BOOK 38
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AMHERST COUNTY
BOARD OF SUPERVISORS

Board of Supervisors

Tom Martin, Chair
District 1
L.J. Ayers III, Vice-Chair
District 3
Claudia Tucker, Supervisor
District 2
Drew Wade, Supervisor
District 5
David W. Pugh, Jr., Supervisor
District 4

MINUTES

January 3, 2023
Administration Building - 153 Washington Street - Public Meeting Room
Amherst, Virginia 24521
Meeting Convened - 3:00 PM

County Administrator
Jeremy Bryant, Interim

County Attorney
Mark Popovich

I. Call to Order

At a regular meeting of the Amherst County Board of Supervisors held on January 3, 2023 at 3:00 p.m., the following members were present:

BOARD OF SUPERVISORS:
David W. Pugh, Jr., Chairman
Tom Martin, Vice-Chair
L. J. Ayers III, Supervisor
Claudia D. Tucker, Supervisor
Drew Wade, Supervisor

ABSENT: None

STAFF:
Jeremy S. Bryant, Interim County Administrator
David R. Proffitt, Deputy County Administrator
Mark Popovich, County Attorney
Kristen Freeman, Clerk

Chairman Pugh called the meeting to order at 3:00 p.m.

NOTE: All Board of Supervisors' meetings are now being streamed live on Facebook and on YouTube.

II. Invocation and Pledge of Allegiance

Supervisor Wade led the Invocation and Pledge of Allegiance.

III. Amherst County Board of Supervisors - Reorganization for 2023

A. Election of Officers

By motion of Supervisor Tucker and with the following vote, the Board appointed Tom Martin as Chair of the Board of Supervisors.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None

ABSENT: None

By motion of Supervisor Pugh and with the following vote, the Board appointed L.J. Ayers III as Vice-Chair of the Board of Supervisors.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

B. Appointment of Liaisons

The Board made the following appointments:
Liaison to Planning Commission: Pugh
Liaison to Department of Social Services: Pugh
Liaison to Emergency Services Council: Ayers
Representatives to the Joint Board Committee (School Board): Tucker and Wade
Liaison to the School Board: Tucker
Liaison to the Agriculture Committee: Tucker
Members of the Building Committee: Martin & Tucker
Community Development Block Grant Mgt Team: Wade
Workforce Development Council: Wade
Transportation Planning Organization, Policy Board: Wade
Parks, Recreation, and Cultural Development Board: Martin
Members of the Madison Heights Master Plan contractor advisory group: Martin
PDC Local Government Council:

By motion of Supervisor Pugh the Board appointed the liaisons for 2023.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

C. Meeting Schedule

By motion of Supervisor Wade and with the following vote, the Board adopted 3:00 p.m. as the regular meeting time for the first Tuesday meeting of each month and 7:00 p.m. as the regular meeting time for the third Tuesday meeting of each month.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

D. Adopt Rules of Procedure

By motion of Supervisor Tucker and with the following vote, the Board adopted the Rules of Procedure for 2023 as proposed. **(SEE ATTACHMENT 1)**

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

IV. Approval of Agenda

By motion of Supervisor Vice-Chair Ayers and with the following vote, the Board approved the agenda.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

V. Citizen Comment

Mr. John Marks addressed the Board regarding an agenda item requesting two landfill operators. Mr. Marks stated the Transfer station is not being operated to serve it's originally justified purpose. He stated the county is not saving $250,000 per year as projected. According to the county study, the opposite is true, it is costing the county money to operate he stated. Mr. Marks said he recommends that the continued operation of this facility is a waste of taxpayer money and should be shut down and the equipment should be sold and the workers at the transfer station should be moved to the landfill.

VI. Consent Agenda

By motion of Supervisor Wade and with the following vote, the Board approved the Consent Agenda for January 3, 2022.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

A. Minutes - December 6, 2022

It was moved that the Board adopt the minutes from December 6, 2022.

B. Reimbursement - Amherst Fire Dept.

By motion of Supervisor Tucker and with the following vote, the Board approved reimbursement of $26,000.00 for heat pump repairs at the Amherst Fire Station from the ESC capital expense fund.

AYE: Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None
ABSTAINED: Mr. Martin

VII. New Business

A. Request for two landfill operators

Public Works Director, Brian Thacker, addressed the Board requesting approval of the addition of two landfill operators for Public Works. Mr. Thacker stated that the landfill is short-handed after moving workers to the Transfer Station, and additional workers are needed in order to stay in compliance with DEQ.

VIII. County Administrator's Report

A. Boards/Commissions/Committees - Vacancy on Horizon Behavioral Health Board

By motion of Supervisor Ayers and with the following vote, the Board approved the appointment of Chief Robert Shiflett to fill the vacancy on the Horizon Behavioral Health Board.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

B. Boards/Commissions/Committees - Community Policy & Management Team (CPMT)

By motion of Supervisor Wade and with the following vote, the Board appointed Ms. Stephany Steger as the County representative to the Amherst County Community Policy and Management Team.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

C. Project Status Report

For the Boards information.

IX. County Attorney's Report

The County Attorney had no matter to discuss.

X. Liaison and Committee Reports

A. School Board - Claudia Tucker

Supervisor Tucker had nothing to report.

B. Agriculture Committee - Claudia Tucker

Supervisor Tucker had nothing to report.

C. Parks, Recreation & Cultural Development Board- Tom Martin

Chair Martin had nothing to report.

D. Planning Commission - David Pugh

Supervisor Pugh stated there may be some Special Exceptions for short term tourist rentals and well as some possible code changes forthcoming.

XI. Citizen Comment

There was no public comment.

XII. Matters from Members of the Board of Supervisors

Chair Martin had no matter to discuss.

Vice-Chair Ayers had no matter to discuss.

Supervisor Tucker stated she has had some constituents reach out to her regarding Amherst County possibly implementing a coyote bounty.

Supervisor Wade addressed naming a bridge in Madison Heights behind Dairy Queen after Earl Nicholson who passed away in October 2022. Mr. Wade also stated he had received some calls about speeding in Old Town and he reached out to the Sheriff's Department.

Supervisor Pugh had no matter to discuss.

XIII. Adjournment

By motion of Vice-Chair Ayers and with the following vote, the Board adjourned at 3:34 pm.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade and Mr. Pugh
NAY: None
ABSENT: None

Tom Martin, Chair
Amherst County Board of Supervisors

Jeremy Bryant Interim County Administrator

ATTACHMENT 1

Amherst County Board of Supervisors
Rules of Procedure

January 2023

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, 3:00 p.m. – Regular meeting
Third Tuesday of the month, 7:00 p.m. – Regular meeting

The Board shall generally follow Robert's Rules of Procedure, 11th Edition, as modified for small boards, by the Code of Virginia, and by prevailing Amherst County practice.

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 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. A member shall participate in a remote meeting due to an emergency or personal matter at no more than two meetings in each calendar year.

3. 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.

4. 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.

D. Not later than July 1 of each year, the Chair shall consult with the other Supervisors and coordinate preparation of evaluations of the professional performance of the County Administrator and the County Attorney and future goals. Not later than August 1 of each year, the Chair shall meet with the County Administrator and County Attorney to discuss the evaluations.

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. Strict enforcement of this time limit is in the sound discretion of the chair. 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.

E. Members of the public wishing to offer comment to the Board but are unable to attend the meeting may send correspondence to the County Administrator to be read aloud during the public comment portion of the meeting. If a time limit has been placed on other speakers, it will also be applied to the reading of the correspondence.

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 3-9. Town Hall Meetings

A. The Board may, by majority vote designating a meeting as such, hold town hall meetings. The object of a town hall meeting is to encourage exchange of information and views between the Board, County staff, citizens, and stakeholders in a flexible setting under the control of the Chair.

B. In town hall meetings, the Board shall follow relaxed rules of procedure. Generally, town hall meetings shall be conducted in a similar manner to a public hearing. However, in a town hall, the speaker, once recognized by the Chair, may engage in conversational back-and-forth with Board members and staff. Generally, such conversation should not extend beyond five minutes, in the sound discretion of the Chair.

C. The Board may also hold a stakeholders town hall. In such a meeting, the Board invites members of the community with particular interest in a topic to engage in a roundtable discussion to exchange information and ideas with the Board, staff, and other stakeholders. The Board may, but need not, recognize uninvited persons to speak or participate in the discussion. Such discussion shall be moderated under the control of the Chair.

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. In general, the Board shall not act on any matter solely or predominantly 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.