moody

The meeting was adjourned at 7:45 p.m.

Michael W. Stone, Vice Chair

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

/wjn