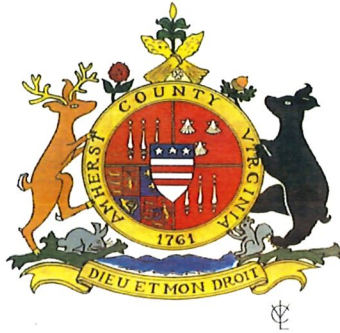


Board of Supervisors

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

County Attorney
Ellen Bowyer

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES

AGENDA

January 3, 2017

Administration Building - 153 Washington Street - School Board Room
1:00 p.m.

Informal Luncheon - 12:00 p.m.

Meeting Convened - 1:00 p.m.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Amherst County Board of Supervisors – Reorganization for 2017**
 - A. Election of Chair and Vice-Chair
 - B. Appointment of Clerk and Assistant Clerk to the Board of Supervisors
 - C. Scheduling of Regular Monthly Meetings and Locations
 - D. Adoption of Board of Supervisors Rules and Procedures and Code of Ethics
 - 1. Resolution 2017-0001-R
 - E. Supervisor Appointments to Boards and Commissions
 - 1. Emergency Services Council
 - 2. Planning Commission
 - 3. Building Committee
- IV. Approval of Agenda**
- V. Citizen Comment**
- VI. Ordinance – First Read**
 - A. Ordinance No. 2017-0001, amending §§ 302, 407, and 1301.07 of Appendix A to the Amherst County Code to clarify how the requirements governing subdivision design vary depending on whether the private streets or forest service roads accessing the subdivision are constructed in accordance with the requirements of the Virginia Department of Transportation.
- VII. Consent Agenda**
 - A. Minutes - December 6, 2016

B. Finance - FY17 Appropriation of Revenue Request - 1) Sheriff's Office; 2) Circuit Court Clerk

VIII. New Business

A. Amherst County Service Authority - Access Easement across the Heritage Trail

B. Finance - FY2018-2022 Capital Improvement Plan

C. Human Resource - Amherst County Human Resource Regulation - Amendments

D. Boards/Commissions/Committees – Economic Development Authority Board
District 2 vacancy

IX. County Administrator's Report

A. Projects Status Report

X. Liaison and Committee Reports

XI. Departmental Reports

A. Building Safety and Inspections – Monthly Report

B. Treasurer - Monthly Report - November

XII. Citizen Comment

XIII. Matters from Members of the Board of Supervisors

XIV. Adjournment

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 3rd day of January, 2017, at 1:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

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

ABSENT: None

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; County Attorney Ellen Bowyer and Executive Administrative Assistant Regina Rice

OTHERS PRESENT: Planning/Zoning Director Jeremy S. Bryant

I. Call to Order

Mr. Rodgers called the meeting to order at 1:00 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks gave the Invocation and led the Pledge of Allegiance.

III. Amherst County Board of Supervisors – Reorganization for 2017

A. Election of Chair and Vice-Chair

Mr. Rodgers opened the floor for nominations for election of the Chair of the Amherst County Board of Supervisors. Supervisor Campbell nominated Claudia D. Tucker as Chair of the Amherst County Board of Supervisors. There were no other nominations.

By motion of Supervisor Campbell and with the following vote, the Board declared Claudia D. Tucker as Chair of the Amherst County Board of Supervisors for 2017.

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

Mr. Rodgers turned the meeting over to Chair Tucker.

Chair Tucker thanked the Board for their support and commented that her job requires much time and she will do her best to work that around her responsibilities here.

Chair Tucker opened nominations for Vice-Chair of the Amherst County Board of Supervisors. Supervisor Marks nominated David W. Pugh, Jr., for Vice-Chair. There were no other nominations.

By motion of Chair Tucker and with the following vote, the Board declared David W. Pugh, Jr., as Vice-Chair to the Amherst County Board of Supervisors for 2017.

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

B. Appointment of Clerk and Assistant Clerk to the Board of Supervisors

By motion of Chair Tucker and with the following vote, the Board appointed Dean C. Rodgers as Clerk to the Amherst County Board of Supervisors for 2017.

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

By motion of Vice-Chair Pugh and with the following vote, the Board appointed David R. Proffitt as Assistant Clerk to the Amherst County Board of Supervisors for 2017.

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

C. Scheduling of Regular Monthly Meetings and Locations

Chair Tucker said it was the Board's consensus to keep the regular monthly meetings and location the same as in the past; the 1st Tuesday of each month at 1:00 p.m. and the 3rd Tuesday of each month at 7:00 p.m., and meetings to be held at the Amherst County Administration Building, 153 Washington Street, Amherst, Virginia 24521.

By motion of Supervisor Marks and with the following vote, it was the Board's consensus to hold the meetings the same as historically in the past.

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

- D. Adoption of Board of Supervisors Rules and Procedures and Code of Ethics
1. Resolution 2017-0001-R

By motion of Supervisor Marks and with the following vote, the Board adopted Resolution 2017-0001-R Board of Supervisors Rules of Procedure and Code of Ethics. **(See Attachment 1)**

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

- E. Supervisor Appointments to Boards and Commissions
1. Emergency Services Council

By motion of Vice-Chair Pugh and with the following vote, the Board appointed L. J. Ayers, III to serve on the Emergency Services Council.

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

2. Planning Commission

By motion of Chair Tucker and with the following vote, the Board appointed David W. Pugh, Jr. to serve on the Planning Commission.

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

3. Building Committee

By motion of Chair Tucker and with the following vote, the Board appointed John A. Marks, Jr. and Kenneth M. Campbell to serve on the Building Committee.

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

Vice-Chair Pugh commented that the Amherst County Social Services Board was not on the list of appointments and recommended Supervisor Marks continue to serve on this Board.

By motion of Vice-Chair Pugh and with the following vote, the Board appointed John A. Marks, Jr. to serve on the Amherst County Social Services Board.

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

Chair Tucker commented she has been the liaison to the School Board in the past and she will continue to attend School Board meetings as time allows.

IV. Approval of Agenda

By motion of Vice-Chair Pugh and with the following vote, the Board approved the Agenda for January 3, 2017.

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

V. Citizen Comment

There were no citizen comments.

VI. Ordinance – First Read

A. Ordinance No. 2017-0001, amending §§ 302, 407, and 1301.07 of Appendix A to the Amherst County Code to clarify how the requirements governing subdivision design vary depending on whether the private streets or forest service roads accessing the subdivision are constructed in accordance with the requirements of the Virginia Department of Transportation.

Planning/Zoning Director Jeremy Bryant addressed the Board regarding modifications to the permitting process governing carports and private streets or forest service roads.

Mr. Bryant explained the proposed ordinance addresses two separate parts of the Zoning and Subdivision Ordinance; modifications to Section 407 relaxing regulations governing carports and Section 1301.07 that clarifying the governance to private streets and forest service roads.

Mr. Bryant advised the Planning Commission recommended approval of Ordinance 2017-0001 on December 15, 2016.

By motion of Vice-Chair Pugh and with the following vote, the Board directed staff to schedule a public hearing for Ordinance 2017-0001 on January 17, 2017.

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

VII. Consent Agenda

A. Minutes - December 6, 2016

B. Finance - FY17 Appropriation of Revenue Request - 1) Sheriff's Office; 2) Circuit Court Clerk

By motion of Supervisor Ayers and with the following vote, the Board approved the Consent Agenda for January 3, 2017.

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

VIII. New Business

A. Amherst County Service Authority - Access Easement across the Heritage Trail

Ms. Bowyer explained this is an easement that the County has agreed to provide the Lee Family across a County-owned portion of the James River Heritage Trail.

Ms. Bowyer explained the easement document has been amended slightly and will be updated to reflect the current Chair. The Board will vote on whether to approve and authorize the Chair to sign the easement.

By motion of Chairman Marks and with the following vote, the Board directed the Chair to sign the easement and instruct the Amherst County Service Authority Director to record the document in the Amherst County Circuit Court Clerk's Office.

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

B. Finance - FY2018-2022 Capital Improvement Plan

Mr. Rodgers advised the Board these are projects submitted to staff in excess of \$50,000 that need to be done over the next five years. They have been prioritized by staff on the score sheet. Each project listed comes with an attached justification sheet.

Mr. Rodgers asked the Board to prioritize the projects for next year and return the score sheet to him before the next meeting so they can be reconciled.

Chair Tucker asked if this document is on the County's website so public can view it.

Mr. Rodgers said the document is and he will produce the Board's ranking so the public will be able to see all the projects and how they are ranked.

Mr. Rodgers asked the Board to not focus on the costs of the projects but more importantly to get a sense of what the Board thinks the role of government is and what is most important to Amherst County and the citizens. The costs are estimates and staff will strive to bring each project to completion under the stated cost. Furthermore, the stated cost is the total cost and has not been reduced by expected grants and savings.

Supervisor Marks had several questions regarding some projects listed in the draft CIP Plan and advised he would email those to Mr. Rodgers.

The Board reviewed the prioritization list, asked questions, and prepared for further discussion at the next Board meeting on January 17, 2017.

C. Human Resource - Amherst County Human Resource Regulation - Amendments

Mr. Rodgers advised these amendments are administrative changes and not significant policy changes. Mr. Rodgers advised that the HR Regulation has been reviewed by both Human Resources and the County Attorney. The County Attorney advised that she had approved the changes.

By motion of Chair Tucker and with the following vote, that the Board review the proposed changes for adoption at the next Board meeting on January 17, 2017.

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

D. Boards/Commissions/Committees - Economic Development Authority Board
District 2 vacancy

Mr. Rodgers advised there is a vacancy on the EDA Board for District 2 and two individuals have expressed interest, Mr. Chad Eby and Mr. Richard Wydner. Mr. Rodgers asked for direction from the Board whether to schedule interviews, appoint or re-advertise this vacancy.

Chair Tucker commented that both individuals are highly qualified, however, she recommended appointing Mr. Chad Eby to this vacancy because of the work he has done with Hermle by turning that business around and his activity in the business community.

Vice-Chair Pugh questioned if there was a conflict of interest with Hermle and the EDA Board regarding any tax incentive from the County.

Ms. Bowyer said the COIA states if there is a possible conflict, individuals can declare their interest and vote or recuse themselves altogether. If a conflict comes up in the future a person can consult with the Commonwealth Attorney who is the binding authority.

Chair Tucker asked the EDA Director Victoria Hanson to address the question regarding the incentive with the County.

Ms. Hanson addressed the Board and said the incentive Hermle applied for and was approved was never taken because the business they thought was going to happen did not take place.

By motion of Chair Tucker and with the following vote, the Board appointed Mr. Chad Eby as the District 2 representative to the Economic Development Authority Board.

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

IX. County Administrator's Report

A. Projects Status Report

Mr. Rodgers advised the goal is to finish the new public meeting room by the end of January and that the other items on this report are moving along and making progress.

X. Liaison and Committee Reports

Supervisor Campbell reported that the Building Committee has a meeting on January 9, 2017.

Vice-Chair Pugh had nothing to report from the Planning Commission.

Vice-Chair Pugh commented about the Building Committee and said that typically there are three meetings, a meeting with the contractor and county, the Building Committee, and the third presentation to the Board of Supervisors. Vice-Chair Pugh asked if there was any way to streamline that process to make it more efficient.

Mr. Rodgers advised he had raised the question with some Board members to consider if the additional meetings added value and said it takes a great deal of time to schedule everyone to meet as the Building Committee. The Committee does not hold authority to make decisions but can only make recommendations to the Board. It is subject to FOIA. Thus, its involvement adds time, complexity and expense, but adds very limited value to moving projects forward.

Supervisor Campbell said he had no problem streamlining the meetings but said he would like to be on the last walk-through on the schools projects and agreed there is repetition.

Supervisor Marks suggested consulting with Mr. Bill Gillespie for his thoughts on this.

Mr. Rodgers said if the Building Committee is terminated, staff would keep the Board properly informed which would allow staff to continue to make procedural decisions and keep the projects moving forward. Staff would then bring back all information to the Board. Additionally, Board members could be invited to all milestone meetings with the relevant contractors so they could stay individually informed to the degree they wanted.

Supervisor Campbell suggested not disbanding the Building Committee but changing the direction for members to come in at the beginning of a project instead of the middle.

Ms. Bowyer advised if a subcommittee of the Board is tasked to do something it would be subject to FOIA.

Chair Tucker suggested adding this issue to the next Board meeting to decide if the Building Committee should be dissolved.

Supervisor Ayers had nothing to report on regarding the Emergency Services Council.

XI. Departmental Reports

A. Building Safety and Inspections – Monthly Report

B. Treasurer - Monthly Report - November

Mr. Rodgers discussed with the Board if they would like to continue to see these reports on the agenda and what other reports they would like to see.

The Board agreed to continue these reports and Chair Tucker said she would like to have the County's representative on the Horizon Behavioral Health Board provide a quarterly report to the Board.

XII. Citizen Comment

Mr. Alan Wood, Madison Heights, Virginia, addressed the Board and offered his insight as a person who served on one of those committees for the school projects. Mr. Wood said it was an invaluable exercise and believed what was accomplished could not have occurred without the Building Committee.

XIII. Matters from Members of the Board of Supervisors

Supervisor Campbell provided the Board with an update on Galts Mill and Boxwood Farm dumpster sites and said he wanted to allow some time to see how the clean up continues.

Supervisor Ayers asked the Board to consider naming the bridge that connects Buffalo Springs and Wagon Trail roads the "Roger Lee Floyd Bridge". Supervisor Ayers said this would honor Mr. Floyd who grew up in that community and sacrificed his life as well as all the men and women from Amherst County who lost their lives on the front lines.

Supervisor Ayers asked Ms. Bowyer prepare a resolution and forward it to Delegate Ben Cline.

Chair Tucker asked Ms. Bowyer to prepare the resolution and to advise of any timelines/deadlines the Board needs to meet.

Chair Tucker discussed several items including the upcoming budget process and sharing of information with the School Division as well as transportation to after school programs. Chair Tucker remarked that Temperance Elementary does not offer this and asked Mr. Rodgers to communicate her concern with the school superintendent.

Chair Tucker asked Mr. Rodgers to provide the Board summaries on activities with this year's legislative session and the regional advocate working on Central Virginia Training Center issue.

Vice-Chair Pugh advised he received several complaints reporting a business was being run out of an unattached garage located at 154 Crennel Drive.

Vice-Chair Pugh requested the Planning Commission make a determination whether the owner of this property is in compliance with the Zoning ordinance and to report back to the Board or to those individuals registering the complaint.

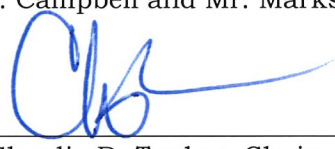
Supervisor Marks requested the new routing sequence from GLTC for bus service in Amherst County.

Chair Tucker said she appreciated the support and looked forward to serving as Chair for the Amherst County Board of Supervisor this year.

XIV. Adjournment

By motion of Supervisor Marks and with the following vote, the Board moved to adjourn.

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



Claudia D. Tucker, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



Amherst County Board of Supervisors
County Resolution No. 2017-0001-R

For consideration on January 3, 2017

A RESOLUTION, NO. 2017-0001-R

A resolution, recognizing that the members of the Amherst County Board of Supervisors hold office as a public trust and that their stewardship of such office requires a superior degree of ethical conduct on their part, and therefore reaffirming the Board's adherence to a Code of Ethics; and further adopting the Rules of Procedure by which the Board shall govern its meetings in 2017.

Approved as to form by the County Attorney

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

I. That the Board of Supervisors of Amherst County hereby reaffirms its adherence to a Code of Ethics, and adopts Rules of Procedure to govern its meetings in 2017, as follows:

WHEREAS, the members of the Amherst County Board of Supervisors (hereafter, "Board") recognize the importance of their positions as the elected representatives of Amherst County; and

WHEREAS, Board members recognize that they hold their offices at the direction of Amherst County citizens, and as such hold their offices in trust to them; and

WHEREAS, Board members recognize that proper discharge of their duties as officers holding a public trust requires adherence to a superior degree of ethical conduct; and

WHEREAS, the Board wishes to reaffirm its commitment to a Code of Ethics to memorialize its recognition that its members hold their offices in trust to Amherst County citizens and must adhere to a superior degree of ethical conduct; and

WHEREAS, the Board recognizes the value of Rules of Procedure in ensuring the orderly conduct of Board meetings; and

WHEREAS, the Board wishes to reaffirm its adherence to Rules of Procedure.

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

That in light of its recognition that its members hold positions of public trust and must conduct themselves in such a way as to have a positive impact as County leaders, the Amherst County Board of

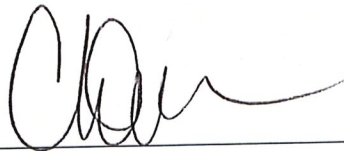
Supervisors affirms that its members shall adhere to the Code of Ethics contained in Exhibit A to this Resolution.

BE IT FURTHER RESOLVED:

That in light of the value of its Rules of Procedure in ensuring the orderly conduct of Board meetings, the Board adopts the Rules of Procedure contained in Exhibit B to this Resolution to govern its meetings in 2017.

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

Adopted this 3rd day of January, 2017.



Chair
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0

ADOPTED

1 / 3 / 17

Amherst County Board of Supervisors
CODE OF ETHICS

Recognizing that public officials hold office as a public trust, and that their stewardship of such office requires a superior degree of ethical and moral conduct on their part, any person serving on the Amherst County Board of Supervisors agrees to:

1. Uphold federal, state, and local laws, and never knowingly be a party to their evasion.
2. Respect and uphold the Constitution of the United States and never act in a way that will restrict individual liberties. Board members should operate from a belief that the Constitution is the road map for every decision that the Board makes.
3. Put loyalty to the County as a whole above loyalty to individuals, districts, or particular groups.
4. Dedicate sincere effort and service to the position of trust for which stewardship has been granted, giving earnest action and best thought to the performance of duties in an ethical manner.
5. Seek to find and use the most equitable, efficient, effective, and economical means for accomplishing County business.
6. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin, or disability.
7. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members, favors or benefits under circumstances that might be construed by reasonable persons as influencing the performance of governmental duties.
8. Make no private promises of any kind which purport to bind performance of public duty.
9. Engage in no business with the County government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of government duties, and ensure full compliance with the Conflict of Interest Act (Code of Virginia, Title 2.2, Chapter 31).
10. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
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 meetings only as authorized by the Code of Virginia.
12. Avoid involvement, or the perception thereof, in matters that when completed, come before the Board of Supervisors for resolution or approval.
13. Seek to communicate fairly and equally with all other Board members outside of formal meetings; avoid excluding one or more Board members from information shared with others, while consistently maintaining adherence to the requirements of the Virginia Freedom of Information Act.
14. Never use a position of public trust to gain access to the public or the media for purposes of criticizing colleagues, staff, or citizens, impugning their integrity, or vilifying their personal beliefs.
15. Ensure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board.
16. Review in public session at the annual organizational meeting each of these principles.
17. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

Amherst County Board of Supervisors
Rules of Procedure

January 2017

Preamble

These rules of procedure ("Rules") are established for the convenience of the members of the Amherst County Board of Supervisors ("Board"). A violation of the Rules shall not affect the legality or enforceability of any action the Board takes.

The Rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of a majority of the Board.

The Board may adopt special rules of procedure to cover any situations that are not adequately addressed in the Rules. Adoption of a special rule of procedure shall require an affirmative vote of a majority of the Board.

SECTION ONE – MEETINGS

Section 1-1. Organizational Meeting

A. The first meeting in January of the Amherst County Board of Supervisors (hereafter, "Board") shall be known as the organizational meeting. The Clerk of the Board shall preside during the organizational meeting pending the election of the Chair.

B. The term of the office for the Chair and Vice Chair typically extends for one year. The Board shall elect one of its members as Chair.

C. Following the election of the Chair, he or she shall preside during the Board's election of the Vice Chair.

D. Following the election of the Vice Chair, the Board shall:

1. Establish the dates, times, and places for regular meetings; and
2. Adopt its Rules of Procedure.

Section 1-2. Regular Meetings

A. Although the time and place of regular meetings of the Board shall be established at the organizational meeting, it is the Board's usual practice to hold meetings in the School Board meeting room on the first floor of the Amherst County Administration Building, as follows:

- First Tuesday of the month, 1:00 p.m. – Regular meeting
Third Tuesday of the month, 7:00 p.m. – Regular meeting

B. The Board may hold work sessions prior to or following a regular meeting, or on a separate date from a regular meeting. Work sessions are conducted informally: they typically are not opened with an invocation or pledge of allegiance, do not require communication through leave of the Board Chair, and may be conducted in a roundtable format, with all involved parties seated at the table and participating in the discussion.

C. The Board may hold additional meetings or work sessions at other locations and times, or may change the locations and times of regularly scheduled meetings or work sessions as it deems necessary. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings or work sessions shall be provided to the public and the press as required by State Code.

Section 1-3. Special Meetings

A. The Board may hold such special meetings as it determines are necessary. Special meetings shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950), as amended.

B. Special meetings shall be held when called by the Chair or requested by two or more Board members. The call shall be made to the Clerk, and shall specify the matters to be considered at the meeting. Upon receipt of such call, the Clerk, after consultation with the Chair, shall immediately notify each Board member and the County Attorney in writing delivered in person or to a place of residence or business or, if so requested by a Board member, by electronic mail or facsimile. The notification shall request that the Board member and County Attorney attend such meeting at the time and place stated in the notice, and shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present and all members agree to discuss or act on such additional item at the special meeting. Written notice of the special meeting may be waived if all members of the governing body attend the special meeting or sign a waiver.

C. Notice to the public and the media of any special meeting shall be given contemporaneously with the notice provided the Board members and the County Attorney.

Section 1-4. Cancelling, Rescheduling, Recessing, or Continuing Meetings

A. A regularly scheduled meeting may be cancelled or rescheduled in special circumstances, including in response to a state or locally declared state of emergency, or – if the change would not affect an advertised public hearing or a scheduled public presentation – for the convenience of the Board. If the Chair and Vice Chair both agree to any such change, the other Board members shall immediately be apprised of the desired change and the reason for the change. If a majority of the Board agrees to the change, the meeting shall be cancelled or rescheduled, and the public and the media shall be notified promptly of the change.

B. If the number of attendees at a meeting of the Board is such that proceedings cannot be accommodated in the meeting space which was originally noticed, the Board may adjourn the meeting and move the meeting to a more appropriate space. In such circumstances, notice of the changed meeting space shall be posted prominently at the entry of the original meeting space and the adjourned meeting shall not be reconvened until at least 30 minutes after the time of adjournment.

C. The Board may recess a regular meeting for the purpose of taking a temporary break in proceedings. When a recessed meeting is resumed, there are no opening proceedings and the Board shall resume business as if there had been no break.

D. If the Chair – or Vice Chair if the Chair is unable to act – finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, such meeting shall be continued to the immediately following Monday at the same time and place as the regular meeting, or to the next regularly scheduled meeting. Such declaration shall be communicated to all Board members, the public, and the media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 1-5. Participation in Meetings Through Electronic Communications

A. Any Board member who is unable to attend a regular or special meeting in person due to (i) an emergency or a personal matter, or (ii) a temporary or permanent disability or other medical condition, may participate in the meeting through electronic communication from a remote location that may not be open to the public, subject to the following:

1. A quorum of the Board is physically assembled at the central meeting location.
2. The member has not participated from a remote location more than one other time during the same calendar year.
3. The member notifies the chairperson on or before the day of the meeting that he or she is unable to attend (i) due to an emergency or personal matter identified with specificity, or (ii) due to a temporary or permanent disability or other medical condition that prevents the member's physical appearance.
4. The Board records in its minutes the (i) specific nature of the emergency or personal matter or the fact of the disability or medical condition, and (ii) the remote location from which the member is participating.
5. The Board arranges for the voice of the absent member to be heard by all persons in attendance at the central meeting location.

B. The Board by motion shall vote to approve or disapprove the member's electronic participation. If the absent member's remote participation is disapproved because such participation would violate this Section 1-5, such disapproval shall be recorded in the Board's minutes.

SECTION TWO – ROLE OF OFFICERS AND APPOINTED STAFF

Section 2-1. Chair and Vice Chair

A. The Chair presides at all Board meetings at which he is present, serves in all capacities to which he is named by the Board, and otherwise discharges the customary responsibilities of the office such as advising the Clerk on the preparation of the docket and the scheduling of public hearings.

The Chair shall preserve order and decorum at all meetings and public hearings, and shall decide questions of order – including whether a given motion is in order or germane to the subject under discussion – without debate, except that he may permit a member to explain his point or allow other members to be heard by way of explanation. If the Chair is in doubt as to how to rule

on an important point, he can put it to a vote of the Board. Rulings of the Chair may be appealed by any two members.

When a member wishes to speak, he shall ask recognition by saying, "Mr. Chair" or "Madam Chair". When two or more members seek recognition at the same time, the Chair shall decide who addressed him first, and the order of recognition for the other member or members shall be duly observed.

B. The Vice-Chair shall preside at all meetings at which the Chair is absent and may discharge any other duties of the Chair during the Chair's absence.

C. Whenever both the Chair and Vice-Chair are absent from a board meeting, the members present shall elect one of their number to serve as a temporary Chair.

Section 2-2. Clerk

The County Administrator shall serve as the Board Clerk. The Clerk shall prepare Board meeting agendas, and shall ensure that all necessary papers are associated with the agenda. The Clerk shall attest resolutions and ordinances signed by the Chair and shall prepare and circulate minutes of Board meetings.

Section 2-3. County Attorney

The County Attorney shall serve as the parliamentarian for the purpose of interpreting these Rules of Procedure, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Board members. The County Attorney also shall provide any necessary interpretations of the Code of Virginia (1950), as amended, or of any federal or local laws or regulations.

SECTION THREE – AGENDA AND ORDER OF BUSINESS

Section 3-1. Preparation and Delivery of Agenda

The County Administrator shall prepare the agenda of each regular and special meeting of the Board of Supervisors and shall ensure that all relevant documents are associated with the agenda. The complete agenda package shall be delivered to Board members four days preceding the Board meeting date. The County Administrator shall make the agenda package available to the public and the press contemporaneously with its delivery to the Board. This may be accomplished by posting the agenda package on the County website and by making copies of the agenda package available in the office of the County Administrator.

Section 3-2. Amending the Agenda

As a general matter, the agenda shall not be amended after it has been released to the public. The Board may by majority vote agree to amend the agenda by adding, removing, or reorganizing items.

Section 3-3. Regular Order of Business

The regular order of business before the Board usually is as follows:

1. Call to Order, Invocation, and Pledge of Allegiance
2. Approval of Agenda
3. Citizen Comment

4. Public Hearings
5. Consent Agenda
6. Special Presentations
7. Old Business
8. New Business
9. County Administrator's Reports
10. County Attorney's Reports
11. Departmental Reports
12. Citizen Comment
13. Matters from Members of the Board of Supervisors
14. Closed Session (as necessary)
15. Adjournment

Section 3-4. Citizen Comment

A. Citizens wishing to speak during Citizen Comment shall place their name on a sheet provided by the Board prior to the start of the Board's meeting.

B. Comments shall be addressed directly to the Chair, and shall be limited in time to three minutes. Comments may address the performance, conduct, and qualifications of public figures; however, comments shall not employ language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties. There shall be no comment during Citizen Comment on a matter for which a public hearing is scheduled during the same meeting, or on a matter that has already been the subject of a previous public hearing where no final vote has been taken.

C. Any issue raised during Citizen Comment which the Board wishes to consider may be put on the agenda for a future Board meeting or work session by a majority vote. Board members may with the consent of the Chair pose questions to any citizen commenting before the Board; however, Board members shall not discuss issues raised in the course of Citizen Comment except by agreement expressed in a majority vote.

D. Questions posed to the Board during Citizen Comment may be addressed by staff by consensus of the Board. Any questions that are not conclusively addressed by staff during Citizen Comment shall be treated as requests under the Virginia Freedom of Information Act.

Section 3-5. Public Hearings

A. Any person wishing to speak at a public hearing shall adhere to the following guidelines:

- Speakers shall state their name and address publicly for the record unless they are uncomfortable doing so; in that case, they may supply the information to the Clerk in writing before they speak.
- Speakers shall limit their comments in the interests of time as directed by the Board Chair.
- Speakers shall refrain from making any personal references or accusations.
- Speakers shall hand any written materials they wish the Board to consider to the Clerk for distribution to the Board.

B. Board members will not respond to public comments; however, any issue raised by the public which the Board wishes to consider may be put on the agenda for a future Board meeting or work session by a majority vote. When the Chair closes the public hearing, no further

public comment shall be permitted; however, Board members may direct questions to staff or to speakers.

C. All persons appearing at the public hearing shall refrain from behavior that disrupts the meeting.

D. Any public hearing attendee who violates these guidelines will be ruled out of order by the Board Chair and will be asked to leave the podium or the hearing room. A person who refuses to comply with the direction of the Chair may be expelled from the hearing room. Any person so expelled shall not be readmitted for the remainder of the hearing.

Section 3-6. Consent Agenda

A. The consent agenda shall consist of noncontroversial items that do not require extensive Board discussion, and may include but are not limited to, the following:

1. Approval of minutes.
2. Routine resolutions.
3. Correspondence.
4. Announcements.
5. Appointments to boards or committees.

B. The consent agenda shall be introduced by a motion "to approve", and may be considered by the Board as a single item.

C. There may be a short discussion of consent agenda items to answer questions or clarify a matter.

D. Upon the request of any Board member, an item shall be removed from the Consent Agenda and shall be considered separately immediately after adoption of the Consent Agenda.

Section 3-7. Special Presentations

Special presentations should be limited in time to 10 minutes although the Board may by majority vote grant additional time for good cause shown. Any materials to be discussed in the course of the special presentation shall be supplied to the County Administrator in time to ensure their inclusion in the agenda package.

Section 3-8. Closed Session

The Board is fully committed to maintaining an open and transparent government. The Board also recognizes that the public interest may be served by confidentiality, including when necessary to protect the County's financial bargaining position while discussing the acquisition or disposition of public property, to protect the County's strategic position in litigation or other legal matters, or to promote frank communications connected to the selection or evaluation of Board appointees. To balance the greatest openness in government with the corollary need to protect the public interest, the Board will adhere to the following procedures.

A. The Board shall go into closed session only when permissible pursuant to the Virginia Freedom of Information Act ("VFOIA"), Virginia Code §§ 2.2-3700 et seq. Any closed session shall be identified on the final published Board agenda. The Board may amend the agenda to add a closed session subject to approval by a vote of a majority of the Board members. Any motion adding a closed session to the Board agenda shall be approved as to form by the County Attorney.

B. The Board shall not go into closed session until it has by majority vote in open session agreed to do so. The motion shall state specifically the purpose or purposes which are the subject of the closed session and shall reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption under the VFOIA, which authorizes the closed session.

C. No resolution, ordinance, rule, contract, regulation, or motion considered in a closed session shall become effective until the Board reconvenes in open session and votes on the resolution, ordinance, rule, contract, regulation, or motion.

D. At the conclusion of a closed session, the Board shall reconvene in open session immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the VFOIA and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place. In the event a Board member comes to believe after certification that non-exempt issues were discussed during the closed session, or that some other violation of the FOIA occurred, he or she shall communicate such belief to other members of the Board, the County Attorney, and the County Administrator.

In either circumstance, the County Attorney shall supply an opinion as to whether a violation occurred. If the County Attorney opines that a violation has not occurred, the Board Chairman shall announce that publicly. If the County Attorney opines that a violation has occurred, the Board Chairman shall announce that publicly, shall state the specifics of the violation, and shall describe the steps that will be taken in the future to avoid similar or related violations.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the closed session shall not affect the validity or confidentiality of those matters properly discussed in that closed session in accordance with the VFOIA.

F. The Board may permit non-members to attend a closed session if their presence would reasonably aid the Board in its consideration of an issue. All individuals attending a closed session should respect the Board's decision that the subject matter is too sensitive for public discussion and should treat the closed session discussion as confidential.

G. As public disclosure of information generated in closed session may hamper effective communication, all closed session participants shall maintain as confidential all information generated in closed session until such time as the Board by majority vote declares that confidentiality is no longer necessary or appropriate. The intentional disclosure by a Board member of the content of closed session discussions prior to such majority vote may subject him or her to fines or punishment pursuant to Virginia Code § 15.2-1400, in such amount or in such form as the Board may deem appropriate.

SECTION FOUR – BOARD ACTIONS

Section 4-1. Quorum

A. Virginia Code § 15.2-1415 requires that a quorum of the Board be present to conduct business. A quorum is a majority of the entire membership of the Board, which membership shall include any vacant seats. If a quorum is not present, the Board can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

B. If the Board lacks a quorum and chooses to adjourn, it may adjourn to such other time prior to the next regular meeting as it may determine. The Clerk shall note such adjournment in the Board minutes, and shall notify absent members of the new meeting date and time in the same manner as required for special meetings.

C. If the Virginia Conflict of Interests Act prevents some of the members of the Board from participating in an item of business, a majority of the remaining Board members shall constitute a quorum.

Section 4-2. Regular Practices

A. The Board shall not act on any matter affecting a district in the absence of the Board member for that district, except that the Board may act where the absence results from the resignation, death, or disability of the Board member.

B. The Board may choose by majority vote to delay consideration of any matter where materials associated with the matter are delivered to the Board on the day the Board meets.

C. No Board member shall issue a communication purporting to represent to another person or to the public the Board's position on an issue, or making a request on the Board's behalf, until the Board has voted to approve the issue or request.

D. Where the Board is considering approval or endorsement of a study or report, the resolution providing for endorsement or approval shall be presented for consideration at a meeting subsequent to presentation of the study or report.

Section 4-3. Taking Formal Action

A. The Board may act by consensus, motion, resolution, or ordinance, as follows:

1. The Board may act by consensus, without voting, where the desired action is clear and no Board member expresses opposition to the action.

2. The Board may act by motion where the desired action may require some direction to staff or one or more Board members oppose the action.

3. The Board may act by resolution where the basis for the Board's decision requires explanation, the directions to staff are more complex, or one or more Board members oppose the action.

4. The Board shall act by ordinance to amend County Code or as otherwise required by law.

B. A tie vote means that a motion, ordinance, or resolution has been rejected, and the "nay" votes prevail.

C. The Board may take a voice vote on any matter. If the results of that vote are unclear, any member may request a roll call vote.

Section 4-4. Motions

A. General.

1. Motions are either substantive or procedural.
2. Any member of the Board, including the presiding officer, may make a motion. It is not necessary that a motion be seconded in order to be considered.

3. The Board may discuss a matter prior to a member's making a motion. Once a motion is made, the Board shall discuss the merits of the motion before voting on it. To do this, the Chair shall restate the motion and request the Board's debate of it. In the course of debate, the maker of the motion is entitled to speak first and a member who has not spoken on the issue shall be recognized before someone who has already spoken. The Chair may participate in the debate prior to declaring the matter ready for a vote.

B. Substantive Motions.

Substantive motions go to the merits of Board action on a business matter before it, such as a motion to approve a resolution or adopt an ordinance, to appoint a person to a board or committee, or to approve an appropriation.

C. Procedural Motions.

Procedural motions act on a substantive motion by amending it or delaying its consideration. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted. Except as otherwise indicated, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

1. Motion To Adjourn. At a meeting of the Board, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

2. To Take a Recess. This motion allows the Board to pause briefly in its proceedings. A motion to take a recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending

3. To Defer Consideration. The Board may defer action on a substantive motion to a more convenient time. The Board may use the following motions to defer consideration of a substantive motion:

(a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the Board for discussion.

(b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no

future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely, an affirmative vote of a majority of the Board is necessary to bring it back for further discussion.

4. To Amend. Any Board member may offer a motion to amend a substantive motion, and such amendment shall be effective upon a majority vote of the Board. The member making the original motion need not approve the proposed amendment. An amendment to a motion shall be pertinent to the subject matter of the motion and shall not be used to nullify the intent of the original motion. A motion may be amended no more than twice.

5. Withdrawal of Motion. A motion may be withdrawn by the Board member who offers it at any time before it is amended or before the Chair puts the motion to a vote, whichever occurs first.

6. Motion to Reconsider. The Board may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Board and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Board member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes.

Section 4-5. Resolutions

A. The County Attorney shall approve as to form all resolutions, excepting commemorative resolutions that the County Attorney has not drafted, that are placed before the Board for adoption. The County Administrator shall approve as to form commemorative resolutions that are not drafted by the County Attorney.

B. Board members may request that the County Attorney prepare a written resolution prior to discussion by the Board of the issues addressed in the resolution; however, any such resolution shall not be numbered and shall not, absent pressing circumstances acknowledged by a majority of the Board members, be adopted on the day first presented.

Section 4-6. Ordinances

A. The County Attorney shall approve as to form and legality all ordinances prior to their being placed before the Board for consideration.

B. After review by the Board, approved ordinances shall undergo a first read before the Amherst County Board of Supervisors at that body's first meeting of the month of introduction, and, if the Board of Supervisors so directs, shall be heard at a public hearing at the second meeting of the month of introduction. The Board of Supervisors may by majority vote consider an ordinance for adoption subsequent to a public hearing without its having first undergone a first reading.