

**Board of Supervisors**

Claudia D. Tucker, Chair  
District 2  
David W. Pugh, Jr., Vice-Chair  
District 4  
L. J. Ayers III, Supervisor  
District 3  
Kenneth M. Campbell, Supervisor  
District 1  
John A. Marks, Jr., Supervisor  
District 5



**County Administrator**  
Dean C. Rodgers

**Interim County Attorney**  
Michael W. S. Lockaby

**AMHERST COUNTY BOARD OF SUPERVISORS**

**MINUTES**

**AGENDA**

September 5, 2017  
Administration Building - 153 Washington Street - Public Meeting Room  
Amherst, Virginia 24521  
Informal Luncheon - 12:00 p.m.  
Meeting Convened - 1:00 p.m.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comment**
- V. Consent Agenda**
  - A. Minutes - August 1, 2017 and August 7, 2017
  - B. Finance - FY18 Appropriation of Revenue
    - 1) Sheriff's Office and 2) Commissioner of the Revenue
  - C. Amherst County Regulation 2-2, Public Records
  - D. Resolution 2017-0024-R, a resolution endorsing the submittal of a Construction-Ready Water and Sewer fund Grant application for the Old Town Madison Heights -Main Street Sanitary Sewer Rehabilitation Project.
- VI. Old Business**
  - A. Finance/Purchasing - Administration Building Project appropriation
- VII. New Business**
  - A. Protocol for Board Appointment Interviews
  - B. Planning/Zoning - Introduction of Dylan Bishop, Asst. Zoning Administrator/Planner
  - C. Finance - FY 2019 Budget Development Schedule
  - D. Planning/Zoning - Reactivation of Broadband Authority Board
- VIII. County Administrator's Report**
  - A. Projects Status Report
  - B. Boards/Commissions/Committees vacancies - quarterly update

C. Appointment to the Planning Commission

**IX. Liaison and Committee Reports**

A. Lynchburg Regional Business Alliance, Executive Board, August 11, 2017

B. Lynchburg Regional Business Alliance, Board of Directors, August 24, 2017

**X. Departmental Reports**

A. Building Safety & Inspections - July 2017 Report

B. Treasurer - July 2017 Report

**XI. Citizen Comment**

**XII. Matters from Members of the Board of Supervisors**

**XIII. Closed Sessions**

A. A closed session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for the purpose of discussion, consideration, and interviews of potential appointees to the Planning Commission.

B. A closed session, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for the purpose of discussion of actual or probable litigation relating to the Winton Country club property, and consultation with counsel regarding a specific where discussion in open session would harm the County's negotiating or litigating posture.

**XIV. Adjournment**

## **MINUTES**

At a Regular Meeting of the Board of Supervisors of Amherst County, Virginia and held at the Amherst County Administration building thereof on Tuesday, the 5<sup>th</sup> day of September 2017, at 1:00 p.m., the following members were present:

**BOARD OF SUPERVISORS:**

**PRESENT:** Claudia D. Tucker, Chair  
David W. Pugh, Jr., Vice-Chair  
Kenneth M. Campbell, Supervisor  
L. J. Ayers, III, Supervisor  
John A. Marks, Jr., Supervisor

**ABSENT:** None

**STAFF PRESENT:** County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; Interim County Attorney Michael W. S. Lockaby; and Executive Administrative Assistant Regina M. Rice

**OTHERS PRESENT:** Planning/Zoning Director Jeremy Bryant  
Assistant Zoning Administrator/Planner Dylan Bishop

**I. Call to Order**

Chair Tucker called the meeting to order at 1:00 p.m.

**II. Invocation and Pledge of Allegiance**

Supervisor Marks led the Invocation and Pledge of Allegiance.

**III. Approval of Agenda**

By motion of Supervisor Marks and with the following vote the Board amended the Agenda for September 5, 2017 by adding to XIII. Closed Session, Section 2.2-2711(A)(7) a discussion concerning Phelps Road School.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSTAIN: None

**IV. Citizen Comment**

Ms. Suny Monk of Amherst, Virginia addressed the Board and invited the Board to the "Come To The Table" community dinner on September 30, 2017 from 5:00 p.m. – 9:00 p.m. at Second Stage. Ms. Monk expressed her thanks for the support of the work that has been accomplished at Second Stage and the earlier dollars that the Board provided. Ms. Monk requested the need for a helper to put up posters advertising this County event. **(See Attachment 1)**

Chair Tucker closed the citizen comment session.

**V. Consent Agenda**

- A. Minutes - August 1, 2017 and August 7, 2017
- B. Finance - FY18 Appropriation of Revenue
  - 1) Sheriff's Office and 2) Commissioner of the Revenue**(See Attachment 2)**
- C. Amherst County Regulation 2-2, Public Records **(See Attachment 3)**
- D. Resolution 2017-0024-R, a resolution endorsing the submittal of a Construction-Ready Water and Sewer fund Grant application for the Old Town Madison Heights -Main Street Sanitary Sewer Rehabilitation Project. **(See Attachment 4)**

By motion of Supervisor Ayers and with the following motion, the Board approved the Consent Agenda for September 5, 2017 with the noted amendments.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSTAIN: None

**VI. Old Business**

- A. Finance/Purchasing - Administration Building Project appropriation

Deputy County Administrator/Purchasing Agent David Proffitt addressed the Board regarding an appropriation request for two additional safety related items needed for the new building addition.

Items for installation are a handrail and safety signs on the outside steps and two outside lamp posts at the front of building.

Mr. Proffitt advised these features were recommended by the Building Committee; however, there was no funding in the building construction project for this.

By motion of Supervisor Campbell and with the following vote, the Board appropriated \$12,500 from the unobligated General fund for lamp posts and a handrail to be installed outside the Public Meeting Room entrance of the County Administration Building.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSTAIN: None

**VII. New Business**

**A. Protocol for Board Appointment Interviews**

County Administrator Dean Rodgers advised that in the past the Board conducted interviews for board appointments in a public meeting.

Mr. Rodgers stated that Board members expressed that this may have a “chilling” effect on both the interviewees and Board members, and felt that future interviews should be moved to closed sessions.

Mr. Rodgers advised if a change is needed to the current practice, he could implement this into the County regulations.

Chair Tucker commented that interviews could be conducted in a closed session to alleviate any nervousness applicants may have speaking in public.

Vice-Chair Pugh was in favor of conducting interviews in a closed session

Supervisor Marks commented he was in agreement with Vice-Chair Pugh. He said the Board has been concerned about the lack of citizens applying for various positions and conducting interviews in open sessions may be a deterrent.

By motion of Supervisor Ayers and with the following motion, the Board voted to conduct future interviews in a closed session format.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSTAIN: None

**B. Planning/Zoning - Introduction of Dylan Bishop, Asst. Zoning Administrator/Planner**

Planning Director Jeremy Bryant introduced Ms. Dylan Bishop as the new Assistant Zoning Administrator/Planner. Ms. Bishop began her employment with the County on September 5, 2017.

**C. Finance - FY 2019 Budget Development Schedule**

County Administrator Dean Rodgers presented the calendar for the FY 2019 budget development schedule and noted that items hi-lited in red were events involving the Board.

Chair Tucker asked about the annual meeting with the County’s local legislative delegation and if we were working in tandem with the School Board.

Mr. Rodgers advised he is working to have those legislators here in the fall as well as with the School Board.

By motion of Vice-Chair Pugh and with the following vote, the Board approved the FY 2019 Budget Development Schedule.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSTAIN: None

**D. Planning/Zoning - Reactivation of Broadband Authority Board**

Planning Director Jeremy Bryant reported his office has focused on working with Region 2000 for an agreement with its five regional radio towers and with Sweet Briar College.

Mr. Bryant requested that the Board to reactivate the Broadband Authority. He advised further discussion will be held at the Broadband Authority meeting at 2:00 p.m. today.

County Attorney Lockaby advised that the Board of Supervisors will appoint itself as the Broadband Authority Board, and once it convenes will take that subsequent action.

By motion of Chair Tucker and with the following vote, the Board appointed itself as the Board of Directors of the Amherst County Broadband Authority.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSTAIN: None

**VIII. County Administrator's Report**

A. Projects Status Report

County Administrator Dean Rodgers advised that construction on Learning Lane will begin on September 11, 2017 with a completion date of November 9, 2017.

B. Boards/Commissions/Committees vacancies - quarterly update

For Board information.

C. Appointment to the Planning Commission

Chair Tucker stated the interview and appointment to the Planning Commission will be moved to the closed session at this meeting.

**IX. Liaison and Committee Reports**

A. Lynchburg Regional Business Alliance, Executive Board, August 11, 2017

For Board information.

B. Lynchburg Regional Business Alliance, Board of Directors, August 24, 2017

For Board information.

**X. Departmental Reports**

A. Building Safety & Inspections - July 2017 Report

For Board information.

B. Treasurer - July 2017 Report

For Board information.

County Administrator Dean Rodgers commented that a discussion at the Leadership group meeting suggested it may be valuable for the Board to receive reports from individual County departments to make the Board aware of that was going on in each department.

It was the consensus of the Board to proceed with this.

**XI. Citizen Comment**

There was no public comment.

**XII. Matters from Members of the Board of Supervisors**

Supervisor Marks had no issue to discuss.

Supervisor Campbell had no issue to discuss.

Supervisor Ayers had no issue to discuss.

Vice-Chair Pugh had no issue to discuss.

Chair Tucker had no issue to discuss.

**XIII. Closed Sessions**

A. A closed session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for the purpose of discussion, consideration, and interviews of potential appointees to the Planning Commission.

B. A closed session, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for the purpose of discussion of actual or probable litigation relating to the Winton Country club property and a discussion concerning Phelps Road School, and consultation with counsel regarding a specific where discussion in open session would harm the County's negotiating or litigating posture.

Supervisor Campbell moved that the Amherst County Board of Supervisors convene in closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for the purpose of discussion, consideration, and interviews of potential appointees to the Planning Commission; and pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for the purpose of discussion of actual or probable litigation relating to the Winton Country club property and a discussion concerning Phelps Road School, and consultation with counsel regarding a specific where discussion in open session would harm the County's negotiating or litigating posture.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSENT: None

Supervisor Campbell motioned to come out of closed session which was approved with the following vote:

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSENT: None

**CERTIFICATION OF CLOSED MEETING**

Supervisor Campbell moved that the Amherst County Service Authority Board certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

Mrs. Tucker AYE  
Mr. Pugh AYE  
Mr. Ayers AYE  
Mr. Campbell AYE  
Mr. Marks AYE

Supervisor Marks nominated Ms. Leslie Gamble for appointment to the Amherst County Planning Commission.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSENT: None

**XIV. Adjournment**

By motion of Supervisor Campbell and with the following vote, the Board adjourned at 2:37 p.m.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks  
NAY: None  
ABSTAIN: None

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Claudia D. Tucker, Chair  
Amherst County Board of Supervisors

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Dean C. Rodgers, Clerk

# Second Stage | Amherst &

## Cultivate Amherst!!

*Initiatives to build creativity and community*

**Background:** Cultivate Amherst!! is a series of events hosted by Second Stage | Amherst that celebrates the role of food as a connector within families and communities, food as a spark of memory and history, and as a way to understand our shared values which are rooted in the land. Its broader goal is to build community awareness by identifying unique attributes of Amherst County and by marketing those values to a larger regional and national audience. Long term, we hope that this collective understanding will guide local strategic planning to strengthen small business and corporate activity, welcome tourism, and enhance the quality of life in our community.

CA!! series events that have been completed are Singing in the Season, Our Table Restaurant Celebration. Every second Thursday afternoon during the 2<sup>nd</sup> St. market season, Agri + Culture activities include demonstrations of seed starting, saving and swapping; food, home and health demonstrations; beekeeping; and uses of food from the home garden in recipes, canning and preserving. Come to the Table Community Dinner is scheduled for September 30, 2017.

### Come to the Table Amherst County Community Dinner September 30, 2017 5-9 pm

#### Meal and Menu:

1st course catered appetizers (3-4 selections) chosen from local heritage foods. Costumed servers will offer plated appetizers and talk to crowd about food sources and recipes.

2nd course entrée (3 items) (to be confirmed from possibles: cheese grits, sliced honey pumpkin, creamy greens, fried chicken) from recipes sourced locally and provided by caterers, restaurants or local civic groups. Rolls and cornbread will be served accompanied by apple butter and sorghum or honey. Diners will seat themselves at lighted tables

3rd course apple cobbler from local baker with apples sourced from an Amherst orchard. Beverages will include water, tea, cider and products of local breweries and wineries. Handmade cakes will be auctioned after dinner.

#### Program:

Welcome by host, local officials and food artist who will explain of the concept of the dinner. Dinner served on a lighted table covered with hundreds of historic photos, recipes, and mementos. Costumed servers and wandering informal storytellers will share classic local lore and stories about colorful citizens, native foods and food habits.

A large-scale county map will identify locations and activities of the county.

Photos provided by county residents will be projected on outdoor screens and at viewing stations





# COME TO THE TABLE

A community dinner

September 30 • 5-9 pm

On the grounds of  
Second Stage

194 Second St.  
in Downtown Amherst

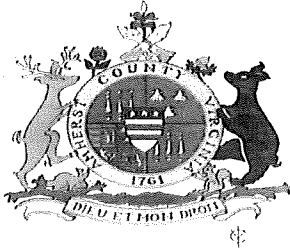
Tickets on sale 8-30-17:  
» \$10 adults  
» Free ages 10 & under

Available online &  
at supporting businesses

The evening will  
celebrate the  
rich heritage of  
our county's foods  
& traditions,  
with collected  
photos & recipes  
from our past.

[www.secondstageamherst.org](http://www.secondstageamherst.org) | 434.941.0997

A program of **Cultivate Amherst!!** & **Second Stage | Amherst**



## Agenda Item V. B.

**Meeting Date:** September 5, 2017

**Department:** Finance

**Issue:** FY18 Appropriation of Revenue

**Board Action:** The Board is being asked to adjust the FY18 budget to accept funds into the County budget as revenue.

**Attachments:**

Appropriation Request Forms

1. Sheriff
2. Commissioner of Revenue

**Summary:**

<u>Amount:</u>	<u>Received From:</u>	<u>Received For:</u>	<u>Appropriated To:</u>	<u>Account Line</u>
1. \$6,007.24	City of Lynchburg	CIT Overtime	Overtime Deputy	3102-1002
2. \$ 3,780.00	USDA	Forestry Patrol	Forestry Patrol	3102-1007
3. \$ 5,283.00	VDOT	Workforce Sup	Inmate Workforce Supv.	3102-1012
4. \$ 3,317.44	Dept of Justice	Task Force	Federal Task Force	3102-1017
5. \$ 8.04	Sam's	Interest	Office Supplies	3102-5401
6. \$ 100.00	Sale	Scrap metal	Motor Vehicles	3102-7005
9400.00 7. <del>\$ 9,510.50</del>	VACORP	Insurance Recovery	Repairs Auto Ins. Recovery	3102-3004-100
8. \$1,601.00	Compensation Board	Pay Increases	Commissioner	1209-1001
9. \$2,527.00	Compensation Board	Pay Increases	Deputy Commissioners	1209-1006
10. \$ 455.00	Compensation Board	Pay Increases	FICA	1209-2001
11. \$ 412.00	Compensation Board	Pay Increases	Retirement	1209-2002
12. \$ 1,263.00	Compensation Board	Pay Increases	Hospitalization	1209-2005
13. \$ 54.00	Compensation Board	Pay Increases	Group Life	1209-2006
14. \$ 10.00	Compensation Board	Pay Increases	Health Ins. Credit	1209-2017
15. \$ 3.00	Compensation Board	Pay Increases	Hybrid-S/LTD	1209-2018

**Recommendation:** That the Board approve the appropriations as indicated above.

# COUNTY OF AMHERST

## APPROPRIATION REQUEST FORM

#1-  
#7

DATE: September 5, 2017

FROM: Sheriff

DEPARTMENT

Stacey H. Wilkes  
SIGNATURE

Appropriation:

Budget year: FY 2018

DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
4-001	031020-3004-100	Repairs Auto. Ins. Rec.	\$ <del>9,510.50</del> 9400 <sup>00</sup>

**Explanation of why funds are needed and where funds are coming from:**

VACORP PROPERTY DAMAGE CHECK - VEHICLE #0488 2015 Ford Taurus

**\*\*Please Select Description \*\***

☐ General Fund



Other Funds (Explain Source below)

☐ Recovered Revenue

☐ Additional State Revenue

☐ Grant Award

3-001-041010-0101 INSURANCE RECOVERIES



## Public Records

### 1. General

- 1.1. Purpose. This regulation exists to guide County staff in maintaining public records in compliance with the Virginia Freedom of Information Act, the Virginia Public Records Act and other legal requirements.
- 1.2. Scope. This regulation applies to all County staff under the supervision of the County Administrator.
- 1.3. Policy. It is the policy of Amherst County to maintain and account for its records as required by law and to make those records as easily accessible to the public as possible or as prudent compliance with the law allows.

### 2. Freedom of Information Act

- 2.1. Policy. It is the policy of Amherst County to respond promptly to all requests for information about the County. The County is obligated under the Virginia Freedom of Information Act (FOIA) to respond to written or spoken requests to examine public records in the County's custody made by (i) Virginia citizens who are not in jail or prison, (ii) representatives of newspapers and magazines with circulation in the Commonwealth, and (iii) representatives of radio and television stations broadcasting in or into the Commonwealth.
- 2.2. Application.
  - 2.2.1. Any document or recording of any kind, used in the transaction of public business and possessed by the County, is a public record. This includes, but is not limited to, e-mail, video tapes, computer data, handwritten notes, and draft documents.
  - 2.2.2. As a general rule, all public records are open to public inspection and copying. FOIA applies to existing public records; it does not require creation of records that do not exist.
  - 2.2.3. The request for documents need not be in writing, and is not required to cite FOIA or refer to the request as a FOIA request. The requester's motive is irrelevant, and County staff should not query a requester regarding their motive.
  - 2.2.4. FOIA does not require the County to honor "standing" requests for public records that may be created in the future; instead, the County must produce any nonexempt documents in existence at the time of the request.
  - 2.2.5. A response to the request must be made within five business days of the County's receipt of the request. "Day one" is considered the day after the request is received. The five-day period does not include weekends or holidays.

## Public Records

2.2.6. The County may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

2.2.7. The County **shall** assess reasonable charges for actual costs incurred in accessing, duplicating, supplying or searching for requested records, including:

- Copy fees are ten cents (\$0.10) per page, a page is a double sided copy, plus Staff Time Fee, if any.
- An electronic copy of unlimited pages, will not be charged a per page fee, but may be subject to a Staff Time Fee only, if any.
- A copy loaded onto a CD-Rom of unlimited pages, will not be charged a per page fee, but \$ 2.50 for the CD-Rom plus Staff Timed Fee, if any.
- Staff Time Fee (the hourly wages of the employee who has the skills necessary to research and prepare records for release). There will be no charge for the first half hour of staff time.
- Postage is calculated by the weight of the package to be mailed.

As a general rule, the County will not charge for requests that total less than \$50 in cost. If the cost is \$50 or more, the requester will be **notified that there will be a fee associated with their request, and an estimate of that fee shall be explained to the requester before the employee proceeds with fulfilling the request.**

2.2.8. If the actual cost to the County to respond to a request is likely to exceed two hundred dollars (\$200.00), the County **shall**, before continuing to process the request, require the requesting party to agree to payment of a deposit, not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. If the County requires the payment of a deposit, the time in which the agency must respond to the request stops running until the day the deposit is received.

**2.2.9 For every FOIA request, a billing sheet will be prepared and kept on file by the FOIA Officer. The billing sheet can be found at Exhibit 2. The collection of FOIA fees will be received via exact change or a check made payable to County of Amherst and a receipt shall be given to requester showing the payment amount. The payment must be delivered to the Treasurer's office notated as payment for a FOIA fee.**

2.2.10. The FOIA identifies more than 80 categories of documents that are excluded from its mandatory disclosure provisions. Exclusions include personnel records, medical and mental health records, library records of patrons, tax returns, and certain criminal records.

### 2.3. Procedure.

2.3.1. When County **staff** receives a FOIA request in writing, the request **shall** be stamped to record the date of receipt. A copy of the request must be provided immediately to the

## Public Records

FOIA Officer, if the FOIA Officer is not available, then provide request to the Public Information Officer (PIO). Oral, telephone, and email requests also need to be reduced to writing and forwarded to the FOIA Officer or PIO for recordkeeping purposes.

- 2.3.2. County staff can ask a requester to fill out a written form but cannot require a written form. The County may require the requester to provide their name, address, and contact information. A sample of such form is attached to this regulation as Exhibit 1. A telephone number or email address shall be obtained from the requester in the event the estimated fee to fulfill the request is \$50 or more as per 2.2.6.
- 2.3.3. County staff should be alert to possible FOIA requests at public meetings. For meetings during normal business hours, the date of the meeting is the official date of receipt of the request. The official date of receipt for requests made at meetings outside of normal business hours will be the first business day following the meeting.
- 2.3.4. If County staff would like the County Attorney's office to help respond to a request, please forward, by e-mail, hand delivery or by facsimile (434-946-9370), a copy of the request to the County Attorney's Office on the date the request is received. The copy should be clearly marked as a FOIA request and include as an attachment copies of the requested documents, including those to be produced and those to be withheld.
- 2.3.5. The County department that holds the majority of the public records that are the subject of a FOIA request is responsible for ensuring that a response is made within the statutory time periods.
  - 2.3.5.1. If the records are subject to public inspection, the records must be produced within five (5) working days.
  - 2.3.5.2. If some or all of the records are subject to exclusion under FOIA, the requester must be notified in writing of the reason for the exclusion and the statutory reference for the exclusion within five (5) working days.
  - 2.3.5.3. If the records cannot be found or do not exist, the requester must be notified in writing within five (5) working days.
  - 2.3.5.4. If it is determined that it is not practically possible to produce the records within five (5) working days, and the County advises the requester of this in writing, the County is automatically entitled to an additional seven days in which to provide one of the four preceding responses.
  - 2.3.5.5. If the records requested are not clearly described, the requester should be contacted immediately to obtain specific detail that will aid in confining the search results to what the requester is seeking.



## Public Records

- 2.3.6. If a requester asks for charges to be estimated in advance, the County must provide the requester with the information contained in 2.2.6 and 2.2.7. If the County anticipates that the request will cost more than \$50 to fulfill, the County will provide that information to the requester and confirm that the requester wishes to go forward. If the County anticipates that the request will cost more than \$200 to fulfill, it may require a deposit in the full amount of the anticipated cost before fulfilling the request.
- 2.3.7. The FOIA Officer serves as the person who coordinates between different departments and Constitutional Officers when necessary, to fulfill a FOIA request and tracks its completion. Many requests overlap departments and Constitutional Offices, and involve multiple types of records. The FOIA Officer will track the progress of record compilation to assure deadlines are met and the response to the requester is timely and complete. The FOIA Officer will endeavor to stay in contact with the requester regarding the status of the County's response and otherwise serve as a liaison between the County staff and the requester.
- 2.3.8. Constitutional officers have appointed their own FOIA Officers. Therefore, when requests to the County staff involve records from the constitutional offices, the County FOIA Officer will immediately notify the constitutional officer's appointed FOIA Officer. The County FOIA Officer will still retain management responsibility for the processing of the County's portion of the request.
- 2.3.9. When constitutional officers receive FOIA requests of county records not in their possession, they should direct the county's portion of the request to the County FOIA Officer who will coordinate the county's response.

## Public Records

### Exhibit 1.

(Date)

### **RE: Request for records under the Virginia Freedom of Information Act**

Dear \_\_\_\_\_:

In accordance with the Virginia Freedom of Information Act (§ 2.2 -3700 et seq.) I am requesting copies of any records related to \_\_\_\_\_. I would also like to request that all charges for supplying the records I have requested be estimated in advance. I understand that if you determine that the charges are likely to exceed \$200, I am obliged to pay that amount before you continue to process my request.

If you have any questions or require additional information in order to process my request, please do not hesitate to contact me at (telephone number).

Thank you in advance for your cooperation in this matter.

Sincerely,



## Public Records

Exhibit 2.

FOIA Billing Sheet



## COUNTY OF AMHERST

153 Washington Street  
Amherst, VA 24521  
434-946-9400

INVOICE NO. 201701  
DATE August 23, 20\_\_

TO [Name]  
[Street Address]  
[City, ST ZIP Code]  
[Phone]  
[Email Address]

DEPARTMENT	REQUEST #	PAYMENT TERMS	DUE DATE
		Net 30 days	

FOIA Request

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
0.00	COPIES (per page, a page is a double sided copy)	\$ 0.10	
0.00	EMPLOYEE HOURS - (enter hourly rate in unit price)	-	
	(if more than one employee use more lines)		
	POSTAGE		
If estimated total is greater than \$200 a deposit of \$200 is required.		SUBTOTAL	
A requester will not be charged if the total is less than \$50.		DEPOSIT PAID	-
		TOTAL	\$ -

## Public Records

### 3. Records Management

3.1. Policy. Amherst County is committed to effectively managing its records, regardless of media type, by adhering to best practices and following a systematic and logical plan developed by the organizational units that maintain the records. The successful implementation and ongoing effectiveness of this policy is dependent upon the cooperation of each organizational unit to ensure that permanent records are preserved and nonpermanent records are destroyed in a timely and orderly manner.

3.2. Objectives. The policy will provide guidance for achieving the following objectives:

- 3.2.1. Comply with the Virginia Public Records Act (VPRA), Code of Virginia § 42.1-76–§ 42.1-91, which governs the creation, maintenance, and disposition of public records;
- 3.2.2. Develop and implement procedures, guidelines, systems, and business practices that facilitate the creation, backup, preservation, filing, storage, and disposal of records of all formats;
- 3.2.3. Create a network of personnel throughout the County administration trained to manage records of all types;
- 3.2.4. Reduce risks associated with unintended disclosure of sensitive information; and
- 3.2.5. Protect essential and historical information about the County.

3.3. Responsibilities Under the Virginia Public Records Act (VPRA)

- 3.3.1. Records Management Program. County administration will implement a sound records management program in accordance with the Virginia Public Records Act (VPRA) § 42.1-76 et seq. An effective records management program will implement Library of Virginia–approved records retention and disposition schedules, document destruction of scheduled records, train employees, and create and disseminate records management procedures.
- 3.3.2. Designated Records Officer. The County administration will designate at least one records officer to oversee the County's records management program in accordance with the Virginia Public Records Act (VPRA) § 42.1-85. The designated records officer(s) will serve as a liaison(s) to the Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction of obsolete records. The County administration will identify the person or persons who will serve as records officer(s) by submitting the Records Officer Designation and Responsibilities Form (RM-25) to the Library of Virginia.

## Public Records

3.3.3. Delivery of Records to Successor. At the end of a records custodian's term of office, appointment, or employment, all records should be turned over to his/her successor. In the event that the County administration ceases to exist and there is no successor, all records should be transferred to the Library of Virginia per the Code of Virginia § 42.1-88.

### 3.4. Public Records.

3.4.1. Public Records. Public records are those that document the transaction of business by the County. The format in which the information is presented, as well as the medium on which the information is contained, have no bearing on the determination of whether the record is a public record. (Code of Virginia § 42.1-77)

3.4.2. Non-records. Public records shall not include materials made or acquired and kept solely for reference or exhibition purposes, copies of records kept only for convenience or reference, and stocks of publications. These are considered "non-records." (Code of Virginia § 42.1-77)

3.4.3. Copy of Record. The "copy of record" shall be construed to mean the "official" copy of a particular public record, with no regard as to whether it is an original, copy, or reformatted version. All work units within the County shall work with the designated records officer to establish in writing the ownership of and responsibility for copies of record.

3.4.4. Confidential Records. Public records that are restricted from disclosure by statute, court order, or legally adopted rules and regulations are considered confidential. County records that are deemed confidential are still considered to be public records even though they are not publicly available. County records management procedures will contain references to all applicable regulations and statutes affecting County records.

### 3.5. Roles and Responsibilities

3.5.1. Agency Head or Designee. The County Administrator or his/her designee is responsible for establishing and approving the County records management program and identifying to the Library of Virginia the person(s) to serve as the designated records officer(s).

3.5.2. Department, Division, or Section Heads. The heads of departments, agencies, and/or Constitutional officers are responsible for ensuring that procedures and programs within their areas of responsibility meet the requirements of the County's records management program relative to record identification, generation, control, maintenance, processing, storage, and disposition.

3.5.3. Agency-designated Records Officer.

## Public Records

3.5.3.1. The designated records officer is responsible for the development, implementation, and ongoing coordination of the records management program to meet regulatory requirements.

3.5.3.2. Responsibilities of the records officer include:

- Developing procedures to implement the County's records management program in coordination with the Library of Virginia;
- Providing training in records management procedures and practices, including the use of appropriate forms;
- Implementing systems to meet program requirements for completeness, legibility, reproducibility, retrievability, distribution, control, security, storage, and disposition of records, regardless of format or media type;
- Advising staff members on where to access and how to use Library of Virginia–approved retention schedules;
- Coordinating and/or assisting staff in the surveying of records;
- Ensuring that essential, archival, and permanent records are identified, properly maintained, protected, and accessible for the length of time cited in an applicable retention schedule; and
- Maintaining contact and connections with County records coordinators.

3.5.4. Records Coordinators.

3.5.4.1. Records coordinators are responsible for assisting in the design, implementation, and management of the County records management program by serving as liaisons between their respective work units and the County's designated records officer.

3.5.4.2. Responsibilities of a records coordinator include:

- Being familiar with the County's internal records management policy
- Developing the unit's records management procedures and practices, consistent with this policy
- Educating staff within the organizational unit in understanding sound record management practices
- Restricting access to confidential records and information
- Coordinating the destruction of records with the records officer as provided in the applicable procedures

### 3.6 Records Retention and Disposition Schedules

3.6.1. Records retention and disposition schedules are created and maintained by the Library of Virginia. Retention schedules are approved sets of clearly identified, related records series that dictate the length of time a series must be kept and its required disposition.

3.6.2. All County records must be managed in accordance with the most current Library of Virginia–approved records retention and disposition schedules.

## Public Records

- 3.6.3. If a new category of records is created, and no applicable series is found on an existing retention schedule, then the County's designated records officer must contact the County's assigned records analyst at the Library of Virginia so that the records may be scheduled.

### 3.7. Electronic Records

- 3.7.1. The County will manage its electronically stored information (ESI) consistent with the Library of Virginia–approved records retention and disposition schedules and any legal obligations that may apply. The retention schedules govern retention of electronic records in the same manner as paper records. Content, not format, drives records retention.
- 3.7.2. The destruction of electronic records must be documented through submission of the Certificate of Records Destruction (RM-3 Form).

### 3.8. Disposition of Public Records

There are two options for public records disposition: permanent retention or destruction. Use the records retention and disposition schedules to determine whether a series is permanent or when it should be destroyed.

#### 3.8.1. Permanent Records.

3.8.1.1. A public record is considered permanent when it has been determined to have “continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law.” (Code of Virginia § 42.1-77)

3.8.1.2. Permanent records held by the County are identified on a Library of Virginia–approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth. The retention schedules will identify whether a record must be maintained by the County or may be offered to the Archives at the Library of Virginia. Permanent records of the County cannot be given away, sold, or loaned to any outside person, organization, or business entity.

3.8.1.3. County staff or work units in possession of permanent records that may be offered to the Library of Virginia must contact the County designated records officer when the records are no longer active. The records officer will contact the Library to begin the transfer process.

- 3.8.2. Non-permanent Records. All County records that have not been deemed permanent must eventually be destroyed. The records retention and disposition schedules identify when a set of records has reached the end of its usefulness. A retention schedule may

## Public Records

also state whether records must be destroyed in a certain manner. Retention schedules constitute a legal timeline for the destruction of records from which the County must not deviate unless in the midst of a legal hold.

### 3.9. Destruction of Public Records

3.9.0.1. All records destruction performed by the County must be done in accordance with written procedures and documented on a Certificate of Records Destruction (RM-3 Form). The RM-3 Form is required when destroying public records, in all formats, that are deemed copies of record. The original RM-3 Form must be submitted to the Library of Virginia. The County must retain a copy of the RM-3 Form for three (3) years.

3.9.0.2. County records must be destroyed in the manner identified by the appropriate series on a general or specific records retention and disposition schedule. All County records must be destroyed once the applicable retention period has expired. No records may be maintained past the end of their stated retention unless involved in current litigation, investigation, or audit. (Code of Virginia § 42.1-86.1)

3.9.0.3. County records may not be destroyed because of lack of space or funding for storage. Do not report the destruction of materials that are not public records, such as copies, personal items, and reference materials on an RM-3 Form.

3.9.1. Non-confidential Destruction. Acceptable methods of destruction for non-confidential County records include trash, recycling, or deletion of electronic records. Destruction must be done in a timely manner, construed by the Library of Virginia to be one (1) year from retention expiration.

3.9.2. Confidential Destruction. Acceptable methods of destruction for confidential County records include cross-cut shredding, pulping, incinerating, physical destruction of electronic storage media, “wiping” of electronic records with appropriate software, and degaussing of magnetic material. Destruction of confidential records containing personally identifying information must be done within six (6) months of retention expiration. (Code of Virginia § 42.1-86.1)

3.9.3. Non-record Destruction. The destruction of non-record material, confidential or otherwise, will not be reported to the Library of Virginia. If necessary, the destruction of non-records can be recorded by the County for internal purposes.

### 3.10. Storage, Retrieval, and Disaster Recovery

#### 3.10.1. Storage.

3.10.1.1. All County records shall be maintained in such a way that they are identifiable and accessible for the entirety of their assigned retention period.

## Public Records

3.10.1.2. All County records must be stored in areas with consistent temperatures and humidity levels. Ideal conditions are a temperature maintained in the 65–70° range and humidity maintained at 40% +/- 5%.

3.10.1.3. All County records must be:

- Protected from fire by the installation of smoke detectors, water sprinklers, and fire extinguishers
- Free of vermin and insects
- Far from water pipes

3.10.1.4. If records are of a confidential nature, they should be stored in a secure area that is locked and has controlled access for select personnel only. Strict procedures must be in place for retrieval, use, and re-filing of confidential records. Access to confidential records in electronic formats will be limited by assigning appropriate log-in credentials.

3.10.2. Retrieval. All work units must have procedures in place for the retrieval of records, their use, and re-filing.

3.10.3. Disaster Recovery. The County will have in place a Records Emergency Action Plan (REAP) that clearly communicates the procedures for records recovery in the event of a natural disaster, fire, or other catastrophic event affecting the County.

### 3.11 Legal Matters, Audits, and Investigations

3.11.1. Any County record that is relevant to pending or anticipated action, i.e., litigation, claim, audit, agency charge, investigation, or enforcement action, shall be retained until final resolution of the matter. In these circumstances, the work unit involved with the ongoing action will notify all other relevant organizational units and work with staff to identify and retain any records (including electronic records) and other information that could be relevant to the matter. This will include a directive that the relevant work unit's normal document destruction procedures be suspended temporarily.

3.11.2. County employees who become aware that an action, investigation, or legal proceeding has commenced or is anticipated against their department or work unit must promptly notify the manager of the affected organizational unit, as well as the agency-designated records officer, so that all records with potential relevance to the investigation or legal proceeding can be retained as necessary. After matter is closed, records should be maintained according to appropriate records series retention and disposition.

### 3.12. Data Privacy

All records created and maintained by the County that contain personal or other confidential information must be kept in accordance with the Government Data Collection and Dissemination Practices Act, Code of Virginia § 2.2-3800 et seq.





Amherst County Board of Supervisors  
County Resolution No. 2017-0024-R

**For consideration on September 5, 2017**

**A RESOLUTION, NO. 2017-0024-R**

A resolution, endorsing the submittal of a Construction-Ready Water and Sewer Fund Grant application for the Old Town Madison Heights – Main Street Sanitary Sewer Rehabilitation Project.

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Approved as to form by the County Attorney

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**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMHERST, VIRGINIA:**

**I. That the Board of Supervisors of Amherst County hereby endorses the submittal of a Construction-Ready Water and Sewer Fund Grant application for the Old Town Madison Heights – Main Street Sanitary Sewer Rehabilitation Project, as follows:**

**WHEREAS**, the Commonwealth of Virginia, Department of Housing and Community Development has announced available funding for its Virginia Community Development Block Grant Construction-Ready Water and Sewer Fund (CRWASF); and

**WHEREAS**, Amherst County, Amherst County Service Authority (ACSA), and the Old Town Madison Heights (OTMH) Management Team, through a planning process developed a comprehensive strategy to revitalize and ensure long-term sustainability of the historic Old Town Madison Heights community; and

**WHEREAS**, ACSA has led a comprehensive evaluation of the OTMH water and sewer systems to ensure a safe and reliable system for OTMH residents; and

**WHEREAS**, the ACSA Board, at its December 2016, and March 2017 meetings, appropriated \$9,600.00 for the CRWASF application and \$67,400 for associated engineering services, and at its September 5, 2017, meeting approved \$250,000 in grant matching funds from ACSA reserves to match the requested \$500,000 CRWASF grant towards upgrade of the sewer line along Main Street; and



**WHEREAS**, Amherst County has initiated surveys of residents along Main Street that indicates that at least sixty percent of the residents are low to moderate-income; and

**WHEREAS**, the CDBG National Objective of providing benefit to Low-and-Moderate Income (LMI) persons will be met through the upgrade of the Main Street Sanitary Sewer; and

**WHEREAS**, citizen participation requirements have been met by holding public hearings on July 18, 2017, and August 15, 2017 advertising both as appropriate and with notices posted and distributed to citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:**

That the Board of Supervisors of Amherst County hereby wishes to apply to the Construction-Ready Water and Sewer Fund from the Virginia Department of Housing and Community Development Block program for \$500,000 to contribute to the rehabilitation of approximately 2,400 linear feet (LF) of sanitary sewage main (1,300 LF of 8" diameter pipe and 1,100 LF of 10" diameter pipe), fifty sanitary sewer services, and thirteen sanitary sewer manholes.

**BE IT FURTHER RESOLVED:**

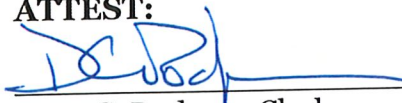
That the Board of Supervisors hereby directs and authorizes Dean Rodgers, Amherst County Administrator, to sign and submit appropriate documents for the submittal of the Virginia Community Development Block Grant proposal.

**II. That this resolution shall be in force and effect upon adoption.**

Adopted this 5<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
Claudia D. Tucker, Chair  
Amherst County Board of Supervisors

**ATTEST:**

  
\_\_\_\_\_  
Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0