

Sussex County Board of Supervisors Meeting
Thursday, March 21, 2024 – 6 pm
General District Courtroom – Sussex Judicial Center
15098 Courthouse Road, Sussex VA 23884

ZOOM LINK

<https://us02web.zoom.us/j/9527387527>

Meeting ID: 952 738 7527

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1. Commencement

- 1.01 Call to Order/Determine Quorum
 - a. Approval of Board Member(s) Participating by Phone under Board Remote Participation Policy
- 1.02 The Invocation
- 1.03 The Pledge of Allegiance
- 1.04 Agenda Amendment(s)
- 1.06 Approval of Regular Agenda

2. Approval of Consent Agenda

- 2.01 Approval of Minutes: February 22, 2024 Special Meeting
- 2.02 Warrants and Vouchers
- 2.03 Treasurer's Report & Financial Update – *for information only*
- 2.04 Departmental Reports – *for information only*
- 2.05 Acceptance of Health Insurance Plan/Rate

3. Recognitions/Awards/Presentation

- 3.01 RECOGNITION: Honoring Susan Pope Irving
- 3.02 Waverly Solar Response to Site Screening and Stormwater Management Concerns – Supervisor Fly
- 3.03 Overview of Historic Courthouse/Complex Site Assessment and Conceptual Design/Cost Estimate Process – Russell Pearlman, The Wooten Company

4. Public Hearing – none

5. Appointments – none

6. Action Items

- 6.01 Consideration of Contract for Professional Architectural/Engineering Services for Renovation and Construction of Historic Courthouse and Related Facilities (RFP #2023-02)

7. Citizens' Comments

8. Unfinished Business

- 8.01 Adoption of Board Rules and Procedures
- 8.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action

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9. New Business

9.01 Regional Cigarette Tax Opportunity

10. Board Members Comments

10.01 Blackwater District

10.02 Courthouse District

10.03 Henry District

10.04 Stony Creek District

10.05 Wakefield District

10.06 Waverly District

10.07 Yale District

11. Closed Session – none

12. Recess/Adjournment

12.01 Recess/Adjournment

12.02 Next Regular Meeting, April 18, 2024 @ 6 p.m.

12.03 Joint Public Hearing Board of Supervisors & Planning Commission, Monday, March 25, 2024 @ 6 p.m. (4-H Conference Center Auditorium)

12.04 Joint Board of Supervisors & School Board Work Session, Thursday, March 28, 2024 @ 6 p.m., Location TBD

**At a Special Meeting of the
Sussex County Board of Supervisors
Held in the General District Courtroom
Rescheduled from February 15, 2024 at 6 p.m.
Thursday, February 22, 2024 at 6 pm**

BOARD MEMBERS PRESENT

Thomas W. Baicy, III
A. G. Futrell
Wayne O. Jones
Phyllis T. Tolliver
Rufus E. Tyler, Sr.
Steve E. White

BOARD MEMBERS ABSENT

C. Eric Fly, Sr.

STAFF PRESENT

Richard Douglas, County Administrator
David J. Conmy, Deputy County Administrator/
Economic Development Director
Danielle Powell, County Attorney
Deste J. Cox, Treasurer
Ernest Giles, Sheriff
Almetia Hardman, Chief Deputy Commonwealth's Attorney
Michael Kessinger, Captain
Bristol Phillips, Deputy Sheriff
Michael Poarch, Planner
Regina Sykes, Commonwealth's Attorney
Shilton R. Butts, Assistant to the County Administrator/
Clerk to the Board of Supervisors

1. Commencement

1.01 Call to Order/Determine Quorum

Chairman Jones called the February 22, 2024 Special (Rescheduled) meeting of the Sussex County Board of Supervisors to order.

1.02 The Invocation

The Invocation was offered Supervisor Tolliver.

1.03 The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

1.04 Agenda Amendments

County Administrator Douglas requested to remove under Item 8. Unfinished Business, Item 8.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action.

Supervisor White requested to add under Item 11. Closed Session, as Item 11.01 Closed Session for Consultation with legal counsel.

1.05 Approval of Regular Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approved the February 22, 2024 Special (Rescheduled) meeting agenda inclusive of removing under Item 8. Unfinished Business, Item 8.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action; and adding under Item 11. Closed Session, as Item 11.01 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. All Board members present voted aye.

2. Approval of Consent Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Consent agenda inclusive of the following: (a) January 25 Special, February 1 Special (Rescheduled), and February 8, 2024 Special Meeting minutes; (b) the Approval of Warrants and Vouchers; (c) the Treasurer's Report and Financial Update; (d) Departmental Reports. All Board members present voted aye.

3. Recognitions/Awards/Presentation

3.01 VDOT District Update – George Bowman, VDOT Franklin Residency

George Bowman, Assistant Residency Administrator for VDOT's Franklin Residency, provided a general update on the following:

- consideration of transferring \$135,000 remaining in Glyndon-Carver project budget to another unpaved road project— a portion of Butts Road in the Yale District is recommended.
- planned update of the county six-year plan
- identification of road safety project
- status of the Route 35/Route 40 roundabout
- other general updates

Mr. Bowman advised that initially a resolution was needed from the Board; however, he received confirmation that only an agreeance from the Board and the Chairman to reallocate some funds from the Glyndon and Carver lanes project to fully fund the Butts Road project in the Yale District.

The remaining funds will be transferred to the Future Pavement funds to review some of the other projects on the Six Year plan. Mr. Bowman stated that if the Board wish to move/reallocate these funds, he would need the Board's concurrence.

There was inquiry of the drainage on the Glyndon and Carver lanes project. There was inquiry of the allocation of funds for the construction of Butts Road project and the use of the \$135,000 and the side-road pavement.

Mr. Bowman stated that the first Priority Item on the Six-Year Plan is Courthouse Road (Route 735) reconstruction and drainage improvements. He noted that further conversation is needed on this item. The second Priority Item is Glyndon and Carver lanes. He noted that the funding for this project was complete. The 609 reconstruction is the third Priority Item.

Mr. Bowman advised that he would be attending the District Six Year Plan meeting the second week of March. He will revisit with the Board.

By general consensus, the Board and the Chairman agreed to VDOT reallocating funds from the Glyndon-Carver Lane project budget to fully fund the Butts Road (unpaved road) project. The remainder of the funds will be transferred to the Future Pavement funds. He noted that the funds for future payment funds will be used to consider some of the other projects that are on the 6-Year plan.

Mr. Bowman discussed the County Safety Operational Incentive (CSOI) money. He asked the Board to recommend different projects through their prospective areas that meet safety issues that may not have been done on routine maintenance such as sidewalks, routine ditching, signage, tree trimming, etc.

County Administrator Douglas advised CSOI is eligible for use in Towns. Sidewalks and flooding issues would be eligible projects. There was inquiry of the dollar amount of the project. Mr. Bowman stated that dollar amount is based on your population and different criteria together. The funding would be discussed. He noted that VDOT has this funding each year.

There was inquiry/discussion of the Route 35 and Route 40 roundabout. Mr. Bowman stated that VDOT will be doing sidewalk work in Jarratt.

A copy of Butts Road map was included in the Board packet.

302 Blackwater Regional Library Update – Ben Neal, Library Director

Ben Neal, Library Director for the Blackwater Regional Library, provided a brief update on library activities in Sussex County, accomplishments over the past year, and upcoming planned activities.

Mr. Neal discussed the monthly programs for adults, including crafts and book clubs. He also discussed the crafts and free books given to the attendees of the Town of Wakefield's Tree Lighting ceremony and the Christmas program at Waverly Library.

He reviewed library services offered for FY23-24 year to date regarding library visits; Outreach and Library programs; and items circulated. Mr. Neal also discussed the number of patrons connected with computers, Wi-Fi or MiFis. He stated that there were 14 Pop-Up Libraries, reaching 239 people. There was information on automatic renewals.

He noted the Blackwater Regional Library impact in the Community to include National Night Out events in Jarratt and Waverly. Mr. Neal noted that the Waverly Farmer's Market provided fellowship and access to fresh produce, homemade goods, and more. He discussed the outreach to local students, both via open houses in schools and hosting homeschool groups at the library.

He discussed library of things such as electronic item household items, blood pressure reader, various handbooks, etc.

There were programs by Mariner's Museum, Chippokes' Park, Tiny Art Show and other great presenters. He stated that there were 12 Programs in Summer 2023 that reached over 300 people. There were over 700 children's learning materials circulated.

Mr. Neal discussed upcoming programs for the Blackwater Regional Library to include the Easter Event at Waverly Library and the Summer Reading 2024. He also noted the Waverly Farmers' Market would be returning in May.

3.03 RECOGNITION: Carrie Lee Dobie Delk Gray – 100th Birthday

Ms. Gray is lifelong resident of Piney Grove in Sussex County, Virginia. Supervisor Futrell requested approval of a resolution recognizing Ms. Carrie Lee Dobie Delk Gray on the major milestone of her 100th birthday on February 13th.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR WHITE and carried; RESOLVED that the Sussex County Board of Supervisors hereby adopts the resolution recognizing Ms. Carrie Lee Dobie Delk Gray on the major milestone of her 100th birthday; to-wit:

WHEREAS, it is fitting that the Sussex County Board of Supervisors recognizes those citizens who celebrate venerable milestones in their lives; and

WHEREAS, Ms. Carrie Lee Dobie Delk Gray, celebrated her 100th birthday on February 13, 2024, an occasion commemorating great joy and accomplishment; and

WHEREAS, Ms. Gray attended Piney Grove School; and

WHEREAS, Ms. Gray attends Piney Grove AME Zion church; and

WHEREAS, she is a member of the Pride of Wakefield Eastern Star Chapter; and

WHEREAS, Ms. Gray was the first cook at Cowlings Barbecue in Waverly, Virginia; and

WHEREAS, in later years to come, Ms. Gray retired from Virginia State University in Petersburg, Virginia in 1985; and

WHEREAS, Ms. Carrie Lee Dobie Delk Gray is a highly independent woman who loves flowers, knitting, crocheting, and reading.

NOW THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors hereby honors and congratulates Ms. Carrie Lee Dobie Delk Gray on the celebration of her 100th birthday and extend our best wishes and many happy returns.

BE IT FURTHER RESOLVED that this resolution shall be spread upon the Minutes Book of the Sussex County Board of Supervisors February 22, 2024 meeting. All Board members present voted aye.

3.04 Recognition of Deputy Sheriff Bristol Phillips

Sheriff Giles recognized Deputy Bristol Phillips for his accomplishment in impaired driving enforcement. He presented Deputy Sheriff Phillips a certificate for recognition of outstanding in impaired driving enforcement.

A copy of Certificate of Recognition for Deputy Sheriff Phillips' outstanding service was included in the Board packet.

4. Public Hearings

There was no Public Hearing.

5. Appointments

5.01 Appointments to Sussex Service Authority Board (Alternates)

The Board could choose to select alternates for the Sussex Service Authority Board at-large and elected official appointments made at the January regular meeting.

The term of the alternate at-large representative (currently filled by Mr. Crowder) runs from January 2024 to December 2027. The term of the alternate elected official representative (currently filled by Mr. Morris) runs from January 2023 to December 2026.

Staff recommends that an alternate to the elected official appointment (Supervisor Baicy) be another member of the Board of Supervisors.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Supervisor Tyler to serve as the Alternate member to the Elected Official to the Sussex Service Authority, to-wit:

WHEREAS, the Sussex Service Authority (“SSA”) was created by the Towns of Wakefield, Waverly, Stony Creek, and the County of Sussex (“County”) and received its Certificate of Incorporation by the State Corporation Commission in 1997; and

WHEREAS, the Articles of Incorporation state, “The powers of the Authority shall be exercised by the board (the “Board”) consisting of five members: one member to be appointed by the respective Governing Body of each Incorporating Subdivision and the fifth member to be appointed by the Board of Supervisors of Sussex County, Virginia...*and that alternate members may be provided for in the Bylaws* (emphasis added);” and

WHEREAS, the SSA’s bylaws allow the appointment of alternates in the same manner as the governing body appoints members and the, “term of each alternate shall be the same as that of the member for whom he or she has been appointed as alternate; provided, however, that an alternate’s term shall not expire because of a member’s death, disqualification, resignation from the Board.”

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Supervisors hereby appoints the person listed below as the alternate to the elected official representative to the SSA with the term as indicated:

Alternate to the Elected Official Representative:

Name: Rufus E. Tyler, Sr. January 1, 2023 to December 31, 2026

Voting aye: Supervisors Baicy, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

Absent: Supervisor Fly

Supervisor Futrell suggested Mr. Meade Fronfelter for the Citizen At-Large Alternate. County Administrator Douglas stated that the Mr. Crowder is currently in this position. The appointment for the Alternate to the Citizen (At-Large) Representative was tabled to confirm if Mr. Fronfelter could serve in this capacity due to serving on another Board.

A resolution was included in the Board packet.

5.02 Recommended Nomination for Appointment to the Board of Zoning Appeals

Due to Mr. Baicy’s successful bid for Sussex’s Board of Supervisors, he is no longer eligible to serve on the Board of Zoning Appeals (BZA). State Code prohibits a BZA member from serving another public office, except that one member may also serve on the Planning Commission.

As a result, a nomination needs to be made for recommendation to the Circuit Court Judge for appointment to fill the unexpired term beginning immediately, ending January 31, 2026.

Mr. Baicy has recommended Ms. Karen Hines, 12236 Setzer Road, Stony Creek, Virginia 23882, for nomination. Ms. Hines’ Application, BZA Roster and Bylaws were included in the Board packet.

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby nominates Ms. Karen Hines, 12236 Setzer Road, Stony Creek, Virginia 23882, for appointment by the Circuit Court Judge to fill the unexpired term beginning immediately, ending January 31, 2026. All Board members present voted aye.

5.03 Appointments to the Planning Commission

Now that the new election district boundaries are effective and the new Board has taken office, the Planning Commission needs two appointments. One appointment is needed for the Courthouse District. The other appointment is needed for the Henry District.

These appointments will be 4-year terms, beginning March 1, 2024 ending February 29, 2028.

A copy of Ms. Grinstead's Application form, a list of Planning Commission Members and Bylaws were included in the Board packet.

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Ms. Elena Grinstead, 22464 Cabin Point Road, Disputanta, Virginia 23842 to the Planning Commission with a term beginning March 1, 2024, expiring February 29, 2028. All Board members present voted aye.

6. Action Items

6.01 Blackwater Solar Project Application Consideration Schedule

The Blackwater Solar Project meeting schedule was developed by staff with input from the County Attorney and planning consultant, with the goal of providing efficient, convenient access for public comments and a thorough review process for the project (specifically the conditional use permit application, rezoning application, and siting agreement). The meeting schedule begins on March 25 with a joint public hearing between the Board of Supervisors and Planning Commission, at the Airfield 4-H Conference Center. County Administrator Douglas stated that staff and the Planning Commission recommends this facility being that it should be able to provide ample room to accommodate the public in a convenient location adjacent to the proposed project site.

Staff noted that this schedule is tentative and could change due to additional needed review and other unforeseen delays. The intention is to be transparent and allow sufficient notice for the public, applicant, and BOS/Planning Commission members.

Supervisor Baicy noted that it was recommended by a Wakefield resident to state which building at the Airfield 4-H Conference Center the public hearing will held when advertising for the Public Hearing.

Staff recommended approval of the proposed schedule for consideration of the Blackwater solar project application.

A copy of the draft calendar was included in the Board packet.

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR WHITE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the proposed schedule for consideration of the Blackwater Solar Project Conditional Use Permit and Rezoning application Sussex County Board of Supervisors/Planning Commission Tentative meeting/Public Hearing Calendar, to-wit:

Monday, March 25 Joint Public Hearing on CUP and rezoning applications (Board of Supervisors and Planning Commission), Airfield 4-H Center, 6 pm (to include applicant and staff presentations)

Monday, April 1 Planning Commission regular meeting-- discussion and possible recommendation on CUP and rezoning applications, District Courtroom, 6 pm (additional meetings TBD if no action taken)

Monday, May 13 Board of Supervisors additional Public Hearing on CUP/rezoning and first public hearing on siting agreement, Airfield 4-H Center, 6 pm

Thursday, May 16 Regular meeting of the Board of Supervisors—consideration of CUP application, rezoning application, and siting agreement, District Courtroom, 6 pm

Voting aye: Supervisors Baicy, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

Absent: Supervisor Fly

7. Citizens' Comments

- Susan B. Moore (Wakefield District) – Hunting on Big Woods (BW) property (lives in the middle of BW property); entrance from back property doesn't see house; rifle shooting travel distance; hunters neither residents nor taxpayers of Sussex; dogs on property; livestock.
- Leverette Pope (Waverly District) – Solar Farm; request to table application; Southampton County; Permit & Map; Trees; Environmental effect; Waverly Industrial Park.
- Franklin Dowless (Landowner/Wakefield District) – Website; Comprehensive Plan-Vision Statement-guide to vote.
- Buddy Faison (Across Sussex Line in Southampton) –Lives across the line near project; walked property some in his life-hunt clubs; unmarked family members graves in middle of property; two threatened species of wildlife-squirrel.
- John Stringfield (Wakefield District) – Sussex Service Authority increase in water rates.
- Molly Dowless (Wakefield District) – Anti Solar Farm; lean on work of counterparts – Southampton; submit comment to HB – Senate Bill 697.

- Andy Babish (Blackwater) – Equestrian customers; roadside litter; potential; litter problem – landfill; and State prison; focus on maintaining Vision Statement.
- Linda Chitwood (Ivor/Southampton County) – Ecosystem; wetlands; traffic; taking down trees; anti Solar Farm.
- Chris Cornwell (Southampton County BOS) – Listen to citizens regarding Solar Farms.
- Laine Chambers (Wakefield District) – Solar Farm proximity of facility to Wakefield; concerned with decisions to be made and information; impact on generations.
- Kevin Bracy (Yale District) – Ramp taped off in icy conditions; supervision.
- Frances Chambers (Virtual-on behalf Wakefield District) – CUP clarification; not adhering to Comp plan/not in compliance; send CUP back for revision; proximity of Solar Farm; acreage; address issue before joint meeting.

County Administrator Douglas stated that the County had to be careful, the applicant had to be given their due process. They paid their application fee. He discussed the subject of the application being returned and administrative decisions.

County Attorney Powell noted that there is a process that's laid out in State Code and the Zoning Ordinance that the Board and the Planning Commission are following.

8. Unfinished Business

8.01 Adoption of Board Rules and Procedures

This item was tabled.

8.02 Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action

This item was removed during agenda amendments.

9. New Business

There was no New Business.

10. Board Member Comments

10.01 Blackwater District – absent

10.02 Courthouse District – Litter along highway (previously addressed).

10.03 Henry District – none

10.04 Stony Creek District – none

10.05 Wakefield District – none

10.06 Waverly District – none

10.07 Yale District – Trash along highway; County Administration scrap metal at dumpsite update – procure contract.

11. Closed Session

11.01 Convene to Closed Session

ON MOTION OF SUPERVISOR WHITE, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors convene to Closed Session to (1) discussion or disposition the conveyance of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, applicable Virginia Code Section 2.2-3711(A)8, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; contracted services. All Board members present voted aye.

11.02/03 Reconvene to Open Session/Certification

ON MOTION OF SUPERVISOR WHITE, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby reconvened to Open Session; and

FURTHER RESOLVED THAT that that the Sussex County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Sussex County Board of Supervisors hereby approves adoption of resolution for certification, to-wit:

WHEREAS, that the Sussex County Board of Supervisors convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia, as amended, requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard discussed or considered.

Voting aye: Supervisors Baicy, Futrell, Jones, Tolliver, Tyler, White

Voting nay: none

Absent during vote: Supervisor Fly

11.04 Action Resulting from Closed Session, if any

There was no action on the Closed Session item.

12. Adjournment

12.01 Adjournment

ON MOTION OF SUPERVISOR TOLLIVER, seconded by SUPERVISOR BAICY and carried: RESOLVED that the February 22, 2024 special (rescheduled) meeting of the Sussex County Board of Supervisors hereby adjourned at 7:59 p.m. All Board members present voted aye.

March 21, 2024

WARRANTS & VOUCHERS SUMMARY

TOTAL ALL WARRANTS FOR APPROVAL \$ 1,159,938.41

TOTAL ALL VOID CHECKS FOR APPROVAL

ACCOUNTS PAYABLE WARRANTS:	CHECK NO.	AMOUNTS	PROCESS DATE
FOR MONTH OF February 2024	227311-227349	\$ 100,201.15	1-Feb-24
	227350	\$ 2,850.45	2-Feb-24
	227351-227394	\$ 207,579.65	8-Feb-24
	227407-227460	\$ 145,346.40	15-Feb-24
	227472-227498	\$ 102,748.39	22-Feb-24
	227511-227552	\$ 311,529.94	29-Feb-24
Total Regular Warrants		\$ 870,255.98	

PAY. DEDUCTION WARRANTS:	CHECK NO.	AMOUNTS	PROCESS DATE
FOR MONTH OF February 2024	227395-227406	\$ 61,521.31	16-Feb-24
	227499-227510	\$ 61,207.09	29-Feb-24
Total Payroll Deduction Warrants:		\$ 122,728.40	

CSA WARRANTS:	CHECK NO.	AMOUNTS	PROCESS DATE
FOR MONTH OF February 2024	227461-227471	\$ 166,831.84	20-Feb-24
Total CSA Warrants:		\$ 166,831.84	

ACH PAYMENTS	CHECK NO.	AMOUNTS	PROCESS DATE
BANK OF AMERICA	ACH	\$ 122.19	27-Feb-24

Total ACH Deduction Warrants: \$ 122.19

TOTAL VOUCHERS & WARRANTS FOR APPROVAL \$ 1,159,938.41

VOIDED CHECK NO. AMOUNTS PROCESS DATE

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
227311	342	AGRI-VA, INC	000	2/01/2024	1,269.16	.00
227312	923	ALL SEASONS TERMITTE &	000	2/01/2024	95.00	.00
227313	1010	AT&T	000	2/01/2024	4,004.16	.00
227314	10	BANK OF SOUTHSIDE VA	000	2/01/2024	325.03	.00
227315	10	BANK OF SOUTHSIDE VA	000	2/01/2024	25.00	.00
227316	887	BRITT'S ROADSIDE	000	2/01/2024	141.65	.00
227317	728	CARQUEST OF WAKEFIELD	000	2/01/2024	36.71	.00
227318	1485	CENTRAL AGRIBUSINESS	000	2/01/2024	46.20	.00
227319	1967	COAST TO COAST SOLUTIONS,	000	2/01/2024	436.74	.00
227320	2175	COMPLETE COMMUNITY ECONOM	000	2/01/2024	3,600.00	.00
227321	1173	COPY CAT PRINTING	000	2/01/2024	290.75	.00
227322	622	COUNTY OF GREENSVILLE	000	2/01/2024	5,412.50	.00
227323	20	COWLING BROTHERS	000	2/01/2024	82.72	.00
227324	411	CRATER CRIMINAL JUSTICE	000	2/01/2024	355.66	.00
227325	902	CUSTOM CLEANERS	000	2/01/2024	84.00	.00
227326	1613	DOC FARMER'S MARKET	000	2/01/2024	375.65	.00
227327	84	DOMINION VIRGINIA POWER	000	2/01/2024	100.30	.00
227328	123	EDMOND, J. LAFAYETTE	000	2/01/2024	100.00	.00
227329	1637	HALEY FORD SOUTH	000	2/01/2024	182.10	.00
227330	1703	HEFTY WILEY & GORE P.C.	000	2/01/2024	9,180.00	.00
227331	1747	HERC RENTALS INC.	000	2/01/2024	1,166.83	.00
227332	885	JARRAIT FAST SHOP	000	2/01/2024	60.00	.00
227333	1477	KING, ROGER	000	2/01/2024	75.00	.00
227334	1943	MARK D. MILTANA MD PC	000	2/01/2024	3,375.00	.00
227335	1600	MAYES, ANDREW W.	000	2/01/2024	75.00	.00
227336	56	OWEN FORD, INC	000	2/01/2024	87.56	.00
227337	991	PARKER OIL CO	000	2/01/2024	1,406.38	.00
227338	2083	READ'S UNIFORMS INC.	000	2/01/2024	6,032.50	.00
227339	1488	RRS FOODSERVICE	000	2/01/2024	2,878.72	.00
227340	2026	RUBBER STAMPS UNLIMITED	000	2/01/2024	59.50	.00
227341	1866	SHANDS, RUDOLPH	000	2/01/2024	75.00	.00
227342	1975	STAPLES, INC.	000	2/01/2024	42.98	.00
227343	929	THE IMPROVEMENT	000	2/01/2024	52,000.00	.00
227344	1766	THE SUPPLY ROOM	000	2/01/2024	12.95	.00
227345	1995	TRUIST BANK	000	2/01/2024	1,127.16	.00
227346	1995	TRUIST BANK	000	2/01/2024	1,032.05	.00
227347	2156	UNITED SITE SERVICES OF M	000	2/01/2024	560.00	.00
227348	39	VERIZON WIRELESS	000	2/01/2024	3,800.77	.00
227349	1408	WITMER PUBLIC SAFETY GRP.	000	2/01/2024	290.42	.00
227349		CLASS TOTAL			100,201.15	.00
		ACH TOTAL			.00	
		CHECK TOTAL			100,201.15	
		EPY TOTAL			.00	
		FINAL TOTAL			100,201.15	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 100,201.15 - EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

2-1-24
 DATE
 2-1-24
 DATE

Debra S. Paine
 DIRECTOR OF FINANCE
Paul G. [Signature]
 COUNTY ADMINISTRATION
Wesley G. Cox

CHECK# 227350
VENDOR# 1995 TRUIST BANK

CLASS 000
DATE 2/02/2024
AMOUNT 2,850.45
DISCOUNT .00

ACH TOTAL .00
CHECK TOTAL 2,850.45
EPY TOTAL .00
FINAL TOTAL 2,850.45

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
THE TOTAL 2,850.45- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

2.2.24
DATE 2/2/2024

2.5.24
DATE

[Signature]
DIRECTOR OF FINANCE

Designated by:
[Signature]
KIMBERLY RAY
SAC COUNTY ADMINISTRATOR
DESIE J. COX, TREASURER

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
227351	615	AIRFIELD 4-H CONFERENCE	C	2/08/2024	1,737.45	.00
227352	1917	AMAZON CAPITAL SERVICES	000	2/08/2024	2,524.90	.00
227353	2041	BRANTLEY, LEAH	000	2/08/2024	100.00	.00
227354	183	BRITT'S SERVICE CENTER	000	2/08/2024	93.95	.00
227355	2042	BROWN VIOLA	000	2/08/2024	75.00	.00
227356	738	BUTLER'S TOWING AND	000	2/08/2024	287.50	.00
227357	1251	CABIN POINT VETERINARY	000	2/08/2024	113.00	.00
227358	1368	CAS SEVERN, INC.	000	2/08/2024	46.20	.00
227359	1485	CENTRAL AGRIBUSINESS	000	2/08/2024	548.51	.00
227360	1630	CHENEY BROTHERS	000	2/08/2024	359.00	.00
227361	1449	CONVERGENT TECHNOLOGIES	000	2/08/2024	2,217.10	.00
227362	20	COWLING BROTHERS	000	2/08/2024	1,983.49	.00
227363	845	CROWN CASTLE GT COMPANY	000	2/08/2024	226.15	.00
227364	510	D.O.C. FARMER'S MARKET	000	2/08/2024	625.00	.00
227365	193	DEPART OF MOTOR VEHICLES	000	2/08/2024	301.50	.00
227366	1651	DOCUMENT SYSTEMS	000	2/08/2024	5,680.96	.00
227367	84	DOMINION VIRGINIA POWER	000	2/08/2024	3,271.77	.00
227368	84	DOMINION VIRGINIA POWER	000	2/08/2024	76,635.00	.00
227369	2157	EMERGENCY SOLUTIONS, INC.	000	2/08/2024	1,041.31	.00
227370	1692	FERRELLGAS	000	2/08/2024	4,066.44	.00
29	2030	FLORES & ASSOCIATES, LLC	000	2/08/2024	61.00	.00
227371	152	GALLS, LLC	000	2/08/2024	12.60	.00
227372	999999	JACKSON, JAMES	000	2/08/2024	36.84	.00
227373	49	JARRATT HARDWARE	000	2/08/2024	11,984.00	.00
227374	2206	L-TRON CORPORATION	000	2/08/2024	3,750.00	.00
227375	1943	MARK D. MILITANA MD PC	000	2/08/2024	198.45	.00
227376	999999	MCLEAN, TRISTAN	000	2/08/2024	182.70	.00
227377	999999	NEWMAN, MICHAEL	000	2/08/2024	492.55	.00
227378	1749	PGEC ENTERPRISES, LLC	000	2/08/2024	464.65	.00
227379	1246	PHILIPS TELECOMMUNICATION	000	2/08/2024	75.00	.00
227380	1023	RICOH USA, INC.	000	2/08/2024	375.52	.00
227381	2043	ROGERS, EARL	000	2/08/2024	50.00	.00
227382	832	SAM'S CLUB DIRECT	000	2/08/2024	352.45	.00
227383	1787	STAPLES COM	000	2/08/2024	550.66	.00
227384	1975	STAPLES, INC.	000	2/08/2024	287.10	.00
227385	67	STONY CREEK PHARMACY	000	2/08/2024	75.00	.00
227386	1215	SUSSEX COUNTY SCHOOL	000	2/08/2024	181.14	.00
227387	1833	TRANSUNION RISK & ALTERNA	000	2/08/2024	75.00	.00
227388	2045	UMPHLETT, WINNIE	000	2/08/2024	680.00	.00
227389	1633	UNIFORM & ACCESSORIES WAR	000	2/08/2024	590.40	.00
227390	2156	UNITED SITE SERVICES OF M	000	2/08/2024	295.00	.00
227391	39	VERIZON WIRELESS	000	2/08/2024	491.60	.00
227392	2207	VIRGINIA FIRE CHIEFS ASSO	000	2/08/2024	75.00	.00
227393	2158	WILBERT WILLIAMS AND SONS	000	2/08/2024	207,579.65	.00
227394	2044	WYCHE, NATHALIA	000	2/08/2024	4,066.44	.00

ACH TOTAL 4,066.44
 CHECK TOTAL 203,513.21MM
 EPY TOTAL .00
 FINAL TOTAL 207,579.65

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 207,579.65- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

2.8.24
 2-8-24
 Kelly M. Moore

2/8/24
 Kelly M. Moore
 Westinghouse

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
227407	1917	AMAZON CAPITAL SERVICES	000	2/15/2024	2,218.81	.00
227408	14	ATLANTIC ELECTION	000	2/15/2024	5,225.20	.00
227409	300	BATTERY BARN OF VA INC	000	2/15/2024	82.80	.00
227410	1676	BERLEY GROUP	000	2/15/2024	8,354.00	.00
227411	183	BRITT'S SERVICE CENTER	000	2/15/2024	25.00	.00
227412	2042	BROWN, VIOLA	000	2/15/2024	75.00	.00
227413	738	BUTLER'S TOWING AND	000	2/15/2024	216.45	.00
227414	1251	CABIN POINT VETERINARY	000	2/15/2024	2,522.80	.00
227415	1485	CENTRAL AGRIBUSINESS	000	2/15/2024	246.40	.00
227416	2055	COMMONWEALTH CALIBRATIONS	000	2/15/2024	75.00	.00
227417	2012	CONNY, DAVID	000	2/15/2024	1,000.00	.00
227418	2053	COV DESIGNS	000	2/15/2024	1,350.00	.00
227419	1074	COX, DESTIE	000	2/15/2024	184.28	.00
227420	2208	COX, JERRY	000	2/15/2024	3,717.57	.00
227421	2178	CUSTOM WORKFLOW SOLUTIONS	000	2/15/2024	152.75	.00
227422	510	D. O. C. FARMER'S MARKET	000	2/15/2024	238.45	.00
227423	983	DELI MARKETING, L.P.	000	2/15/2024	20.63	.00
227424	1651	DOCUMENT SYSTEMS	000	2/15/2024	205.52	.00
227425	84	DOMINION VIRGINIA POWER	000	2/15/2024	3,656.89	.00
227426	2134	DRAKE VETERINARY SERVICES	000	2/15/2024	372.73	.00
227427	1516	ELLIS, KELLY BRITT	000	2/15/2024	113.00	.00
227428	1692	FERRELLGAS	000	2/15/2024	3,808.47	.00
30	2030	FLORES & ASSOCIATES, LLC	000	2/15/2024	10,951.54	.00
ACH	2084	GRAY, BARBARA	000	2/15/2024	75.00	.00
227429	276	GREENSVILLE COUNTY WATER	000	2/15/2024	63.99	.00
227430	1637	HALEY FORD SOUTH	000	2/15/2024	46,031.44	.00
227431	49	JARRATT HARDWARE	000	2/15/2024	46.38	.00
227432	940	JEFF ROBINSON &	000	2/15/2024	2,198.25	.00
227433	1969	JENSEN MECHANICAL INC.	000	2/15/2024	14,969.00	.00
227434	1433	LOWE'S	000	2/15/2024	20.67	.00
227435	1785	OAK HALL INDUSTRIES, L.P.	000	2/15/2024	513.95	.00
227436	56	OWEN FORD, INC	000	2/15/2024	214.60	.00
227437	1187	OWEN PRINTING COMPANY	000	2/15/2024	143.00	.00
227438	164	PITNEY-BOWES, LLC	000	2/15/2024	156.84	.00
227439	61	PRINCE GEORGE ELECTRIC	000	2/15/2024	157.29	.00
227440	829	PURCHASE POWER	000	2/15/2024	4,525.55	.00
227441	1226	R.M. WILKINSON OIL CO, INC	000	2/15/2024	22.77	.00
227442	2043	ROGERS, EARL	000	2/15/2024	75.00	.00
227443	1787	SIMPLE COM	000	2/15/2024	192.00	.00
227444	2022	STAR2STAR COMMUNICATIONS, L	000	2/15/2024	226.06	.00
227445	162	SUFOLK ENERGIES INC	000	2/15/2024	447.03	.00
227446	942	SUSSEX MINI MART	000	2/15/2024	12.08	.00
227447	2049	THE REINALT - THOMAS CORP	000	2/15/2024	904.00	.00
227448	485	THOMSON WEST	000	2/15/2024	54.00	.00
227449	963	TIMMONS GROUP	000	2/15/2024	1,370.00	.00
227450	317	TOWN OF WAKEFIELD	000	2/15/2024	17.39	.00
227451	2045	UMPHLETT WINNIE	000	2/15/2024	75.00	.00
227452	503	UNIVERSITY OF VIRGINIA	000	2/15/2024	320.00	.00
227453	87	VAN CLEEF AUTO PARTS INC	000	2/15/2024	309.90	.00
227454	39	VERIZON WIRELESS	000	2/15/2024	395.30	.00
227455	873	WASTE MANAGEMENT OF	000	2/15/2024	701.70	.00
227456	2209	WESTCREEK CONSTRUCTION	000	2/15/2024	7,408.00	.00

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
227458	31	ACH				
227459	2135	WEX INC	000	2/15/2024	15,138.00	.00
227460	599	WINGATE & ASSOCIATES, LTD	000	2/15/2024	300.00	.00
	1966	WOOTEN COMPANY, THE	000	2/15/2024	3,794.75	.00
	1644	XEROX FINANCIAL SERVICES	000	2/15/2024	654.17	.00
		CLASS TOTAL			145,346.40	.00
		ACH TOTAL			26,089.54	
		CHECK TOTAL			119,256.86	
		EPY TOTAL			.00	
		FINAL TOTAL			145,346.40	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 145,346.40- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

2-15-24
 DATE
 2/15/2024
 DATE
 2/15/24
 DATE

Richard Hanks
 DIRECTOR OF FINANCE
 COUNTY OF SUSSEX
 ADMINISTRATION
 DESTE J. FOX, TREASURER

CHECK#	VEND#	VENDOR	CLASS	DATE	AMOUNT	DISCOUNT
2274772	1960	ACI PAYMENTS, INC.	000	2/22/2024	1,384.45	.00
2274773	1917	AMAZON CAPITAL SERVICES	000	2/22/2024	1,018.69	.00
2274774	108	BOONE, ELLEN	000	2/22/2024	25.00	.00
2274775	1251	CABIN POINT VETERINARY	000	2/22/2024	532.00	.00
2274776	2012	CONNY, DAVID	000	2/22/2024	732.22	.00
2274777	2053	COV DESIGNS	000	2/22/2024	350.00	.00
2274778	20	COWLING BROTHERS	000	2/22/2024	54.95	.00
2274779	1074	COX, DESTE	000	2/22/2024	306.84	.00
2274780	1651	DOCUMENT SYSTEMS	000	2/22/2024	99.00	.00
2274781	84	DOMINION VIRGINIA POWER	000	2/22/2024	773.10	.00
2274782	1911	DOUGLAS, RICHARD	000	2/22/2024	306.46	.00
2274783	2157	EMERGENCY SOLUTIONS, INC.	000	2/22/2024	72,382.50	.00
32	2030	FLORES & ASSOCIATES, LLC	000	2/22/2024	1,767.33	.00
2274884	1788	HALE'S ELECTRIC SERVICE,	000	2/22/2024	909.00	.00
2274885	1747	HERC RENTALS INC.	000	2/22/2024	1,166.83	.00
2274886	1789	JESSICA ANN MOORE FOUNDAT	000	2/22/2024	6,250.00	.00
2274887	164	PITNEY-BOWES, LLC	000	2/22/2024	146.34	.00
2274888	61	PRINCE GEORGE ELECTRIC	000	2/22/2024	625.14	.00
2274889	1772	SOUTHSIDE ELECTRIC COOPER	000	2/22/2024	126.59	.00
2274890	77	SUSSEX SERVICE AUTHORITY	000	2/22/2024	52.50	.00
227491	1872	TAXING AUTHORITY CONSULTI	000	2/22/2024	2,049.28	.00
227492	87	VAN CLEEF AUTO PARTS INC	000	2/22/2024	4,163.45	.00
227493	769	VERIZON WIRELESS	000	2/22/2024	1,083.70	.00
227494	39	VIRGINIA ELECTORAL BOARD	000	2/22/2024	3,479.34	.00
227495	2210	VIRGINIA STATE POLICE	000	2/22/2024	40.00	.00
227496	2139	WASTE MANAGEMENT OF	000	2/22/2024	40.00	.00
227497	873	WASTE MANAGEMENT OF	000	2/22/2024	2,158.68	.00
227498	1987	3P TRADING COMPANY, LLC	000	2/22/2024	2,315.00	.00
227499		CLASS TOTAL			102,748.39	.00
		ACH TOTAL			1,767.33	
		CHECK TOTAL			100,981.06	
		EPY TOTAL			.00	
		FINAL TOTAL			102,748.39	.00

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 102,748.39- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

2-22-24
 DATE
 2/22/2024
 DATE
 2/22/24
 DATE
 KIMBERLY J. FOX, TREASURER
 COUNTY ADMINISTRATION
 9047/25588429

PAYROLL DEDUCTION CHECKS

P/O NO.	VEND. NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	ACCOUNT NO.	CHECK NO.	NET AMOUNT	CHECK NO.	DESCRIPTION	BATCH
00000	000245	AFLAC	DC040240216240200	2/16/2024	100-000200-0100-	-	567.96	227395		00000
00000	000245		DC040240216240200	2/16/2024	100-000200-0100-	-	87.39	227395		00000
00000	000245		DC041240216240200	2/16/2024	100-000200-0100-	-	572.58	227395		00000
00000	000245		DC041240216240200	2/16/2024	100-000200-0100-	-	109.99	227395		00000
CHECK TOTAL							1,337.92			
00000	000881	ANTHEM BLUE CROSS AND	DC005240216240200	2/16/2024	100-000200-0100-	-	11,237.00	227396		00000
00000	000881		DC005240216240200	2/16/2024	105-000200-0100-	-	2,644.00	227396		00000
00000	000881		DC015240216240200	2/16/2024	100-000200-0100-	-	8,323.50	227396		00000
00000	000881		DC015240216240200	2/16/2024	105-000200-0100-	-	964.50	227396		00000
00000	000881		DC126240216240200	2/16/2024	100-000200-0100-	-	25,704.00	227396		00000
00000	000881		DC126240216240200	2/16/2024	105-000200-0100-	-	4,998.00	227396		00000
CHECK TOTAL							53,871.00			
00000	002205	FRANKLIN HOSPITAL CORPORA	DC205240216240200	2/16/2024	100-000200-0100-	-	634.25	227397		00000
CHECK TOTAL							634.25			
00000	002171	JAMES CITY COUNTY* TREASUR	DC204240216240200	2/16/2024	100-000200-0100-	-	100.00	227398		00000
CHECK TOTAL							100.00			
00000	001397	LEGAL SHIELD	DC097240216240200	2/16/2024	100-000200-0100-	-	71.84	227399		00000
00000	001397		DC097240216240200	2/16/2024	105-000200-0100-	-	46.39	227399		00000
CHECK TOTAL							118.23			
00000	001021	MINNESOTA LIFE INS CO	DC200240216240200	2/16/2024	100-000200-0100-	-	476.96	227400		00000
00000	001021		DC200240216240200	2/16/2024	105-000200-0100-	-	99.18	227400		00000
CHECK TOTAL							576.14			
00000	000872	NATIONWIDE RETIREMENT	DC090240216240200	2/16/2024	100-000200-0100-	-	345.00	227401		00000
00000	000872		DC090240216240200	2/16/2024	105-000200-0100-	-	100.00	227401		00000
CHECK TOTAL							445.00			
00000	002199	NORFOLK GENERAL DISTRICT	DC142240216240200	2/16/2024	100-000200-0100-	-	422.55	227402		00000
CHECK TOTAL							422.55			
00000	001560	SUZANNE E MADE, TRUSTEE	DC107240216240200	2/16/2024	100-000200-0100-	-	448.50	227403		00000
CHECK TOTAL							448.50			
00000	000247	TREASURER OF VIRGINIA	DC080240216240200	2/16/2024	100-000200-0100-	-	2,585.06	227404		00000
CHECK TOTAL							2,585.06			
00000	000831	VACORP	DC035240216240200	2/16/2024	100-000200-0100-	-	264.89	227405		00000
00000	000831		DC035240216240200	2/16/2024	105-000200-0100-	-	92.77	227405		00000
CHECK TOTAL							357.66			
00000	001027	VALIC RETIREMENT	DC091240216240200	2/16/2024	100-000200-0100-	-	625.00	227406		00000
CHECK TOTAL							625.00			
CLASS TOTAL							61,521.31			
FINAL TOTAL							61,521.31			

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 61,521.31 - *Wbe* EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

2-9-24
DATE
2-13-24

Richard J. Cox
COUNTY ADMINISTRATOR
Richard J. Cox

PAYROLL DEDUCTION CHECKS

P/O NO.	VEND. NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	ACCOUNT NO.	CHECK NO.	NET AMOUNT	CHECK NO.	DESCRIPTION	BATCH
00000	000245	AFLAC	DC040240229240200	2/29/2024	100-000200-0100-	-	567.96	227499		00000
00000	000245		DC040240229240200	2/29/2024	105-000200-0100-	-	87.39	227499		00000
00000	000245		DC041240229240200	2/29/2024	100-000200-0100-	-	572.58	227499		00000
00000	000245		DC041240229240200	2/29/2024	105-000200-0100-	-	109.99	227499		00000
					CHECK TOTAL		1,337.92			
00000	000881	ANTHEM BLUE CROSS AND	DC005240229240200	2/29/2024	100-000200-0100-	-	11,237.00	227500		00000
00000	000881		DC005240229240200	2/29/2024	105-000200-0100-	-	2,644.00	227500		00000
00000	000881		DC015240229240200	2/29/2024	100-000200-0100-	-	8,323.50	227500		00000
00000	000881		DC015240229240200	2/29/2024	105-000200-0100-	-	964.50	227500		00000
00000	000881		DC126240229240200	2/29/2024	100-000200-0100-	-	24,990.00	227500		00000
00000	000881		DC126240229240200	2/29/2024	105-000200-0100-	-	4,998.00	227500		00000
					CHECK TOTAL		53,157.00			
00000	002171	JAMES CITY COUNTY TREASUR	DC204240229240200	2/29/2024	100-000200-0100-	-	100.00	227501		00000
					CHECK TOTAL		100.00			
00000	001397	LEGAL SHIELD	DC097240229240200	2/29/2024	100-000200-0100-	-	71.84	227502		00000
00000	001397		DC097240229240200	2/29/2024	105-000200-0100-	-	46.39	227502		00000
					CHECK TOTAL		118.23			
00000	001021	MINNESOTA LIFE INS CO	DC200240229240200	2/29/2024	100-000200-0100-	-	585.52	227503		00000
00000	001021		DC200240229240200	2/29/2024	105-000200-0100-	-	99.18	227503		00000
					CHECK TOTAL		684.70			
00000	000872	NATIONWIDE RETIREMENT	DC090240229240200	2/29/2024	100-000200-0100-	-	345.00	227504		00000
00000	000872		DC090240229240200	2/29/2024	105-000200-0100-	-	100.00	227504		00000
					CHECK TOTAL		445.00			
00000	002199	NORFOLK GENERAL DISTRICT	DC142240229240200	2/29/2024	100-000200-0100-	-	633.54	227505		00000
					CHECK TOTAL		633.54			
00000	001801	SOUTHAMPTON COUNTY TREASU	DC206240229240200	2/29/2024	100-000200-0100-	-	539.33	227506		00000
					CHECK TOTAL		539.33			
00000	001560	SUZANNE E WADE, TRUSTEE	DC107240229240200	2/29/2024	100-000200-0100-	-	448.50	227507		00000
					CHECK TOTAL		448.50			
00000	000247	TREASURER OF VIRGINIA	DC080240229240200	2/29/2024	100-000200-0100-	-	2,757.86	227508		00000
					CHECK TOTAL		2,757.86			
00000	000831	VACORP	DC035240229240200	2/29/2024	100-000200-0100-	-	267.24	227509		00000
00000	000831		DC035240229240200	2/29/2024	105-000200-0100-	-	92.77	227509		00000
					CHECK TOTAL		360.01			
00000	001027	VALIC RETIREMENT	DC091240229240200	2/29/2024	100-000200-0100-	-	625.00	227510		00000
					CHECK TOTAL		625.00			
					CLASS TOTAL		61,207.09			
					FINAL TOTAL		61,207.09			

WBC

I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED.
 THE TOTAL 61,207.09- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

2 - 23 - 24
DATE
2/23/24

Richard L. ...
COUNTY ADMINISTRATOR
Kustogor

P.O. NO.	VENDOR NO.	VENDOR NAME	INVOICE NO.	INVOICE DATE	A/P ACCR	ACCOUNT NO.	NET AMOUNT	CHECK NO.	ACH PMT	ACH PMT	G/L ACCOUNT	DESC.	BATCH	INV. DESCRIPTION
0000000	003004	BELIEVE-N-U YOUTH EMPOWER	JAN1012998-0030	2/20/2024		4110-053000-1013-	4,556.00	227461			2g-Special Education Private	01971 SCOTT, JAYLA		
0000000	003004		JAN1013048-0031	2/20/2024		4110-053000-1013-	5,457.00	227461			2g-Special Education Private	01971 WARREN, JERTAVIUS		
0000000	003004		JAN1013049-0032	2/20/2024		4110-053000-1013-	8,432.00	227461			2g-Special Education Private	01971 TRISVAN, KHALIJA		
		DISC. TOTAL					.00							
		DISC. TOTAL					18,445.00							
0000000	003006	BRIGHTSTAR CARE OF RICHMO	JAN1013050-0033	2/20/2024		4110-053000-1013-	4,305.00	227462			2g-Special Education Private	01971 TRISVAN, KHALIJA		
		DISC. TOTAL					.00							
		DISC. TOTAL					4,305.00							
0000000	003039	BUILDING OUR YOUTH LLC	JAN1013003-0037	2/20/2024		4110-053000-2001-	2,750.00	227463			3-Community Based Services	01971 RUFFIN, ARTEMUS		
0000000	003039		JAN1013039-0029	2/20/2024		4110-053000-1011-	1,560.00	227463			2f-Community Based Services	01971 TISDALE, TYLER		
0000000	003039		JAN1013040-0036	2/20/2024		4110-053000-2001-	2,820.00	227463			3-Community Based Services	01971 SMITH, RYAN		
		DISC. TOTAL					.00							
		DISC. TOTAL					7,140.00							
0000000	003016	INTERCEPT YOUTH SERVICES	JAN1012976-0009	2/20/2024		4110-053000-1005-	6,372.90	227464			2a1-Treatment Foster Care:	non01971 BRINKLEY, CHARLIE		
0000000	003016		JAN1013019-0010	2/20/2024		4110-053000-1005-	7,066.77	227464			2a1-Treatment Foster Care:	non01971 BYNUM JR., JONATHA		
0000000	003016		JAN1013020-0011	2/20/2024		4110-053000-1005-	5,707.02	227464			2a1-Treatment Foster Care:	non01971 BYNUM, JANIVAH		
0000000	003016		JAN1013021-0012	2/20/2024		4110-053000-1005-	4,811.02	227464			2a1-Treatment Foster Care:	non01971 BYNUM, JAYDON		
0000000	003016		JAN1013022-0013	2/20/2024		4110-053000-1005-	6,229.59	227464			2a1-Treatment Foster Care:	non01971 BYNUM, JEREMIAH		
0000000	003016		JAN1013023-0014	2/20/2024		4110-053000-1005-	5,781.59	227464			2a1-Treatment Foster Care:	non01971 BYNUM, JUSTIAH		
0000000	003016		JAN1013024-0015	2/20/2024		4110-053000-1005-	4,811.02	227464			2a1-Treatment Foster Care:	non01971 BYNUM, JOURNEY		
0000000	003016		JAN1013025-0003	2/20/2024		4110-053000-1004-	5,142.59	227464			2a-Treatment Foster Care:	IV-01971 BYRD, ELIJAH		
0000000	003016		JAN1013026-0004	2/20/2024		4110-053000-1004-	5,142.59	227464			2a-Treatment Foster Care:	IV-01971 BYRD, ELIJAH		
0000000	003016		JAN1013027-0005	2/20/2024		4110-053000-1004-	5,142.59	227464			2a-Treatment Foster Care:	IV-01971 BYRD, JOSHUA		
		DISC. TOTAL					.00							
		DISC. TOTAL					56,207.68							
0000000	003016	INTERCEPT YOUTH SERVICES	JAN1013028-0007	2/20/2024		4110-053000-1004-	5,142.59	227465			2a-Treatment Foster Care:	IV-01971 CAPERS, JAYRIN		
0000000	003016		JAN1013029-0006	2/20/2024		4110-053000-1004-	5,142.59	227465			2a-Treatment Foster Care:	IV-01971 CAPERS, MARIAN LA		
0000000	003016		JAN1013030-0016	2/20/2024		4110-053000-1005-	4,811.02	227465			2a1-Treatment Foster Care:	non01971 EDWARDS, TATUM		
0000000	003016		JAN1013031-0018	2/20/2024		4110-053000-1005-	7,686.77	227465			2a1-Treatment Foster Care:	non01971 SHEARL, DANIELLE		
0000000	003016		JAN1013032-0017	2/20/2024		4110-053000-1005-	7,686.77	227465			2a1-Treatment Foster Care:	non01971 SHEARL, EUGENE		
0000000	003016		JAN1013033-0019	2/20/2024		4110-053000-1005-	7,686.77	227465			2a1-Treatment Foster Care:	non01971 SHEARL, HALEY		
0000000	003016		JAN1013035-0008	2/20/2024		4110-053000-1005-	7,686.77	227465			2a1-Treatment Foster Care:	non01971 BLAISDELL, ALYSA		
0000000	003016		JAN1013047-0023	2/20/2024		4110-053000-1008-	8,659.50	227465			2e-Family Foster Care	01971 FREEMAN, EARNESE		
		DISC. TOTAL					.00							
		DISC. TOTAL					54,512.78							
0000000	003017	JACKSON FIELD HOMES, INC	JAN1012899-0001	2/20/2024		4110-053000-1003-	4,686.00	227466			1e-Educational Services Congr	01971 BYRD, JOZIAH		
		DISC. TOTAL					.00							
		DISC. TOTAL					4,686.00							
0000000	003033	NORTH SPRING BEHAVIORAL H	JAN1013053-0002	2/20/2024		4110-053000-1003-	6,170.78	227467			1e-Educational Services Congr	01971 FOSTER, KAYLA		
		DISC. TOTAL					.00							
		DISC. TOTAL					6,170.78							
0000000	003040	PHILLIP EDWARDS	JAN1013041-0020	2/20/2024		4110-053000-1008-	366.24	227468			2e-Family Foster Care	01971 WARD, LUKE		
0000000	003040		JAN1013042-0021	2/20/2024		4110-053000-1008-	288.68	227468			2e-Family Foster Care	01971 WARD, LIAM		
0000000	003040		JAN1013043-0022	2/20/2024		4110-053000-1008-	288.68	227468			2e-Family Foster Care	01971 LITTHFIELD, LEVI		
		DISC. TOTAL					.00							
		DISC. TOTAL					943.60							
0000000	003024	SH VARSITY ACQUISITION:DBA	JAN1012931-0034	2/20/2024		4110-053000-1013-	5,909.00	227469			2g-Special Education Private	01971 SANDULAIN, ANDREA		
0000000	003024		JAN1013054-0035	2/20/2024		4110-053000-1013-	2,177.00	227469			2g-Special Education Private	01971 HARRIS, QUANTIE		
		DISC. TOTAL					.00							
		DISC. TOTAL					8,086.00							
0000000	003025	SKIPWITH ACADEMY AT WOODL	JAN1013055-0026	2/20/2024		4110-053000-1008-	1,450.00	227470			2e-Family Foster Care	01971 BYNUM, JOURNEY		

SUSSEX COUNTY
TREASURER'S REPORT
AND
FINANCIAL UPDATE

SUBMITTED BY DESTE J. COX, TREASURER

FEBRUARY 29, 2024

- Bank Reconciliation
- General Fund Revenue/Expenditure Summary
- Capital Projects Fund & Reserve Fund Revenue/Expense Summary
- CSA Fund Revenue/Expense Summary



TREASURER'S OFFICE

DESTE JARRATT COX
TREASURER
SUSSEX COUNTY

15074 COURTHOUSE ROAD
P.O. BOX 1399
SUSSEX, VA. 23884

Phone (434)246-1086 or
(434)246-1087
Fax (434)246-2347

Statement of money in the banks to the credit of Sussex County as shown by the Treasurer's books at the close of business February 29, 2024

TRUIST #201- SUSSEX, VA

Bank Balance -----	\$19,856.40	
Bank Fees/Adjustments -----	121.06	
Deposits in Transit-----	0.00	
Outstanding Checks-----	0.00	\$19,977.46

BSV #301- STONY CREEK, VA

Bank Balance-----	\$5,329,820.36	
Bank Fees/Returned Checks-----	40.00	
Credit Card Fees/Adjustments-----	1,972.78	
Deposits in Transit -----	1,100.72	
Outstanding Checks-----	(1,589,138.41)	\$3,743,795.45

PRIMIS #401- WAVERLY, VA

Bank Balance-----	\$19,075.07	
Deposits in Transit-----	(10.02)	\$19,065.05


Investments and CD's-----

#30392331 - Primis #451	\$1,054,723.24	
#30391992 - Primis #451	\$2,088,463.86	
#30390504 - Primis #451	\$2,600,222.34	
	\$5,743,409.44	

<u>LGIP INVESTMENT #803</u> Investment Balance-----		\$2,305,607.81
<u>VA INV POOL #804</u> Investment Balance-----		\$6,805,427.61
TOTAL IN BANKS REC W/GL-----		\$18,637,282.82

Letters or statements from each of the above mentioned banks are on file in the Treasurer's Office of Sussex County certifying the balance as listed above.

Respectfully submitted:



 Deste J. Cox, Treasurer

SUSSEX COUNTY - DESTE J. COX, TREASURER
REVENUE/EXPENDITURE SUMMARY REPORT
FEBRUARY 2024

General Fund FUND BALANCE as of 02/29/24 = \$ 11,976,806

		ANNUAL APPROPRIATED	CURRENT MONTH ACTIVITY	YTD ACTUAL 02/29/2024	PRIOR FY - YTD Through 02/28/2023	COLLECTED % YTD
REVENUES						
Real Estate - 2023		5,434,283	109,672	5,297,329	4,990,509	97.5%
Public Service Corp - 2023		711,534	0	631,355	726,038	88.7%
Personal Property - 2023		3,710,092	165,443	4,220,079	3,375,244	113.7%
Machinery & Tools - 2023		599,000	0	763,598	973,299	127.5%
Local Sales & Use Taxes (net)		1,125,928	113,949	858,861	757,563	76.3%
Transient Occupancy Tax		100,000	12,881	71,823	61,501	71.8%
Consumer Utility Taxes		93,000	8,409	67,096	57,882	72.1%
Business License Taxes		106,825	17,158	38,392	40,983	35.9%
Motor Vehicle Licenses		227,100	19,400	208,214	158,404	91.7%
Landfill Tipping Fees		5,500,000	495,454	3,695,493	3,684,579	67.2%
Delinquent Tax - Real Estate		140,000	14,247	137,450	119,110	98.2%
Delinquent Tax - Personal Property		93,350	16,970	230,826	68,613	247.3%
Penalties - All Property		105,000	31,925	99,647	19,312	94.9%
Interest - All Property		30,000	3,158	19,054	15,740	63.5%
Court Fines		750,000	47,083	404,513	465,291	53.9%
EMS Billing		200,000	0	0	6,821	0.0%
State		4,987,390	476,111	3,441,934	3,551,668	69.0%
Federal		4,631,848	47,946	799,826	29,375	17.3%
Transfer from Reserve & FR Escr		857,107	0	509,116	353,496	59.4%
Designated Use of Fund Balance		5,956,823	0	0	3,098,739	0.0%
EXPENDITURES						
		ANNUAL APPROPRIATED	CURRENT MONTH ACTIVITY	YTD ACTUAL 02/29/2024	PRIOR FY - YTD Through 02/28/2023	SPENT % YTD
General Government		3,035,928	263,119	1,967,208	1,508,156	64.8%
Judicial Administration		1,374,746	103,906	821,259	751,750	59.7%
Fire, Rescue, EMS		2,680,428	411,241	2,510,055	1,753,411	93.6%
Sheriff's Operations & Jail		6,988,982	496,862	3,947,870	3,017,709	56.5%
Public Works		2,111,789	137,565	1,233,981	1,250,093	58.4%
Health & Welfare		1,187,203	52,000	938,482	393,026	79.0%
Education		8,408,081	927,963	5,854,607	3,922,893	69.6%
Rec & Cultural Enrichment		236,645	6,250	167,734	197,445	70.9%
Planning/Community Dev		613,753	17,297	354,233	358,069	57.7%
Grants		4,558,439	85,026	1,248,234	76,948	27.4%
Debt Service		1,547,941	224,470	1,534,689	1,462,065	99.1%

** 2022 Tax Deadline Extension delayed delinquent collections activity into FYE24

*** Federal YTD Includes VATI Grant

General Fund

				ANNUAL	CURRENT MONTH	ACTUAL 02/29/2024	YTD 02/28/2023	Spent %
EXPENDITURES BY DEPARTMENT				APPROPRIATED	ACTIVITY	YEAR TO DATE	PRIOR FISCAL YEAR	YTD
Board of Supervisors				188,427	14,062	97,750	80,097	51.9%
Administration				1,330,409	95,808	819,592	588,352	61.6%
Contingency Acct (7/1/23 = \$125,000)				27,733	0	0	0	0.0%
HRA Admin Fee				6,020	431	3,472	0	57.7%
HRA Employer Spend				188,000	20,396	206,835	126,458	110.0%
IT & Central Acct				59,500	645	39,959	92,193	67.2%
County Attorney				111,000	18,360	73,440	67,242	66.2%
Registrar/Board of Elections				261,518	23,637	173,228	143,178	66.2%
Com of Revenue				311,581	23,887	187,015	153,873	60.0%
Treasurer				551,740	65,894	365,917	256,763	66.3%
General Government				3,035,928	263,119	1,967,208	1,508,156	64.8%
ARPA - 2nd Tranche				75,781	0	0	0	0.0%
ARPA - Broadband				4,171,305	57,739	926,076	0	22.2%
Admin/Indust Dev Grants				126,424	3,795	102,827	34,197	81.3%
CDBG Pocahantas Grt				184,930	23,492	219,331	42,751	118.6%
Grants				4,558,439	85,026	1,248,234	76,948	27.4%
Courts				144,210	8,747	58,258	57,659	40.4%
Clerk of Courts				475,543	32,615	286,780	279,358	60.3%
Commonwealth Atty				656,902	54,598	420,817	358,330	64.1%
Victim Witness				98,091	7,946	55,404	56,403	56.5%
Judicial Administration				1,374,746	103,906	821,259	751,750	59.7%
Fire/Rescue/EMS				2,229,997	369,647	2,179,309	1,472,555	97.7%
Aminal Control				450,431	41,594	330,747	280,856	73.4%
Fire, Rescue, EMS				2,680,428	411,241	2,510,055	1,753,411	93.6%
Court Sec/Spot/FO/E911				4,786,536	344,431	2,618,690	1,894,297	54.7%
Confinement of Inmates				2,070,867	152,431	1,255,960	1,045,936	60.6%
Crater Crim Justice Aca.				131,578	0	73,220	77,477	55.6%
Sheriff's Operations & Jail				6,988,982	496,862	3,947,870	3,017,709	56.5%
Building & Grounds				998,351	53,842	572,564	622,549	57.4%
Envir Inspections				262,911	5,269	54,436	71,045	20.7%
General Works				362,500	30,183	223,822	175,899	61.7%
Convenience Ctrs.				488,027	48,271	383,160	380,601	78.5%
Public Works				2,111,789	137,565	1,233,981	1,250,093	58.4%
Health - Outside Agencies				244,691	0	129,305	86,298	52.8%
Com. Support Services - Outside Agencies				167,691	52,000	166,691	98,683	99.4%
Local Contrib to DSS				300,951	0	207,359	47,684	68.9%
Local Contrib to CSA				473,870		435,128	160,361	91.8%
Health & Welfare				1,187,203	52,000	938,482	393,026	79.0%
Local Contrib to Sch Fd				8,408,081	927,963	5,854,607	3,922,893	69.6%
Education				8,408,081	927,963	5,854,607	3,922,893	69.6%
Library/Cultural - Outside Agencies				178,145	0	130,484	148,945	73.2%
Recreational Contrib- Outside Agencies				58,500	6,250	37,250	48,500	63.7%
Recreational & Cultural Enrichment				236,645	6,250	167,734	197,445	70.9%
Planning/Building/Zoning				465,548	17,297	265,709	250,632	57.1%
Crater Planning Com				17,039	0	17,039	8,771	100.0%
IDA				82,500	0	23,569	50,000	28.6%
Va Gateway Region				47,166	0	47,166	47,166	100.0%
Crater SBDC				1,500	0	750	1,500	50.0%
Planning/Community Dev				613,753	17,297	354,233	358,069	57.7%
Debt Service				1,547,941	224,470	1,534,689	1,462,065	99.1%
Debt Service				1,547,941	224,470	1,534,689	1,462,065	99.1%

**SUSSEX COUNTY
REVENUE/EXPENDITURE SUMMARY REPORT
FEBRUARY 2024**

Capital Projects Fund - Fund 302

FUND BALANCE as of 02/29/24 = \$ 42,353 plus
\$445,100 F&R Dedicated Funds

		ANNUAL APPROPRIATED	CURRENT MONTH ACTIVITY	YTD ACTUAL 02/29/2024	PRIOR FY - YTD Through 02/28/2023
REVENUES					
Interest Earned		4,000	0	13,672	4,339
Gifts/Donations Fire & Rescue		0	100	100	0
Total Capital Projects Fund Revenues		4,000	100	13,772	4,339
EXPENDITURES					
Replace E911 Equip		19,323	0	0	0
Replace AS400 Server		61,900	0	64,939	0
Sheriff Patrol Vehicle		53,740	0	0	0
Communications		20,000	0	0	0
Renovations-Co. Buildings		216,303	0	0	0
Trf to General Fund		463,968	0	224,470	16,726
Trf to Fire/Rescue Escrow		4,000	0	0	0
Total Capital Projects Fund Expenditures		839,234	-	289,409	16,726

**SUSSEX COUNTY
REVENUE/EXPENDITURE SUMMARY REPORT
FEBRUARY 2024**

Reserve Fund 135

FUND BALANCE as of 02/29/24 = \$ 4,982,530

		ANNUAL APPROPRIATED	CURRENT MONTH ACTIVITY	YTD ACTUAL 02/29/2024	PRIOR FY - YTD Through 02/28/2023
REVENUES					
Interest		30,000	0	118,851	25,373
Transfer from General Fund		0	0	0	2,000,000
Total Reserve Fund Revenues		30,000	0	118,851	2,025,373
EXPENDITURES					
Transfer to General Fund		399,139	0	284,646	336,770
Transfer to CSA Fund		297,232	0	258,490	0
Transfer to Cabin Point Indust		25,000	0	0	0
Total Reserve Fund Expenditures		721,371	0	543,135	336,770

**SUSSEX COUNTY
REVENUE/EXPENDITURE SUMMARY REPORT
FEBRUARY 2024**

CSA Fund			FUND BALANCE as of 02/29/24 = \$ (24,883)			
		ANNUAL APPROPRIATED	CURRENT MONTH ACTIVITY	YTD ACTUAL 02/29/2024	PRIOR FY - YTD Through 02/28/2023	
REVENUES						
Expenditure Refund		0	0	3,740	0	
CSA State Funds		1,223,670	350,479	922,120	259,570	75.4%
Local Appropriation		473,870	0	435,128	110,075	91.8%
Total Reserve Fund Revenues		1,697,540	350,479	1,360,988	369,646	
EXPENDITURES						
CSA Expenditures		1,697,540	166,832	1,427,807	461,145	84.1%
Total Reserve Fund Expenditures		1,697,540	166,832	1,427,807	461,145	

BUILDING INSPECTIONS DEPARTMENT



March 21, 2024 Monthly Reports



MEMORANDUM

DATE: March 1, 2024
 TO: Richard Douglas, County Administrator
 FROM: Matt Westheimer, Building Official
 SUBJECT: February 2024 - Monthly Report

Please accept this as the February 2024 update for the Building Department.

BUILDING ACTIVITY

- February 2024

<i>Building Permits</i>	<i>Electrical Permits</i>	<i>Plumbing & Sprinkler Permits</i>	<i>Mechanical Permits</i>	<i>Field Inspections</i>	<i>Improvement Value</i>	<i>Revenue Generated</i>
13	12	5	10	141	\$1,330,315.33	\$11,222.34

- February 2023

<i>Building Permits</i>	<i>Electrical Permits</i>	<i>Plumbing & Sprinkler Permits</i>	<i>Mechanical Permits</i>	<i>Field Inspections</i>	<i>Improvement Value</i>	<i>Revenue Generated</i>
6	9	2	5	40	\$439,692.00	\$3,738.66

- January 2024 – December 2024 (Yearly totals)

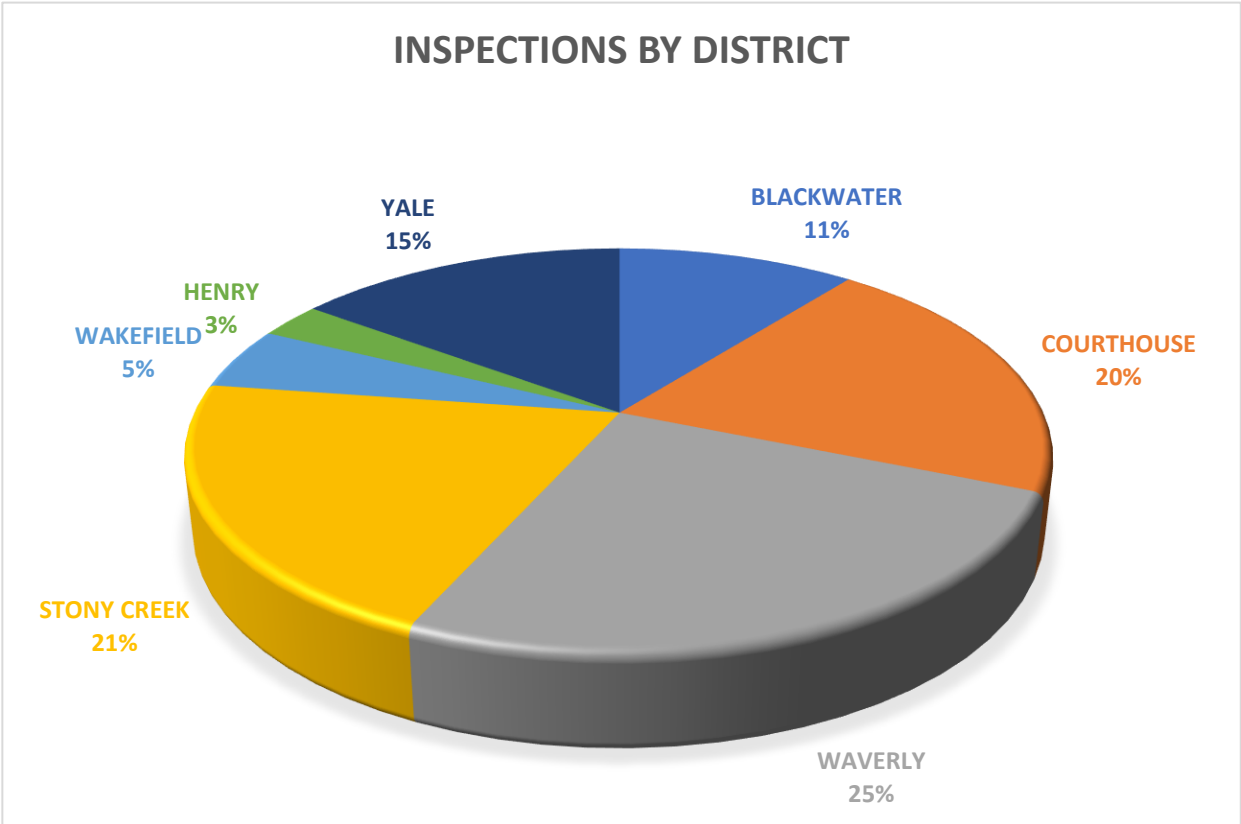
<i>Building Permits</i>	<i>Electrical Permits</i>	<i>Plumbing & Sprinkler Permits</i>	<i>Mechanical Permits</i>	<i>Field Inspections</i>	<i>Improvement Value</i>	<i>Revenue Generated</i>
25	25	9	19	226	\$1,990,511.74	\$18,458.23

<i>Inspections completed within 24 hours For February</i>	100%
<i>Plans reviewed within 10 business days For February</i>	100%

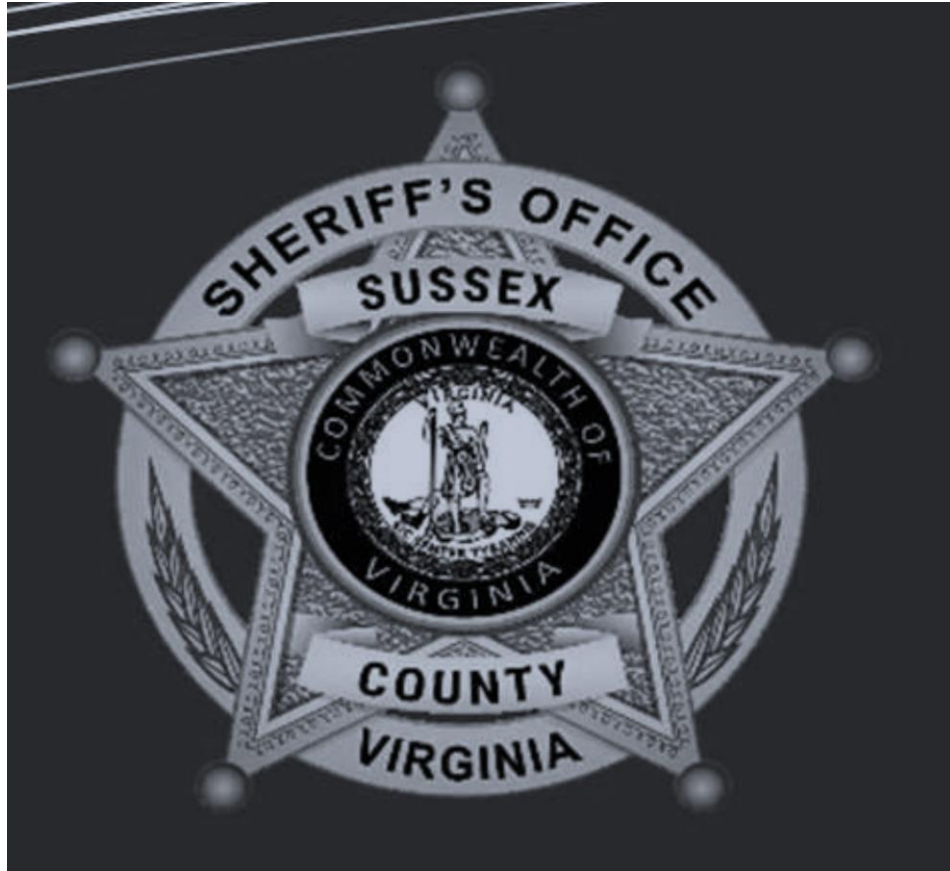


SUSSEX COUNTY
INSPECTIONS PERFORMED BY DISTRICT
FEBRAUARY 2024

DISTRICT	INSPECTIONS
BLACKWATER	15
COURTHOUSE	29
WAVERLY	36
STONY CREEK	29
WAKEFIELD	7
HENRY	4
YALE	21



Sheriff's Department



March 21, 2024

Monthly Reports



Sheriff E.L. Giles, Sr.
Sussex County Sheriff's Office

"One Family, One Mission, One Goal"

Sussex County Sheriff's Office Monthly Report Month of February 2024

PATROL

CALLS FOR SERVICE	
Type:	Total:
Sheriff	1459
Fire	76
Rescue	228
Animal Control	85
Town of Wakefield	58
Traffic	910
TOTAL	2,816

COURTS

Court:	Days of Court:
Circuit Court	6
General District	10
JDR Court	6

Court:	Judges:
Circuit Court	4
General District	5
JDR Court	3

P. O. Box 1326 Sussex, Virginia 23884
Telephone: 434-246-5000
Fax: 434-246-5714
Email: Egiles@susova.us

CIVIL

Type:	Total:
Subpoenas Served	330
Jury Summoned	101
Criminal Warrants	50
DMV Notices	8
Levies	0
TDO	1
ECO	0
Other Civil	135

Fines and Forfeitures	\$229.00
Sheriff's Fees	\$56,910.74
Courthouse Security	\$8,757.96

JAIL

During February 2024, our average daily population was 29.34 inmates. The jail booked in 30 individuals during February 2024.

The classification of these inmates as reported by the Commonwealth of Virginia's LIDS computer system is as follows:

Pre- Trial	31 inmates, having been confined a total of 455 days
Sentenced Misdemeanant	4 inmates, having been confined a total of 53 days
Sentenced Felons	11 inmates, having been confined a total of 223 days.
Others	6 inmates, convicted but not sentenced, etc.
Weekenders	4 inmates serving a misdemeanor sentence.

Transports of inmates for various reasons are listed below:

Court / Jail	23
Medical	1
Juvenile	1
Road Crew	0
TDO (Mental)	0
TOTAL	25

BOARD ACTION FORM

Agenda Item: Consent Agenda #2.05

Subject: Acceptance of Health Insurance Plan/Rate

Board Meeting Date: March 21 2024

=====

Summary: In regards to the health insurance renewal, the rates for Sussex County increased by 11%. The new rates effective July 1, 2024 are below:

High Deductible Health Plan

Total Monthly Premiums

Single \$793.00/month
Dual \$1,467.00/month
Family \$2,141.00/month

Total Annual Premiums

Single Employee - \$0.00	Dual Employee - \$2,568.00	Family Employee - \$8,568.00
Employer - \$9,516.00	Employer - \$15,036.00	Employer - \$17,124.00

The Health Reimbursement Account will remain the same. (\$5,000 for Single Coverage and \$10,000 for Dual and Family Coverage)

Recommendation: That the County approves absorbing the increase so that employee’s with dual and family coverage have no increase in their premiums.

Attachment: N/A

=====

ACTION: That the County approves absorbing the increase so that employee’s with dual and family coverage have no increase in their premiums.

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Baicy	___	___
Fly	___	___
Futrell	___	___
W. Jones	___	___

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Tolliver	___	___
Tyler	___	___
White	___	___

BOARD ACTION FORM

Agenda Item: Recognitions #3.01

Subject: RECOGNITION: Susan Pope Irving

Board Meeting Date: March 21 2024

=====

Summary: On February 15, 2024, Susan Irving, the former Mayor of the Town of Waverly, passed. A resolution has been prepared recognizing the late Susan Pope Irving for her outstanding efforts as a devoted servant and community leader for the Town of Waverly and the Sussex community.

The Board extends their sincerest prayers and condolences to her husband, Mr. Frank Irving, and the family for their loss.

Mr. Irving, her family and friends will be in attendance to receive the resolution.

Recommendation: The Board of Supervisors approves the Resolution recognizing the late Susan Pope Irving

Attachment: A copy of Resolution recognizing the late Susan Pope Irving and Dr. Leming Support letter for resolution

=====

ACTION: That the Board of Supervisors approves the Resolution recognizing the late Susan Pope Irving

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Baicy	___	___	Tolliver	___	___
Fly	___	___	Tyler	___	___
Futrell	___	___	White	___	___
W. Jones	___	___			



Resolution Honoring the Life of Susan Pope Irving

WHEREAS, Susan Pope Irving, a devoted public servant and community leader, passed away February 15, 2024; and

WHEREAS, Susan Pope Irving was a lifelong resident of Waverly, born to the late Leverette and Eloise Pope; and

WHEREAS, Susan Pope Irving was elected as Mayor of the Town of Waverly, serving from 2000 to 2010; and

WHEREAS, Susan Pope Irving was a long-time member of the Waverly Rescue Squad and an Advanced Life Support provider, serving the residents of Sussex County for 17 years, and mentoring dozens of members of the Waverly Rescue Squad; and

WHEREAS, in addition to reaching the rank of Captain of the Waverly Rescue Squad, she was named Outstanding Squadsman of the Year in 1979 and 1982, and Squadsman of the Year in 1984; and

WHEREAS, she also chaired Waverly Rescue Squad membership drives and fundraisers vital to the operations of this volunteer organization, including the Waverly Labor Day parade and festival fundraiser for a number of years; and

WHEREAS, Susan Pope Irving was well known throughout Waverly and Sussex County from an early age, helping her father run his local grocery store in Waverly until it closed in 1987; and

WHEREAS, Susan Pope Irving was strong in her faith, teaching Sunday school for many years at Waverly Baptist Church, and enjoying fellowship and worship as a member of the Waverly United Methodist Church; and

WHEREAS, Susan Pope Irving will be remembered for her compassion to others and support to her community, and remembered by friends as someone who “gave of herself wherever she saw the need,” “kind to everybody,” and “there for others”; and

THEREFORE BE IT RESOLVED that the Sussex County Board of Supervisors hereby extends its sincere sympathy on the passing of Susan Pope Irving to husband Frank, sons Greg and Matt, stepchildren Mandy and Mark, and other family and friends; and

BE IT FURTHER RESOLVED that the Sussex County Board of Supervisors hereby recognizes Susan Pope Irving for her many contributions and years of service to Sussex County and its residents; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this meeting of the Sussex County Board of Supervisors, this 21st day of March, 2024.

*Wayne O. Jones, Chairman
Sussex County Board of Supervisors*

February 16, 2024

Honorable Members of the
Board of Supervisors
Sussex County, Virginia
Post Office Box 1397
Sussex, Virginia 23884-1397

In Reference: Support for an Honorary Resolution for Susan Pope Irving

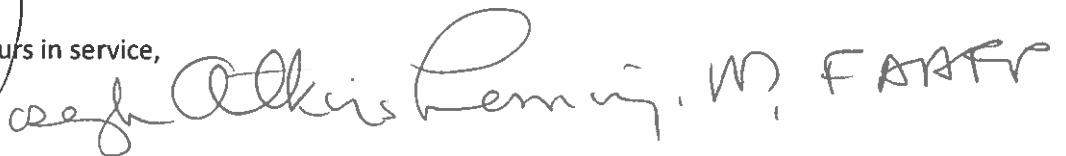
Dear Honorable Members:

I write this letter with deep sadness in my heart as a faithful and loyal life-long citizen of Sussex County passed from this world into that promised hereafter last night. Specifically, Susan Pope Irving.

I am writing to you offering my personal and professional support for you to draft and pass an Honorary Resolution recognizing her many contributions to and sacrifices for the citizens of Sussex County.

Such a resolution would be very meaningful to her family and the Waverly Community. I remain,

Yours in service,



Joseph Atkins Leming, MD, FAFAP
Operational Medical Director, Waverly Volunteer Rescue Squad, 1984 – 2001
Chairman, Prince George County Board of Supervisors, 2005, 2006, 2007
Member, Prince George County Board of Supervisors, 2002 – 2008

BOARD ACTION FORM

Agenda Item: Recognitions #3.02

Subject: Waverly Solar Response to Site Screening and Stormwater Management Concerns – Supervisor Fly

Board Meeting Date: March 21 2024

=====

Summary: Supervisor Fly requested this item to be placed on the agenda, based on ongoing concerns related to vegetative screening and stormwater management at the Waverly Solar site under construction along/near Route 40 west of Waverly. A representative of Energix/the Waverly Solar site has agreed to be present to address these ongoing concerns and answer questions from Board members.

Recommendation: N/A

Attachment: None

=====

ACTION: N/A

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Baicy	___	___	Tolliver	___	___
Fly	___	___	Tyler	___	___
Futrell	___	___	White	___	___
W. Jones	___	___			

BOARD ACTION FORM

Agenda Item: Recognitions #3.03

Subject: Overview of Historic Courthouse/Complex Site Assessment and Conceptual Design/Cost Estimate Process

Board Meeting Date: March 21 2024

=====

Summary: Russell Pearlman, architect with The Wooten Company, will provide an overview of the historic courthouse/complex site assessment and conceptual design/cost estimate process completed over the past couple of years. This presentation is in advance of consideration of contract authorization for architectural services for the courthouse renovation/construction project with Glave & Holmes.

Recommendation: N/A

Attachment: Historic Courthouse/Complex Site Assessment and Conceptual Design/Cost Estimate

=====

ACTION: N/A

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Baicy	___	___	Tolliver	___	___
Fly	___	___	Tyler	___	___
Futrell	___	___	White	___	___
W. Jones	___	___			



SUSSEX COUNTY COURTHOUSE

REPORT OF EXISTING CONDITIONS AND
CONCEPT DESIGN



19 JANUARY 2023

INTRODUCTION

CONTENTS



Sussex County Courthouse 2022.

AGENDA

- Introduction
- History of Courthouse
- Existing Conditions
- Existing Plans
- Concept Designs
- Repair Recommendations
- Next Steps

HISTORY OF COURTHOUSE

HISTORY OF COURTHOUSE



Goochland County Courthouse, 1827.



Lunenburg County Courthouse, 1827.

- Dabney Cosby, a highly talented builder and mason was employed by Sussex County leaders to work with them to design and build a new courthouse in 1828 to replace an older building. He also built the courthouses seen at left.



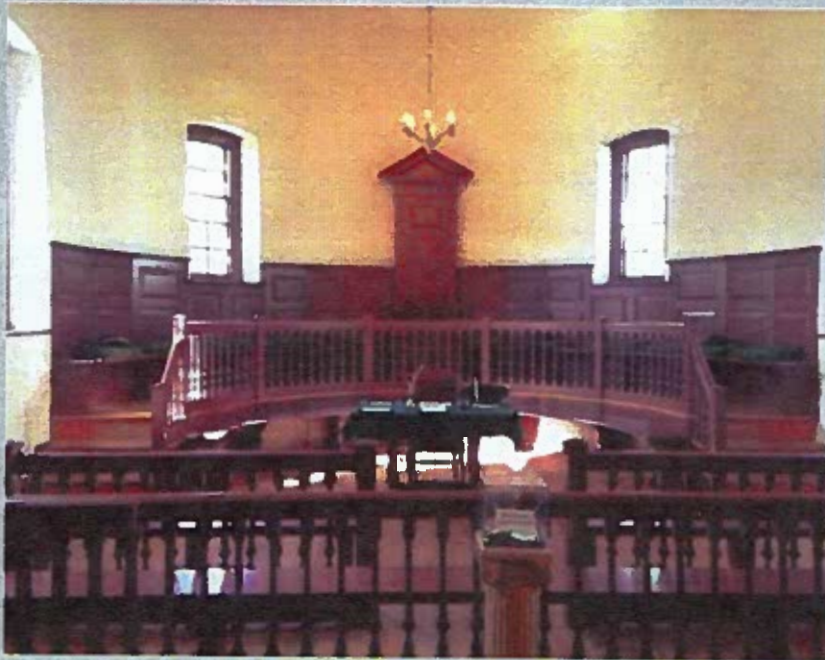
Halifax County Courthouse, 1839.



Fairfax County Courthouse, 1799.

HISTORY OF COURTHOUSE

The floor plans of the early nineteenth-century Jeffersonian courthouses made use of an internal organization that was familiar from the previous century.

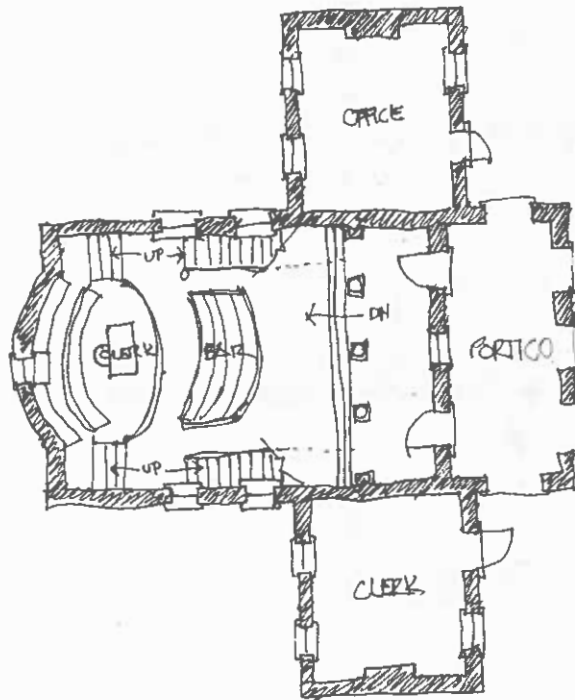


A prototypical eighteenth-century courthouse interior restored at Isle of Wight County Courthouse (1750). The traditional semi-circular justices' bench, the jury seats in front, and the central clerk's table are seen in front of the railed-in lawyers' bar.



Goochland County Courthouse, interior. The gallery is probably similar to the one at Sussex County which had five turned columns instead of the four seen here (counting the engaged columns against the walls.)

HISTORY OF COURTHOUSE

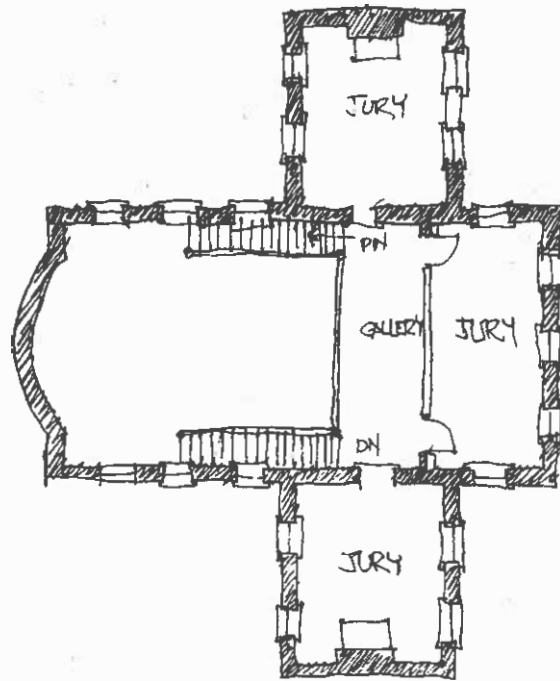


Historical conjectural sketch of the ground floor of Sussex County Courthouse as originally built.

At Goochland and Sussex, we know from the specifications that the county leaders provided a complex interlocking geometry in the design of the main floor.

- Conjectural Reconstruction Sketch of the Sussex County CH: The semi-circular justices' and jury benches and the semi-circular clerk's enclosure, as well as the lawyers seating area, were formed by interlocking arc with different center points.

HISTORY OF COURTHOUSE



Historical conjectural sketch of the second floor of Sussex County Courthouse as originally built.

The second floor provided jury rooms in the upper floor of the wings and over the portico.

- The twin stairs as described in the specifications were typical of all the Jefferson-inspired courthouses, but, because of the depressed floor level in the courtroom, the need for extra risers to reach back up to the upper floor would have made them unusually long.

HISTORY OF COURTHOUSE



Northwest corner of original courthouse highlights some of the mysterious discrepancies around the placement of its windows.

The original building was designed to house a two-story courtroom.

- The doors on the principal façade are slightly above grade, but the lower windowsills in the courtroom were 3'-2" lower than the windowsills on the front, indicating that the courthouse was built on a split-level plan.
- The original specifications did not mention change in floor level, which is not like any other Virginia courthouse.
- Cosby seems instead to built the courtroom floor about 2'-3" below the front door sills, so that the lower courtroom windowsills are nearly even with the ground.

HISTORY OF COURTHOUSE



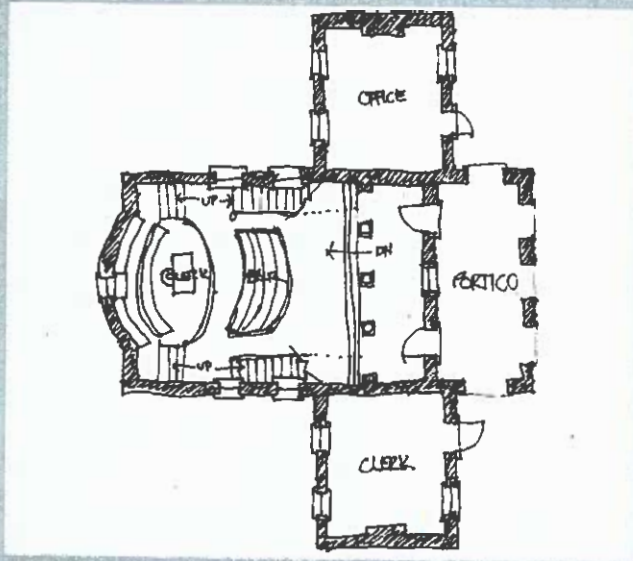
Sussex County Courthouse after 1912, shows the brick to be in good conditions, other than a stuccoed base where there may have been moisture damage to conceal.

- The courthouse was built of very fine, closely laid brick.
- The front face was laid in a Flemish bond pattern and fronted by an elegant pediment containing a semi-circular lunette incorporating the kind of ornamental tracery used at Jefferson's Pavilion IV at the University of Virginia.

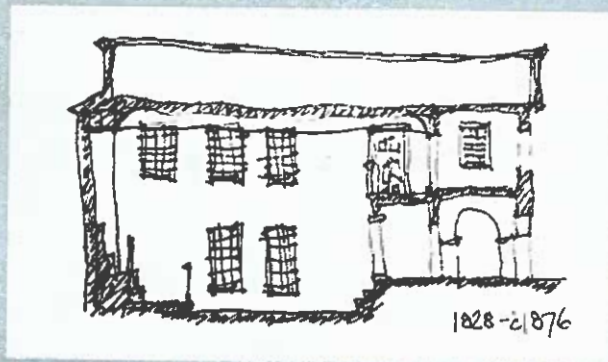
HISTORY OF COURTHOUSE

SUSSEX COUNTY COURTHOUSE: CHANGE OVER TIME

HISTORY OF COURTHOUSE



Historical conjecture of the first floor of Sussex County Courthouse as originally built.



Transverse section (looking toward the North) shows the original courtroom floor about 3' below grade.

1828-1876

- The exterior appeared much the same as it does today, without the cupola.
- The courtroom, set below the current grade level, was accessed by door at each end of the portico.
- The jury room is shown over the portico. The three jury rooms are reached by a 10-foot deep gallery supported on columns or a vestibule with a transom along the top of the wall.
- Five columns were specified under the gallery. These may have included two half columns against the side walls.
- The stairs to the gallery may have risen along the side walls of the courtroom or in some other arrangement.

HISTORY OF COURTHOUSE

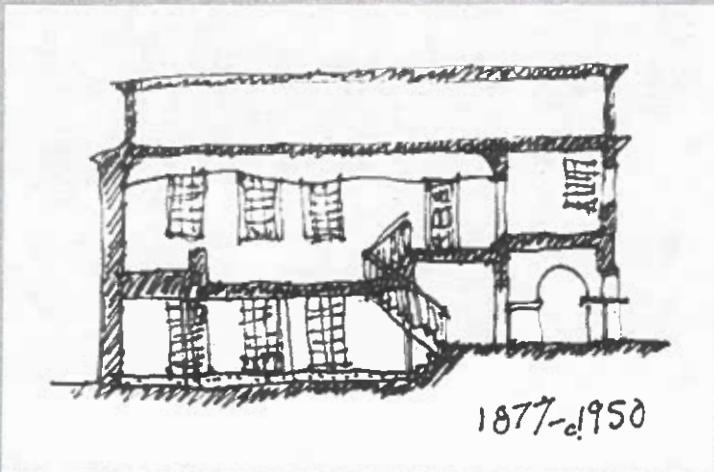


Photographs looking South towards the apse of the historic courtroom

1876-c1950

Transverse section looking north shows the intermediate floor inserted in 1874-1876 and the original courtroom floor (raised by about 1'-0" in 1877) in a basement below.

- The new floor was supported on long beams running from east to west each supported on three fluted cast iron columns.
- There seems to be a slot for a stair rising along the southern wall, just inside the historic southern entry door in the east front.
- The courtroom floor level and upper stair as shown is conjectural.



Transverse section (looking toward the North) shows the intermediate floor inserted in 1874-1876.



HISTORY OF COURTHOUSE



Photograph of the intermediate floor in its present-day condition.

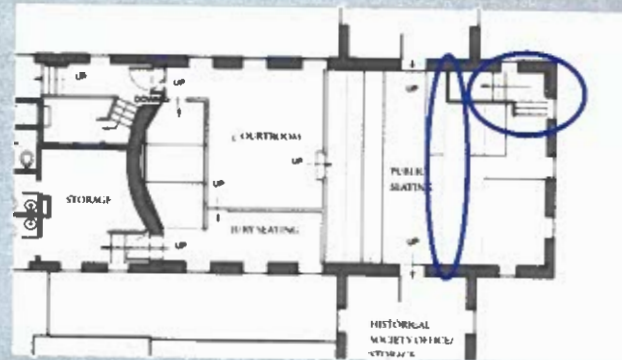


Transverse section (looking toward the North) shows the intermediate floor inserted in 1874-1876.

1950s-PRESENT

Transverse section looking north shows the intermediate floor inserted in 1874-1876 and the original courtroom floor in the basement below.

- At some point the jury room partition on the upper floor was removed.
- The northern door was moved to the former window location at the center of the portico.
- A new main entry stair added from the relocated center door rose through the portico.
- In 1954 a series of seats on risers were added that extended to the front wall of the courthouse.
- New Colonial Revival fittings were added, including a judge's bench and a paneled polygonal wall following the line of the apse.



HISTORY OF COURTHOUSE



1893 Clerk's Office Vault in its present-day condition.

1893

A one-story, two-room, fireproof brick records vault was added to the rear of the Clerk's Office was added in 1893.

- The vault consists of a rectangular structure with a window on each side equipped with iron casement windows that open inwards and iron shutters on the exterior.
- The masonry ceiling is supported on embedded iron beams and the floor is of concrete.
- The vault addition, unlike the rest of the courthouse, is roofed with slate.
- A shed-roofed brick furnace room with a large chimney was added to the west end of the vault in the early twentieth century.

HISTORY OF COURTHOUSE



Present-day condition of the 1954 addition from the rear of the courthouse looking North toward the original wings.

1954

In 1954, the county added a two-story, six-bay, brick wing to the rear of the courthouse.

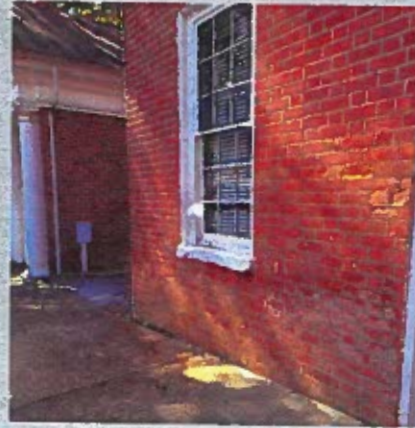
- The addition was architecturally respectful of the original courthouse.
- The courtroom was lit with formal arched windows.
- An entry on the north gave access for judicial staff to a new staircase which provided a fire exit for the second-floor courtroom.
- The two formal entries on the north were provided with pediments that emphasized the two functions housed within.

REPORT OF EXISTING
CONDITIONS

EXISTING CONDITIONS



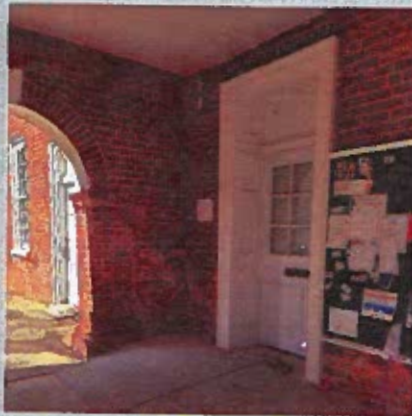
North wall of 1954 addition, showing windows at grade.



Southeast corner wall highlighting existing masonry.



Brick condition within open-air mechanical yard.



Door, arch, and masonry within east portico.



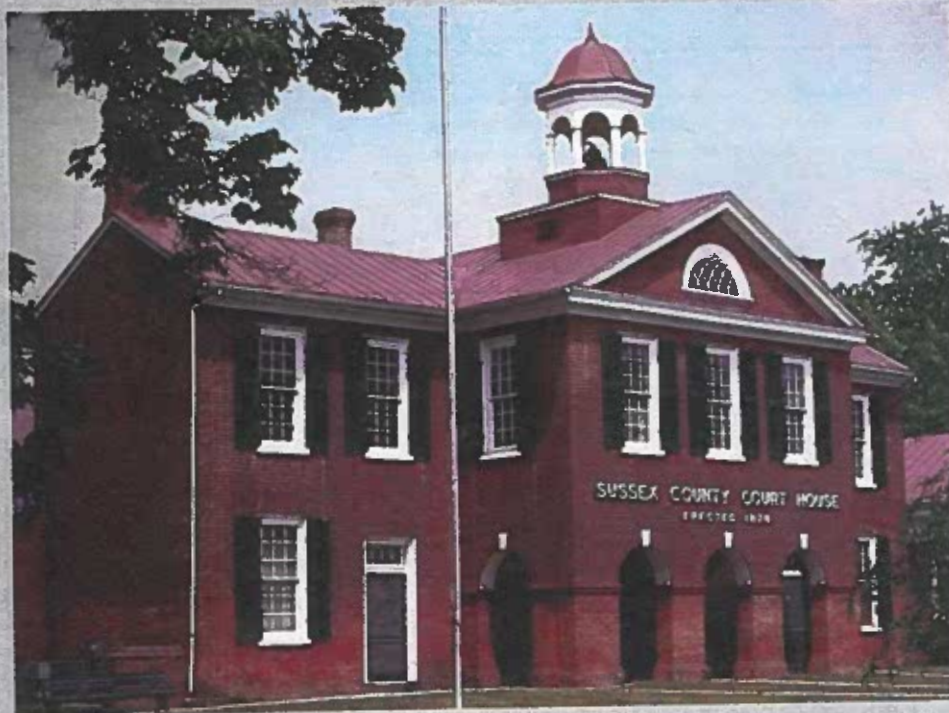
Current conditions within mechanical yard on south wall



Brick conditions on north wall parallel to walkway.

- The historic courthouse building is constructed from mass masonry bearing walls and a timber-framed roof structure.
- The front of the building uses the ornamental Flemish bond brick coursing pattern.
- Under the portico and at the sides and rear, the mason used the less costly common bond to bind the wall together, in which every fourth course features Flemish bond.
- The masonry mass – coupled with blow-in insulation at the attic ceiling – forms the building's thermal envelope.

EXISTING CONDITIONS



Sussex County Courthouse, photo by Calder Loth, before 1975, showing painted also and damage at the lower walls.

While the building's bricks were made and laid by a highly reputable mason, the brick appears to have shown some deterioration as early as 1893, when the walls were repaired and repointed.

- There may have been some problem with the quality of the bricks, which seem to be subject to more spalling and damage when under pressure from moisture and/or salts than bricks at many other contemporary buildings.
- It is possible that the building was coated with a stain or paint at the beginning, which may have helped preserve the brick.
- An opaque red coating that appears to have been added after 1941 (not visible in the historic 1941 photo). It may have been designed to limit the visual effects of that damage. This coating had disappeared from the lower sections of the walls by 1975, probably due to spalling of the brick face.

EXISTING CONDITIONS



Sussex County Courthouse, 2003, showing repointing and limited damage developing on the lower walls.



- An unfortunate change to the building with serious long-term repercussions took place in 1975, when the entire building was completely repointed using hard gray Portland cement mortar. It may have been sandblasted.
- This has contributed to the extensive deterioration of the brick at the lower levels of the wall on all sides.
- Photographs from the 2003 compared today show a dramatic increase in deterioration.



Sussex County Courthouse today showing advancing masonry damage at the portico.

EXISTING CONDITIONS



Sussex County Courthouse today showing advancing masonry damage at the piers of the East portico.

- Because the soft insides of the bricks have been exposed by the spalling of the faces, it is likely that deterioration will continue to occur and accelerate.

EXISTING CONDITIONS



Sussex County Courthouse today showing roof and historic cupola.

ROOFING

- The historic courthouse has a modern standing seam metal roof and historic 1912 cupola. The roof and gutter system appear to be in good condition. No leaks were observed on the ceilings of the main courtroom floor.

WALLS

- The walls appear to be structurally secure enough to justify removing the second floor. The wood cornice is in good condition.

EXISTING CONDITIONS



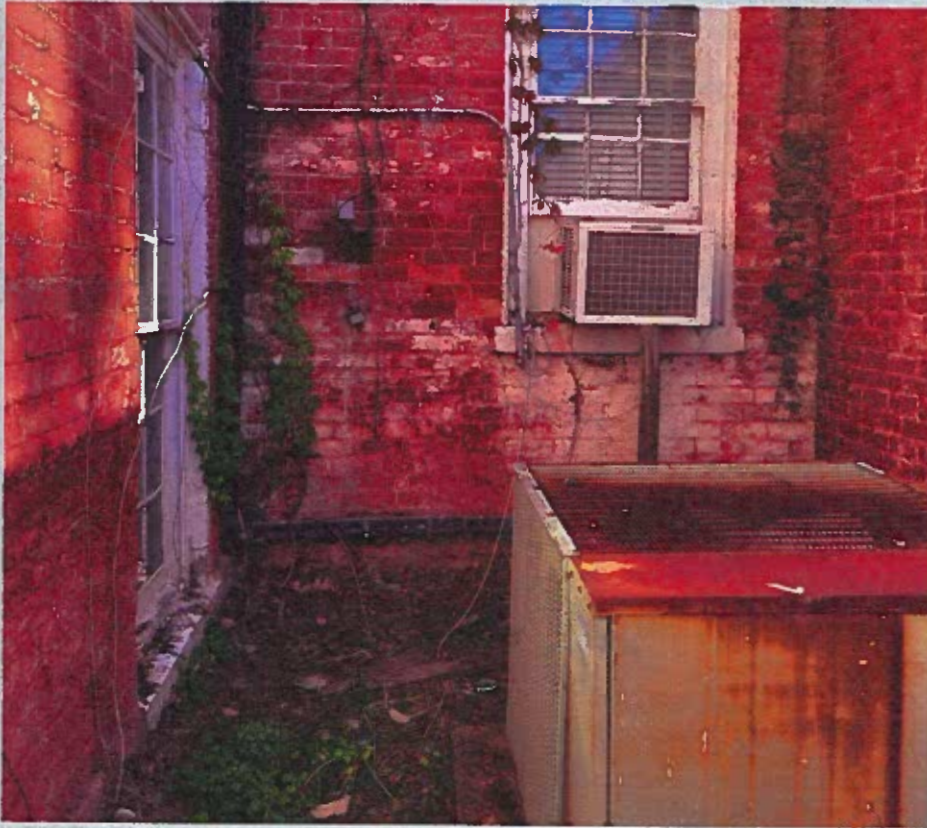
Exterior windows and doors are constructed of painted wood and are generally in good condition, with exceptions.

Iron shutters and casements at the Clerk's Vault are in fair to good condition.

OPENINGS

- Openings in mass masonry walls at both the interior and exterior are likely headed with wood lintels concealed behind the face brick. No evidence of sagging was immediately evident, indicating these lintels to be in good condition.

EXISTING CONDITIONS



Existing conditions within open-air mechanical yard.

OPENINGS

- In particular, windowsills and adjoining trim at the ground level are very close to the ground and may require more extensive repairs.

DRAINAGE

- The drainage strategy and collection points are inconsistent in type and efficacy at the building perimeter.
- Rising damp evident at the building perimeter, it is recommended that a unified drainage strategy be introduced to consistently manage moisture at the building perimeter.

EXISTING CONDITIONS



Carpet flooring in rear addition storage room.



Nine-inch floor tiles in rear addition, likely containing asbestos.



Nine-inch floor tiles in rear addition, likely containing asbestos.



Wood plank floor and brick threshold at chimneys in original building.



Current conditions within mechanical yard on south wall



Modern wood over concrete on first floor in the South wing.

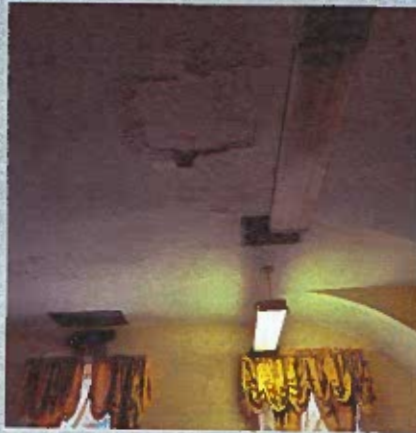
FLOORING

- Wood plank flooring exists below carpet and tile in the upper levels of the historic section.
- The lower floor is mostly concrete with applied finishes.
- South wing, first floor has modern wood over concrete.
- Resilient tile floors like the nine-inch floor tile in the second-floor offices in the rear addition often contains asbestos.

EXISTING CONDITIONS



Plaster deterioration condition near window.



Paint delaminating at ceiling on second floor.



Existing ceiling condition in 1954 addition.



Plaster deterioration and paint delaminating in original courtroom.

WALLS AND CEILING

- Most wall and ceiling finishes are painted plaster.
- Plaster and paint varies in condition. At the ground level, walls frequently exhibit mold and signs of deterioration and delamination from the masonry substrate, likely the results of rising damp.
- Plaster in the upper rooms and west wing is generally sound, with the exception of paint delaminating at the ceiling, likely the result of inconsistent climate control of the building.

EXISTING CONDITIONS



Paint delaminating near window on ground floor.



Curved wall in courtroom covered in 1954 paneling concealing the original central window.

PLASTER WALLS AND CEILING

- In the basement and wings, large sections of wall plaster were damaged or nonexistent, revealing the unfinished brown coat or masonry substrate below.
- Painted wood trim (baseboards and casings and paneling) in the building were frequently used as plaster screeds and were generally observed to be present and in good condition.

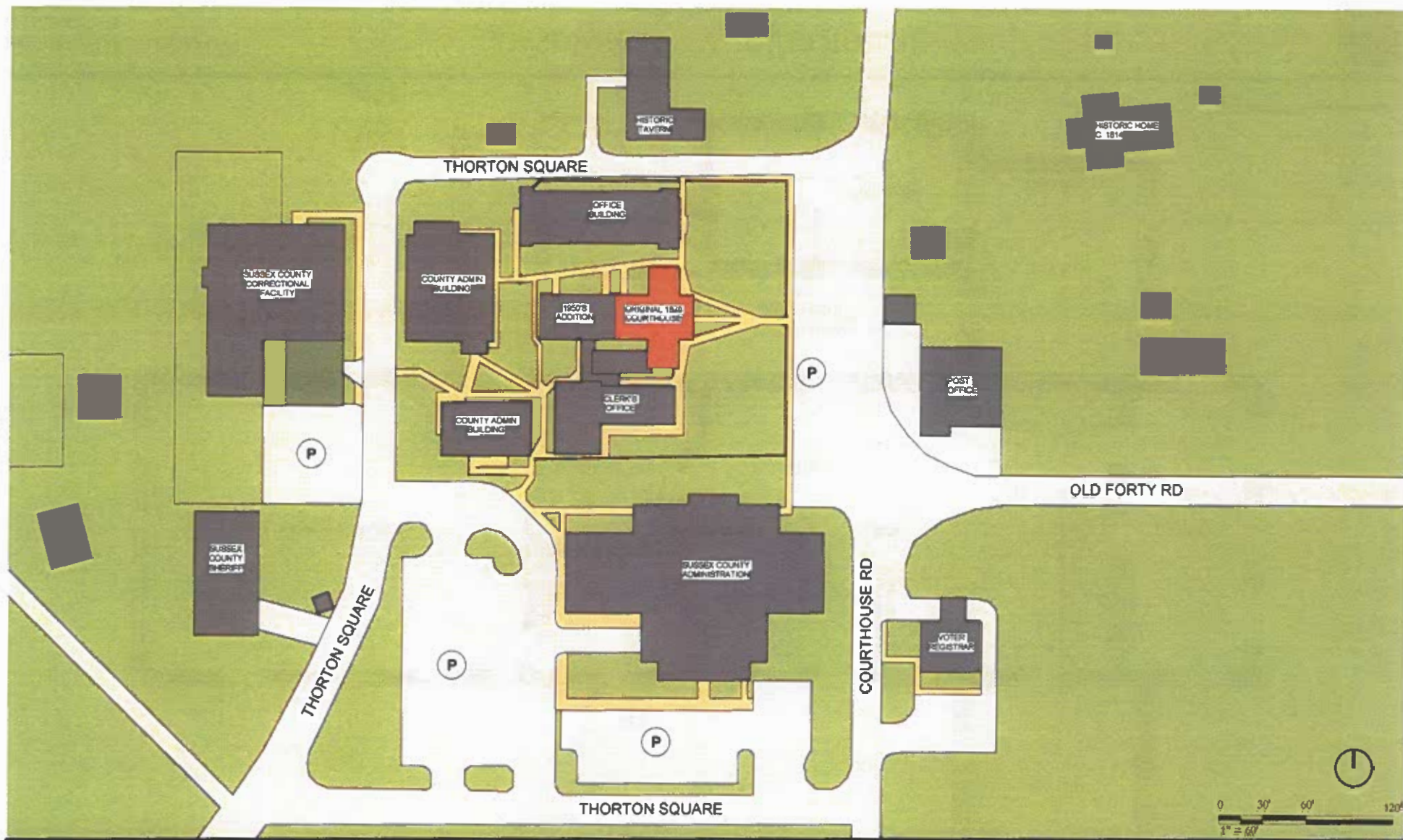


Section of wall plaster missing from wall.



Present-day condition of painted wood trim.

EXISTING PLANS

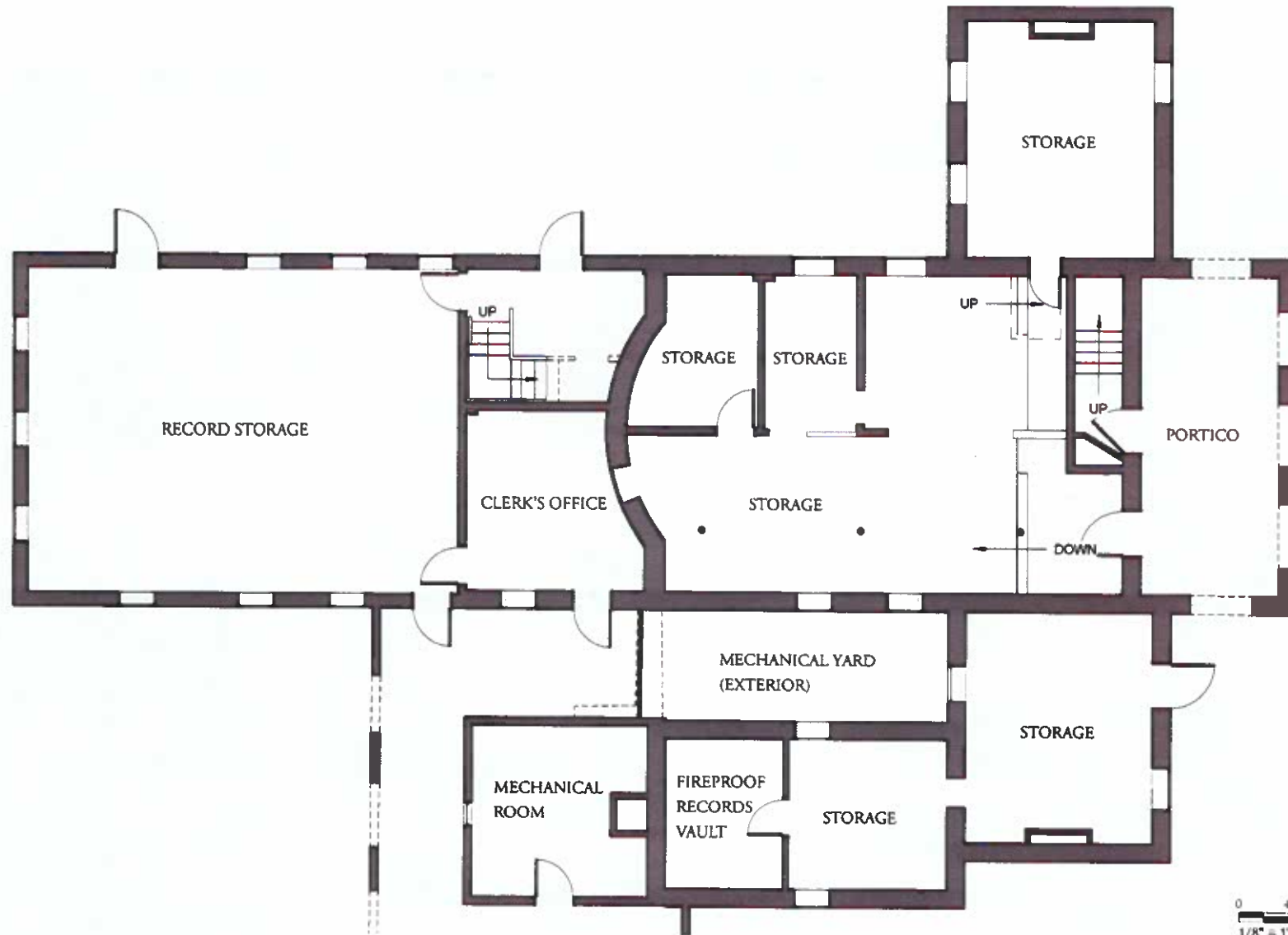


EXISTING SITE PLAN
19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE

SUSSEX COUNTY, VA

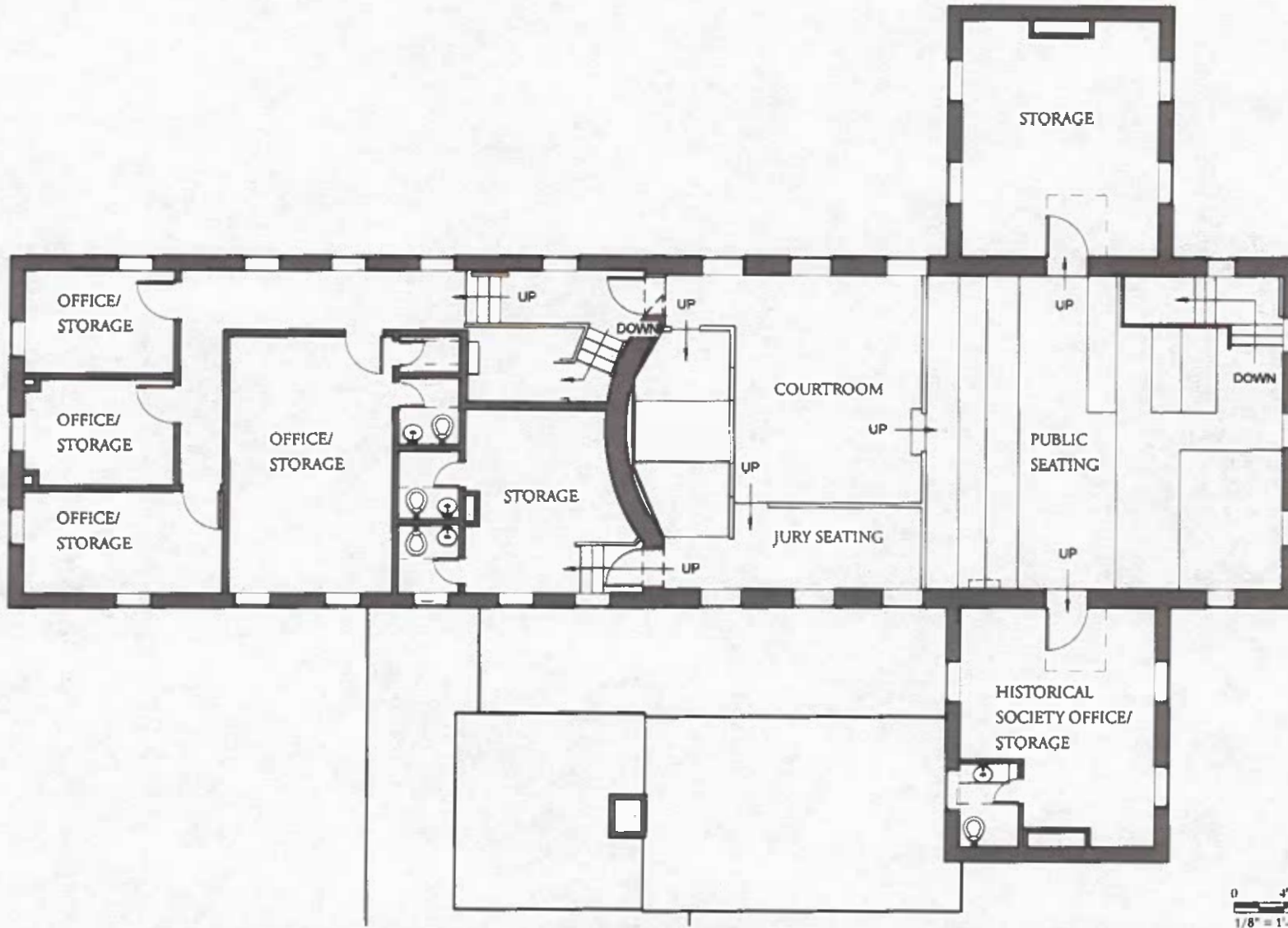




EXISTING FIRST FLOOR PLAN
 19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
 SUSSEX COUNTY, VA



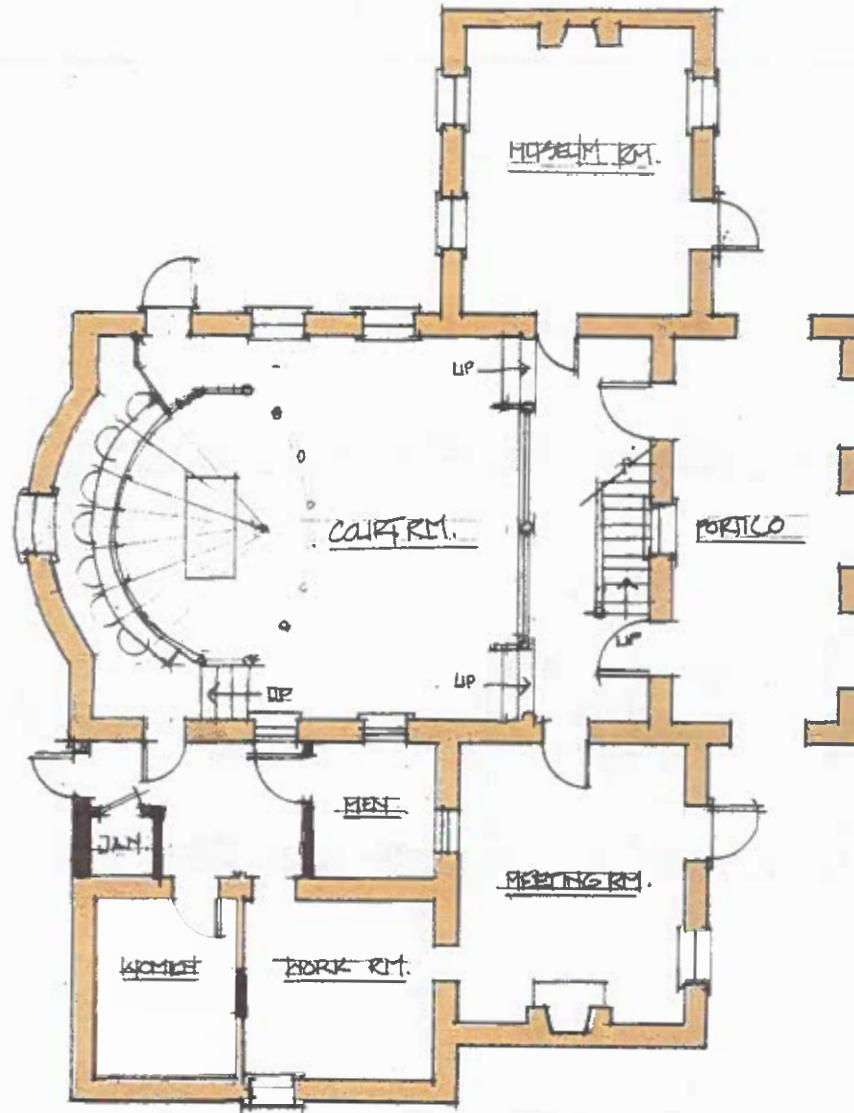


EXISTING SECOND FLOOR PLAN
19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
SUSSEX COUNTY, VA



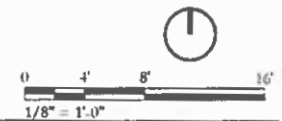
PROPOSALS

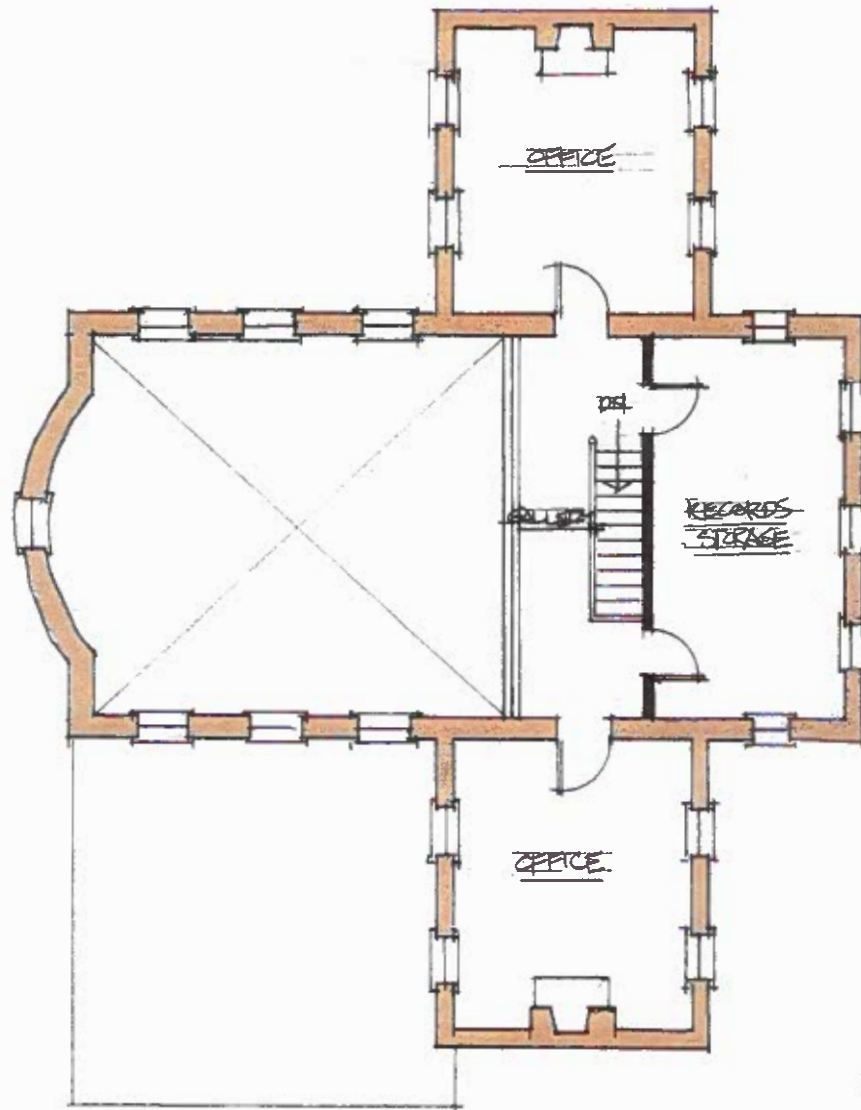


SQUARE FOOTAGE:
 FIRST FLOOR = 2,320 SF
 SECOND FLOOR = 1,200 SF
 TOTAL = 3,520 SF

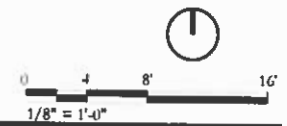
SCHEME ONE - FIRST FLOOR PLAN
 19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
 SUSSEX COUNTY, VA





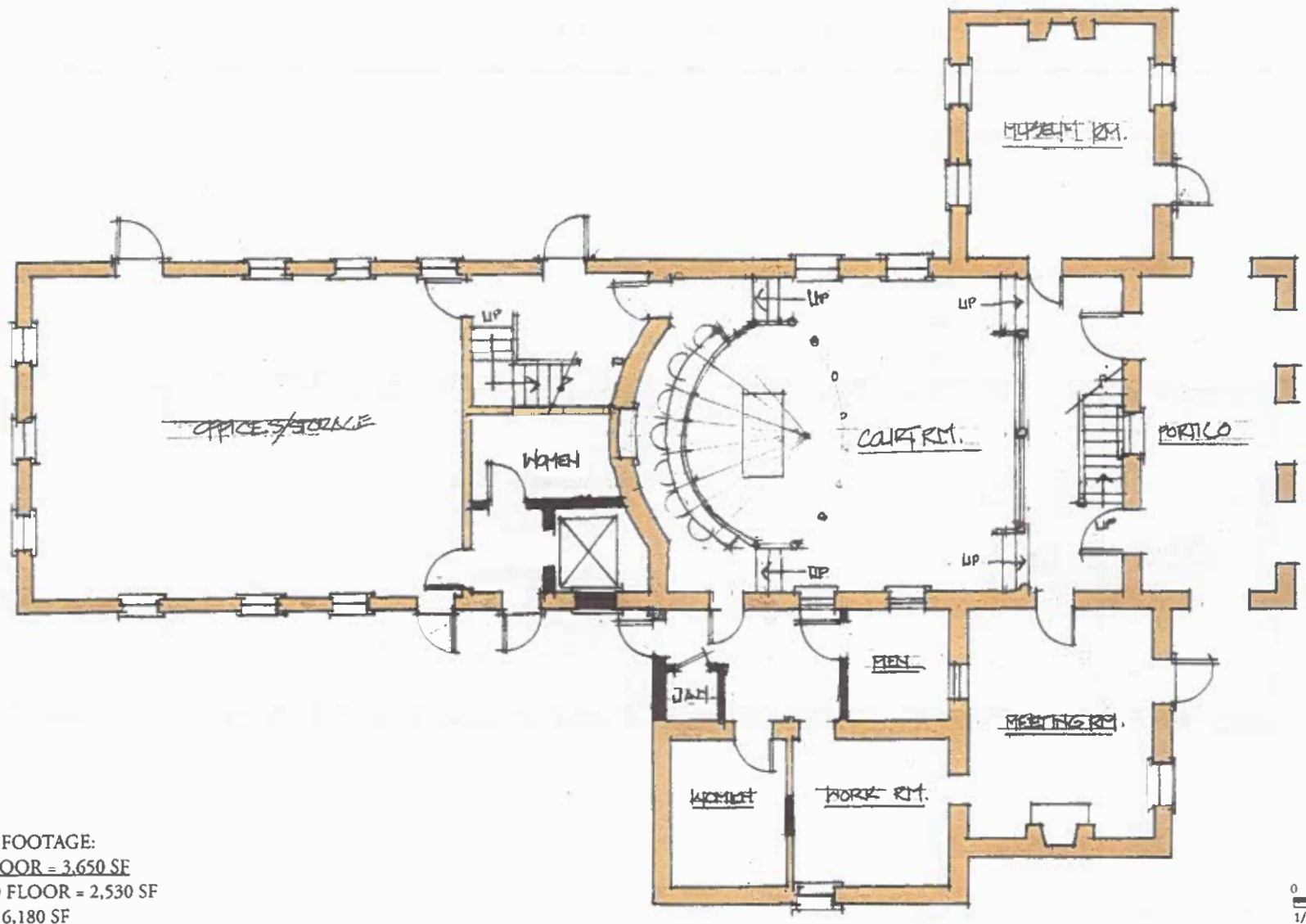
SQUARE FOOTAGE:
 FIRST FLOOR = 2,320 SF
 SECOND FLOOR = 1,200 SF
 TOTAL = 3,520 SF



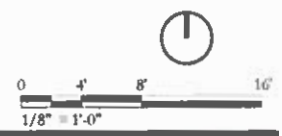
SCHEME ONE - SECOND FLOOR PLAN
 19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
 SUSSEX COUNTY, VA





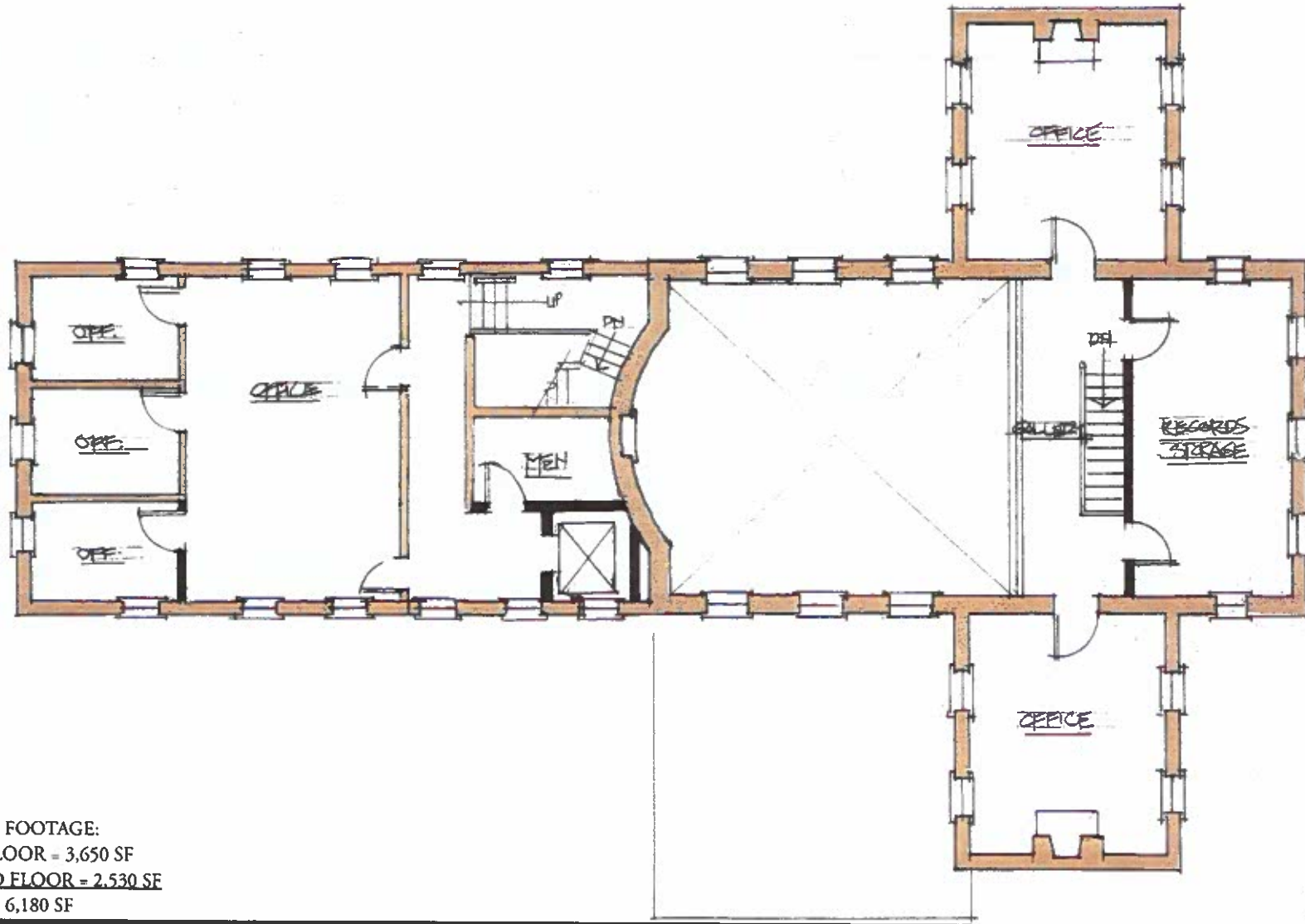
SQUARE FOOTAGE:
 FIRST FLOOR = 3,650 SF
 SECOND FLOOR = 2,530 SF
 TOTAL = 6,180 SF



SCHEME TWO - FIRST FLOOR PLAN
 19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
 SUSSEX COUNTY, VA





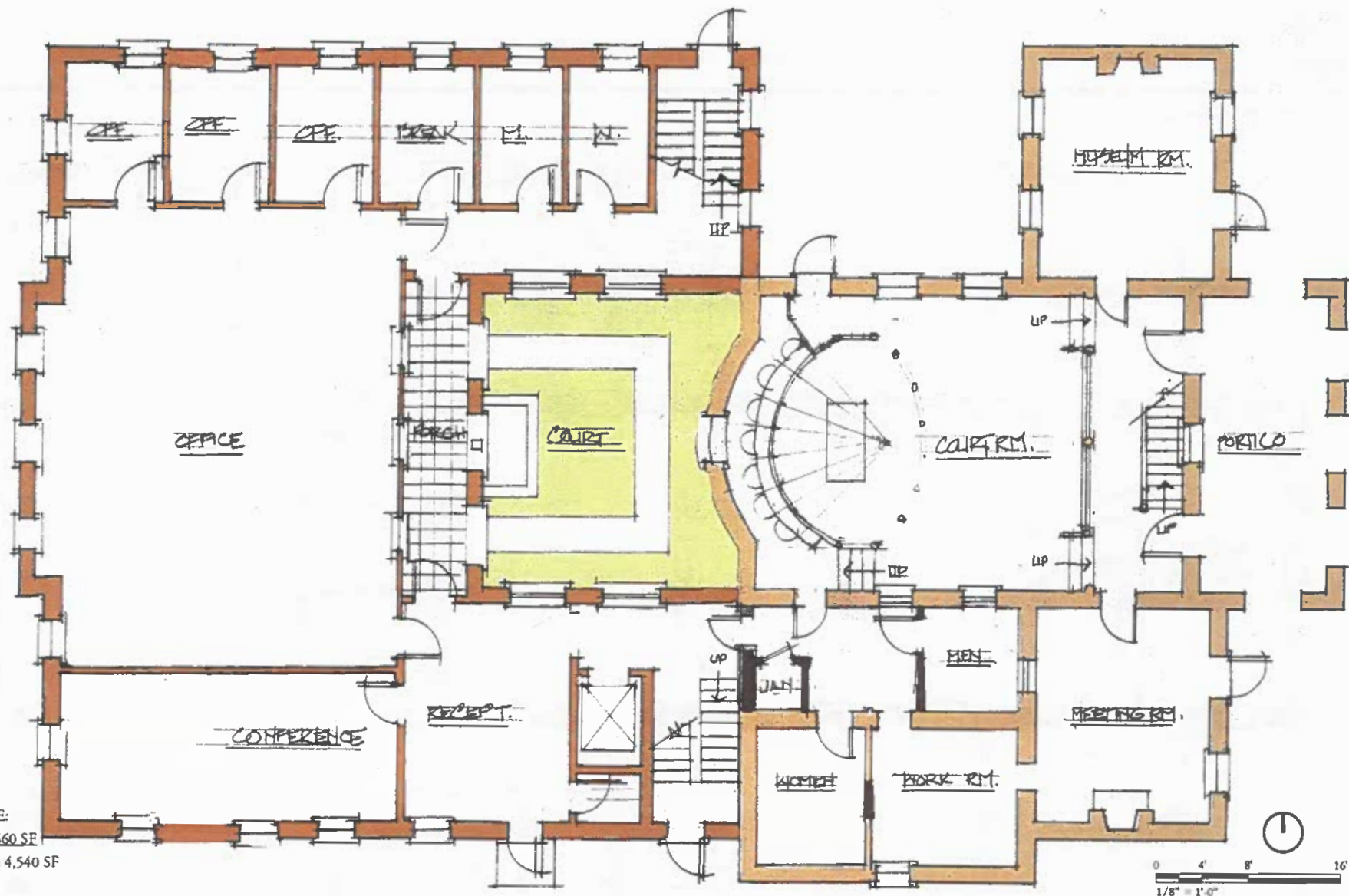
SQUARE FOOTAGE:
 FIRST FLOOR = 3,650 SF
 SECOND FLOOR = 2,530 SF
 TOTAL = 6,180 SF



SCHEME TWO - SECOND FLOOR PLAN
 19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
 SUSSEX COUNTY, VA



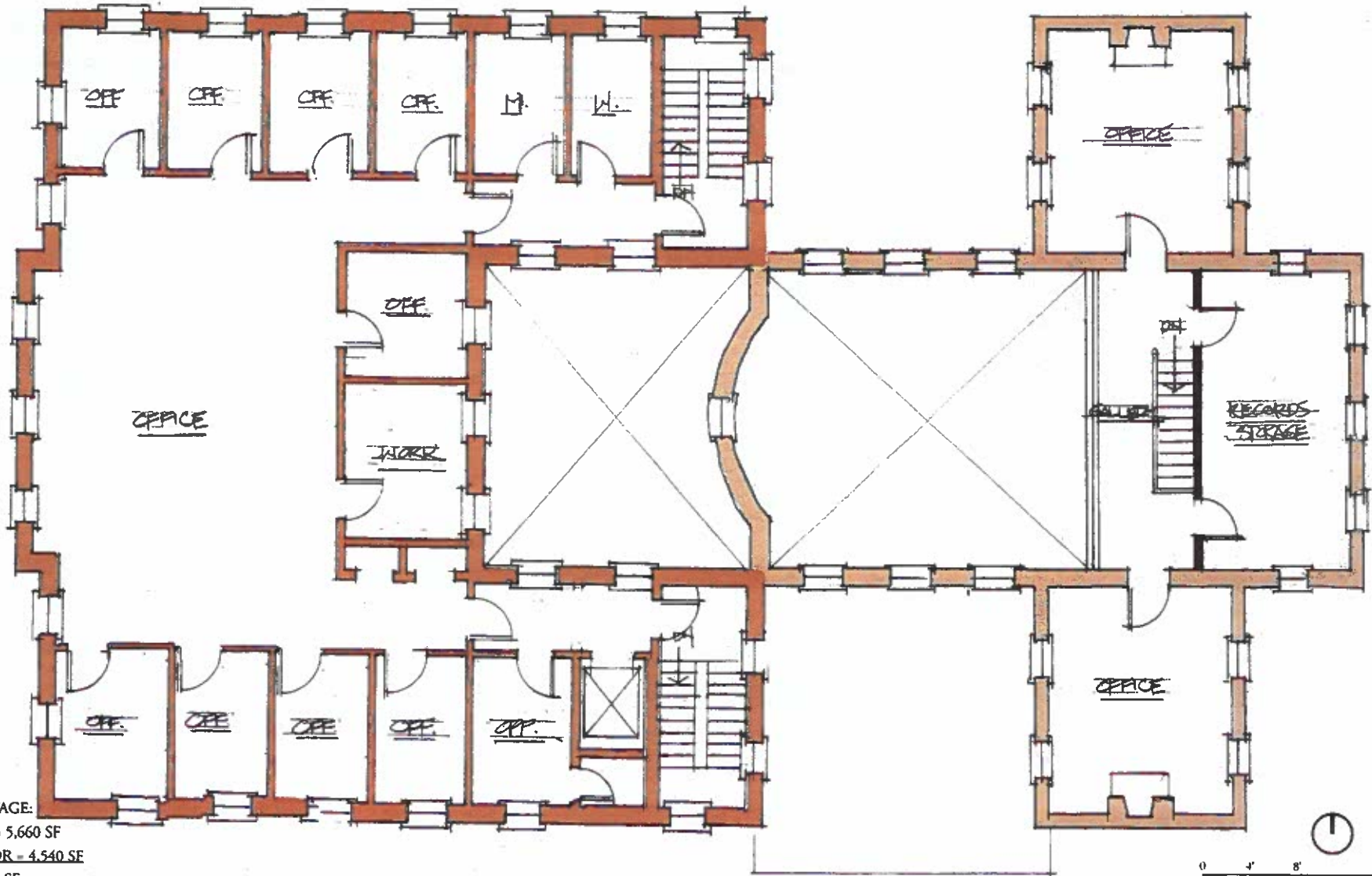


SQUARE FOOTAGE:
 FIRST FLOOR = 5,660 SF
 SECOND FLOOR = 4,540 SF
 TOTAL = 10,200 SF

SCHEME THREE - FIRST FLOOR PLAN
 19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
 SUSSEX COUNTY, VA



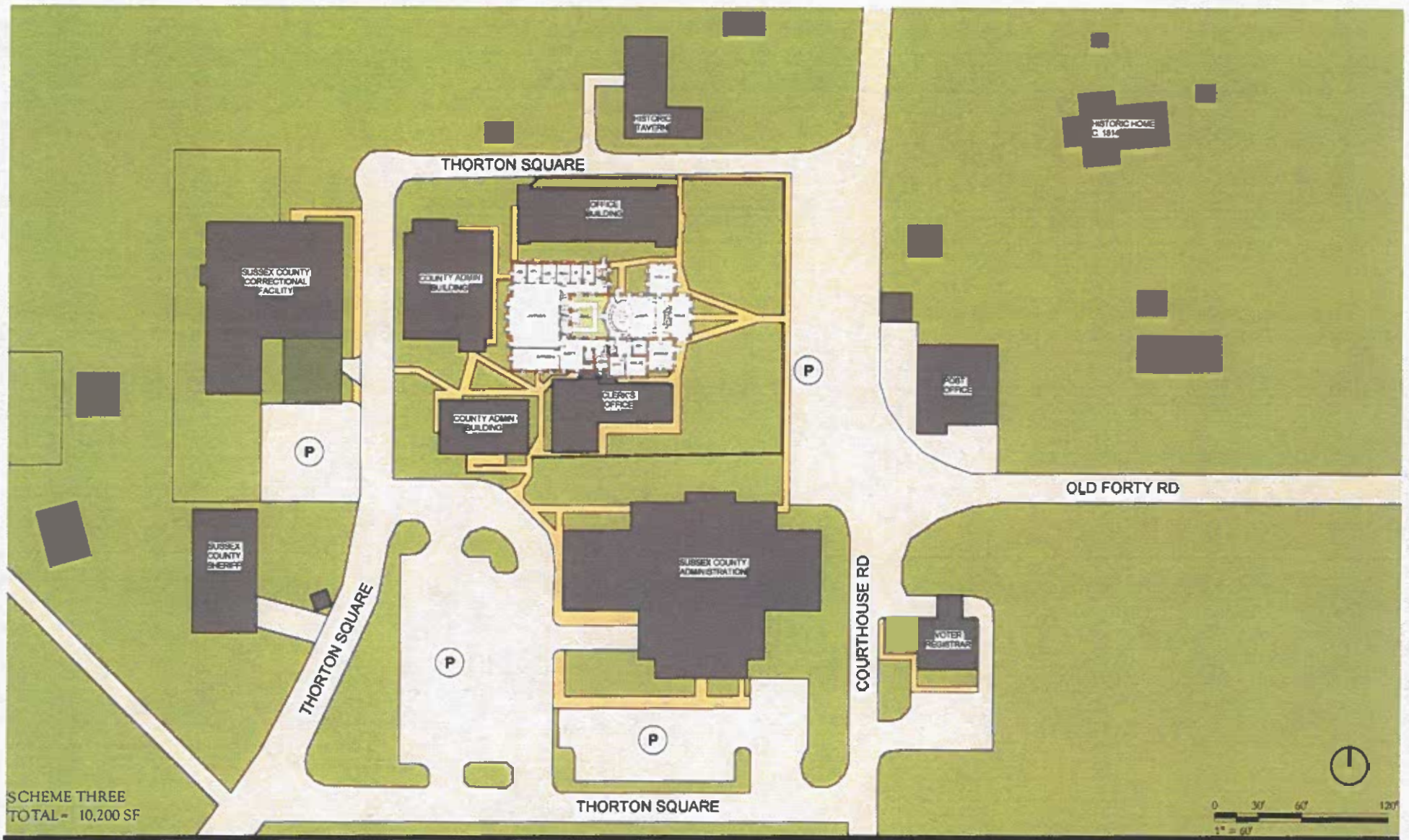


SQUARE FOOTAGE:
 FIRST FLOOR = 5,660 SF
 SECOND FLOOR = 4,540 SF
 TOTAL = 10,200 SF

SCHEME THREE - SECOND FLOOR
 19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
 SUSSEX COUNTY, VA





PROPOSED SITE PLAN
 19 JANUARY 2023

SUSSEX COUNTY COURTHOUSE
 SUSSEX COUNTY, VA



RECOMMENDATIONS

REPAIR RECOMMENDATIONS

- **Masonry**

- Extensive replacement is recommended of historically appropriate masonry and mortar at front wall and portico.
- Historically appropriate mortar replacement is recommended at select locations.
- Coating of brick with semi-opaque mineral silicate coating is recommended to protect and preserve damaged brick.

- **Roofing**

- Repairs recommended to reposition slates on one-story clerk's that have been moved or displaced.

- **Walls**

- Recommend repairing and in filling any wall pockets, otherwise the walls appear to be structurally sound enough to justify removing the current courtroom floor;

- **Openings**

- Windows are likely headed with wood lintels; spot confirmation checks recommended.
- Exterior doors and windows appear to be in generally good condition. Minor repairs are recommended.
- Window sills at ground level may need repair or replacement since they are very close to the ground.

- **Drainage**

- Rising damp evident at the building perimeter recommended that a unified drainage strategy be introduced to deal with rising damp on all sides of the building.

NEXT STEPS

- 1. Program Confirmation Interviews (space requirements and Ideal adjacencies)**
 - a. County Administration
 - b. Treasurer & Commissioner of the Revenue
 - c. Clerk of Court (focused on storage)
- 2. Conditions Assessment & Laser Scan (Architectural and Structural)**
 - a. Clerk of Court Building
 - b. Treasurer/Commissioner of Revenue Building
 - c. Old Administration Building
- 3. Concept Design**
 - a. Options for accommodating County offices in renovations and new construction
 - b. Concept floor plans
 - c. Concept site plan
 - d. Exterior architectural character concept
 - e. Cost estimates of options
- 4. Additional potential Scope**
 - a. Concept design for new Public Works facility
 - b. Security and functional improvements to Judicial Center
- 5. Rough Order-of-Magnitude Cost**
 - a. Items 1, 2 & 3: \$75,000
 - b. Item 4a: \$25,000
 - c. Item 4b: TBD



Concept Design Presentation

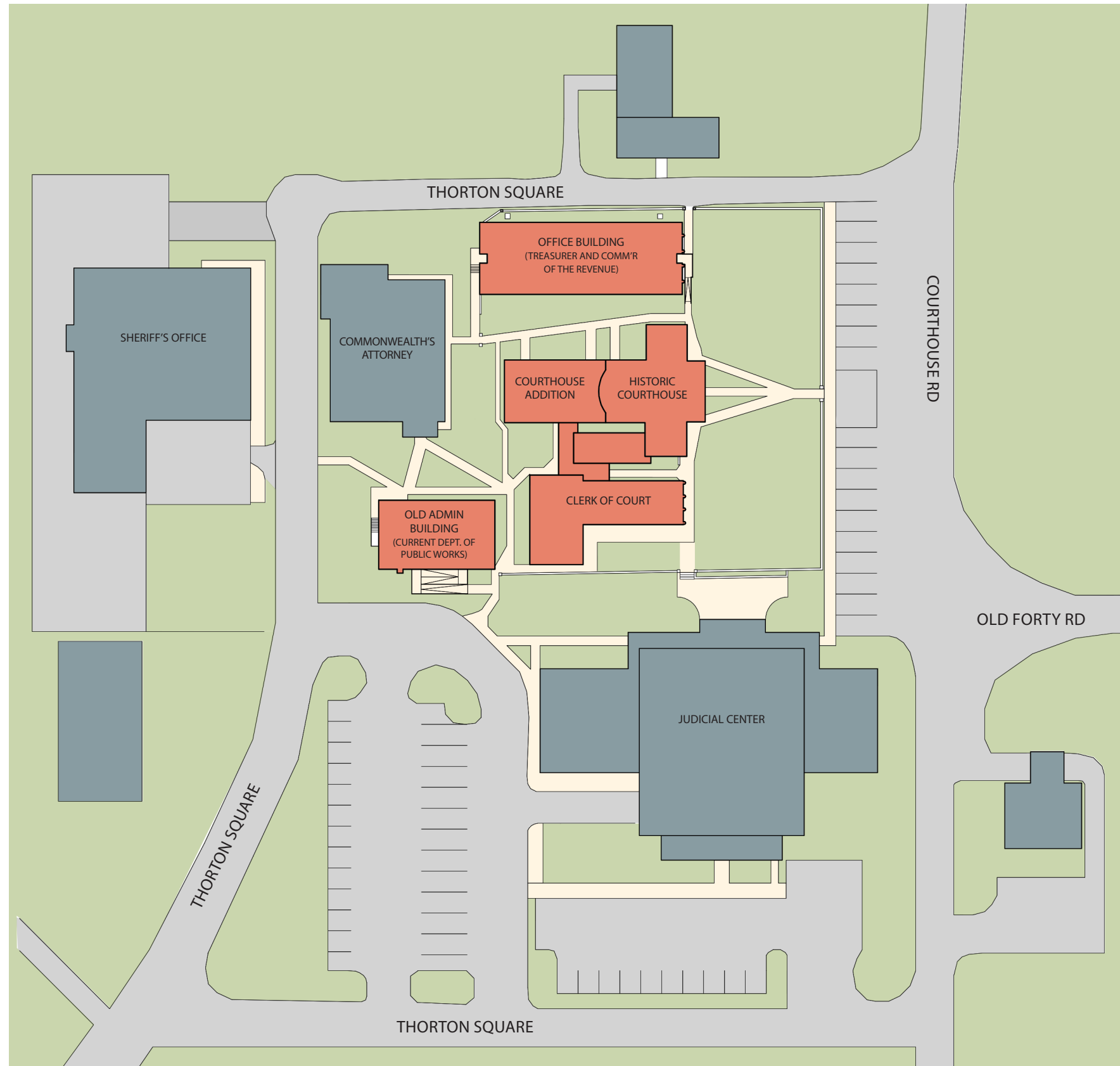
Board of Supervisors Meeting

August 17, 2023

Sussex County, Virginia

Wooten

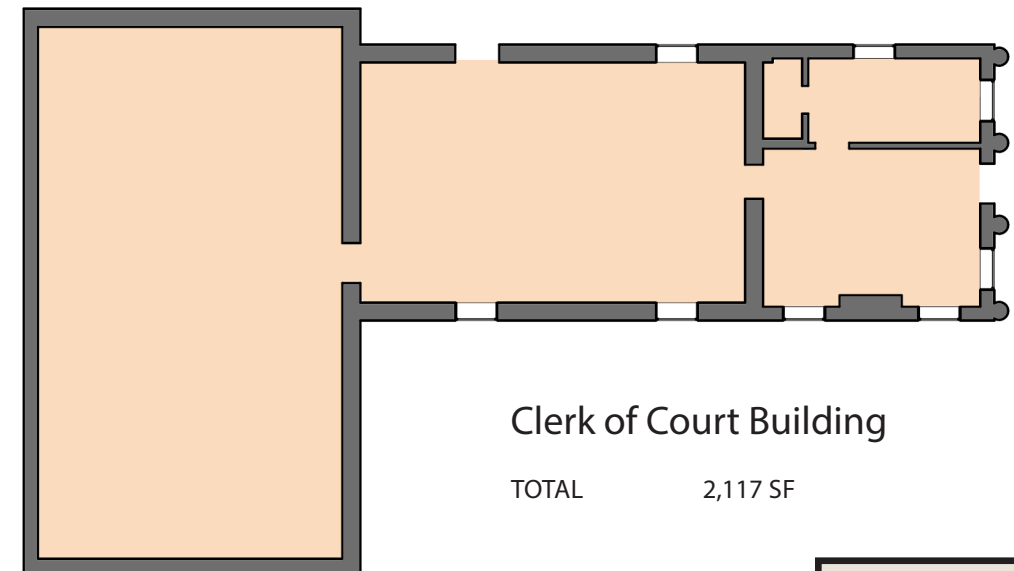
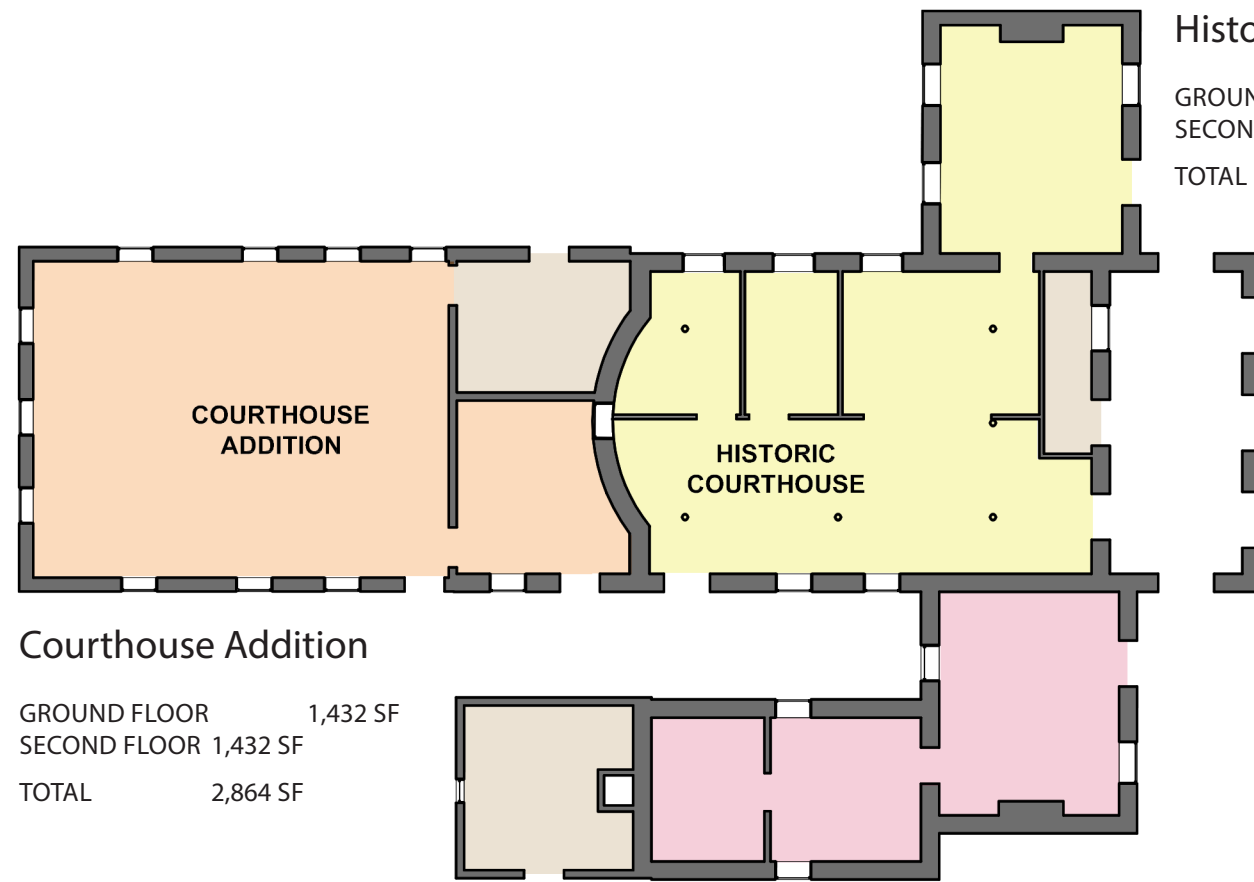




Legend

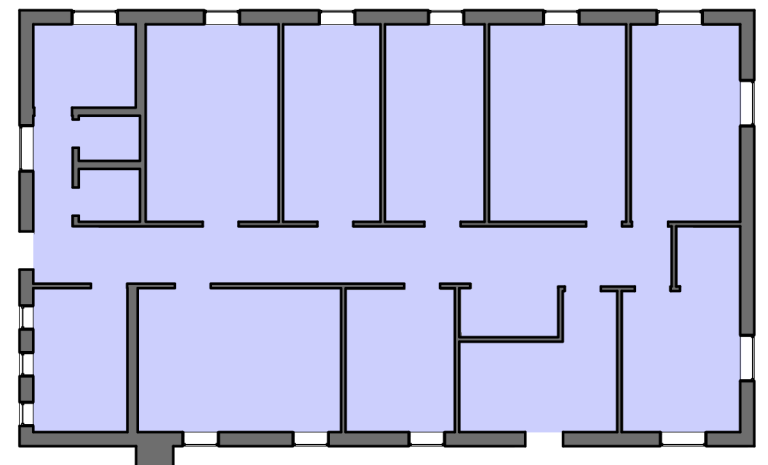
- EXISTING BUILDING (NOT IN SCOPE)
- EXISTING BUILDING



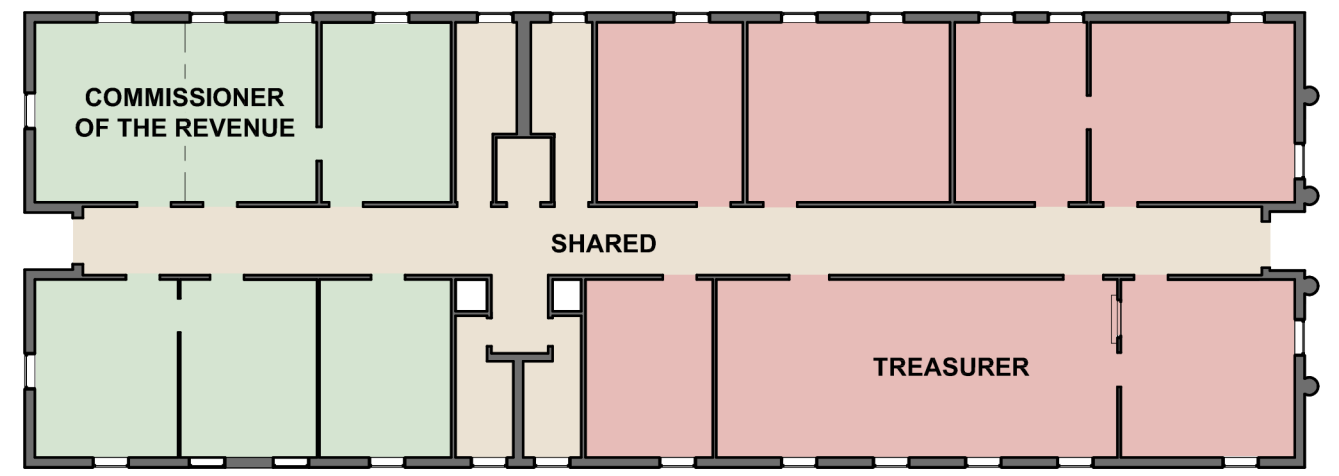


Area Available in Current Buildings
 TOTAL 15,224 SF

- Legend**
- SHARED
 - COMM'R OF THE REVENUE
 - TREASURER
 - CLERK OF COURT
 - REGISTRAR
 - HISTORICAL SOCIETY
 - PUBLIC WORKS



Old Administration Building
 CURRENT DEPARTMENT OF PUBLIC WORKS
 TOTAL 1,995 SF



TREASURER 1,716 SF
 SHARED 838 SF
 TOTAL 3,571 SF
 COMMISSIONER 1,017 SF



County Administration						
Space Description	Xstg #	# Needed	Occ per Space	Size Ea. (sf)	Total Size (sf)	Notes
County Administration						
Private Offices						
Richard	1	1	1	200	200	Includes table for guests
Shilton	1	1	1	120	120	
David	1	1	1	120	120	
Future	0	1	1	120	120	
Large Conference Room	1	1	0	240	240	10-12 ppl
Drug Testing	0	1	0	80	80	
File Storage	1	1	0	120	120	
Children's Services Office						
Private Office	0	1	1	150	150	Includes 2 seats for guests
Parks and Rec Director						
Private Office	0	1	1	150	150	Includes 2 seats for guests
Finance						
Private Offices						
Kelly	1	1	1	180	180	Includes storage shelving
Louise	1	1	1	180	180	Includes storage shelving
Titiana	1	1	1	180	180	Includes storage shelving
Future	0	1	1	180	180	Includes storage shelving
Conference Room	0	1	0	120	120	4-6 ppl, can be shared
Planning and Building						
Reception	0	1	2	100	100	1 receptionist/admin person
Private Offices						
Beverly	1	1	1	120	120	
Future Planner	0	1	1	120	120	
Monica	1	1	1	120	120	
Future BD	0	1	1	120	120	
Open Offices	2	2	1	80	160	
Conference Room	0	1	0	150	150	6-8 ppl, can be shared
File Storage	0	1	0	240	240	
Supply Closet	0	1	0	60	60	
Plotter/Copier	0	1	0	60	60	
EMS Suite						
Private Offices						
Nick	0	1	1	180	150	Includes 2 seats for guests; needs small coat closet
Future	0	1	1	120	120	
Future	0	1	1	120	120	
Radio Work Area	0	1	0	120	120	
File Storage	0	1	0	120	120	
Copy Area	0	1	0	60	60	
IT						
Private Office						
	0	1	1	120	120	
Public Works						
Private Office						
	0	1	1	120	120	
Shared						
Reception	1	1	1	150	150	
Large Meeting Room	0	1	50	950	950	In existing courtroom
Hospitality Kitchen	0	1	0	50	50	Locate near side entry/large meeting room
Copy/Work Room	1	1	0	150	150	
Supply Closet	0	1	0	100	100	
Break Area	1	1	0	180	180	w/ oven and dishwasher, 6 ppl
AV/IT Closet	1	1	0	50	50	
Electrical Closet	0	1	0	50	50	
Mechanical	0	1	0	100	100	Units on roof or ground
Men's - Assembly	0	1	1	60	60	May be shared w/ office
Men's - Business	1	1	1	60	60	
Women's - Assembly	0	1	1	60	60	May be shared w/ office
Women's - Business	1	1	1	60	60	
Bathing Room (Shower)	0	1	1	75	75	May be shared w/ office
TOTAL					6,415	Total programmed area

Circulation factor
Circulation area
Building Area

0.35
2,245 SF
8,660 SF
County Admin
8,660 SF

Historical Society							
Space Description	Xstg #	Occ Per	Size (sf)	Xstg Total Size (sf)	# Needed	Total Size Needed (sf)	Notes
Welcome Area	0	0	0	0	1	120	
Storage	1	0	816	816	1	400	
Exhibit Space	0	0	0	0	1	200	
Library	1	0	273	273	1	273	
Meeting Space	0	0	0	0	1	950	Shared with County Admin (Large Meeting Room) - Not included in tally
Genealogy Research/ Newsletter Drafting	0	0	0	0	1	100	
TOTAL				1,089		1,093	

If addition added separate from County Admin building for elevator, stair:
Circulation factor 0.35
Circulation area 383 SF
Building Area

1,476 SF
Historical Society
1,476 SF

Treasurer's Office							
Space Description	Xstg #	Occ Per	Size (sf)	Xstg Total Size (sf)	# Needed	Total Size Needed (sf)	Notes
Treasurer's Office	1	1	214	214	1	214	Service window not in use, used for visibility of DMV Select
DMV Select	1	3	492	492	1	492	
Training Area	1	0	254	254	1	254	Possible future DMV expansion when not in use for training
Break Area	1	0	165	165	1	165	
Work Area	1	0	182	182	1	182	
File Storage	1	0	253	253	1	253	
Server Room	1	0	156	156	1	156	
TOTAL				1,716		1,716	Current space is sufficient for future needs

Commissioner of the Revenue							
Space Description	Xstg #	Occ Per	Size (sf)	Xstg Total Size (sf)	# Needed	Total Size Needed (sf)	Notes
Commissioner Office	1	1	351	351	1	351	
Income & Personal Property Office	2	1	171	342	2	342	
Map Room	1	0	162	162	1	162	
Work/Break Area	1	1	162	162	1	162	
TOTAL				1,017		1,017	Current space is sufficient for future needs

Shared							
Space Description	Xstg #	Occ Per	Size (sf)	Xstg Total Size (sf)	# Needed	Total Size Needed (sf)	Notes
Men's	2	2	65	130	1	130	Must be made accessible; acceptable to provide restrooms to be shared between public and office staff
Women's	2	1	48	96	1	96	
Janitor	1	0	25	25	1	25	
Corridor	1	0	587	587	1	587	
TOTAL				838		838	
TOTAL BUILDING AREA				3,571		3,571	Current space is sufficient for future needs

Treasurer/Commissioner
3,571 SF

Clerk of Court							
Space Description	Xstg #	Occ Per	Size (sf)	Xstg Total Size (sf)	# Needed	Total Size Needed (sf)	Notes
Entry	1	1	233	233	1	233	
Break Area	1	0	101	101	1	101	
Bathroom	1	1	21	21	1	21	Current space is not accessible
Records / Open Office	1	3	640	640	1	640	
Records (Addition)	1	0	1,122	1,122	1	1,122	
Records (Courthouse Addition)	1	0	911	911	1	911	
Clerk's Office	1	1	183	183	1	183	
TOTAL				3,211		3,211	Clerk requests no reduction in area

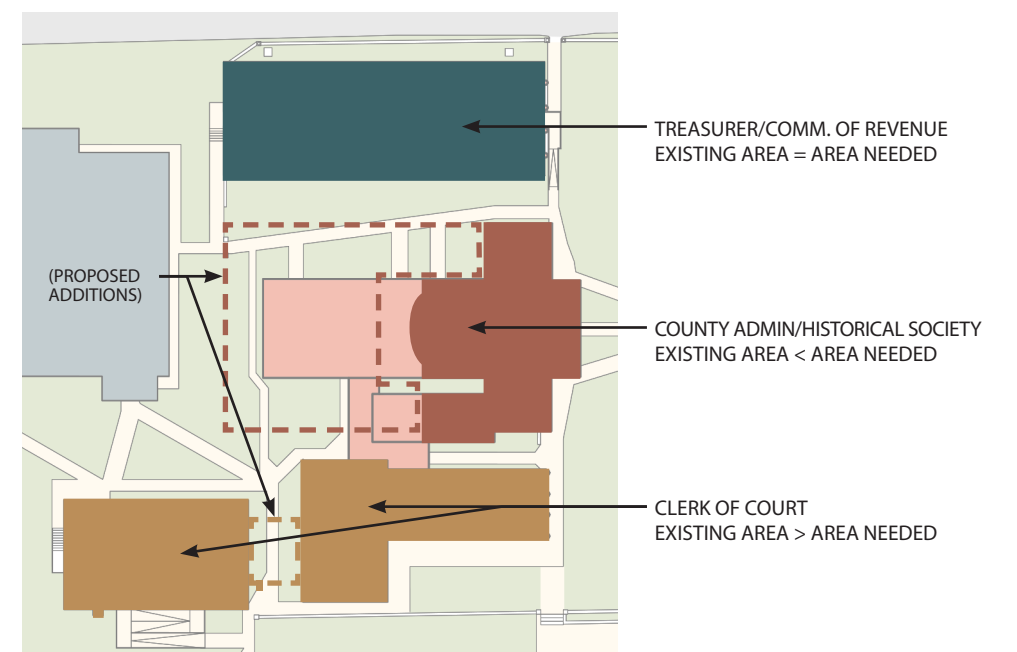
Clerk of Court
3,211 SF

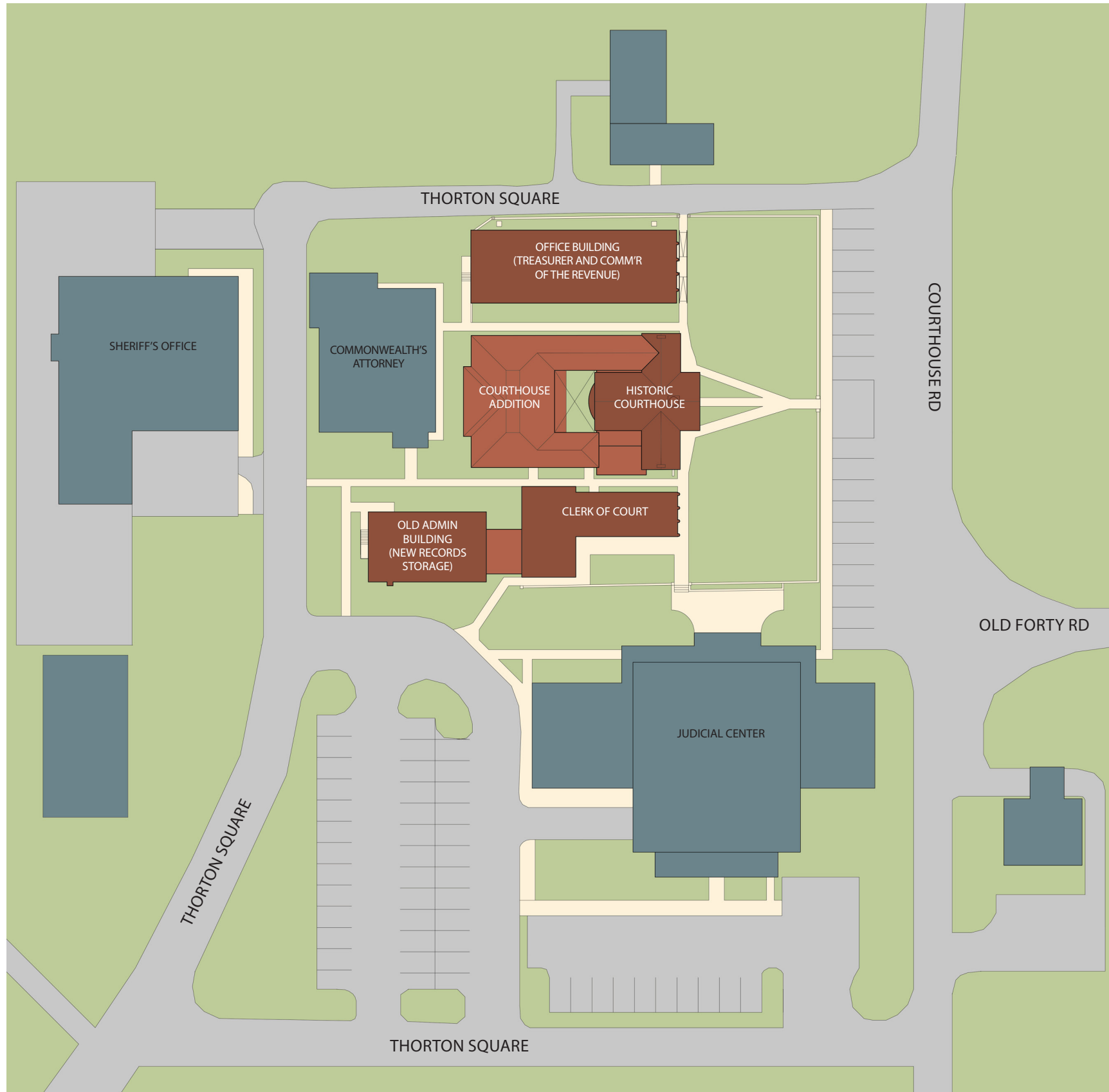
Public Works / Old Administration Building				
Space Description	Xstg #	Occ Per	Size (sf)	Xstg Total Size (sf)
Storage/Office/Utility	1	1	1,995	1,995
TOTAL				1,995

Public Works operations to be relocated; table shown for existing building area only. Basement area not included.

Old Admin Space Available
1,995 SF

Existing Space Available vs. Space Needed

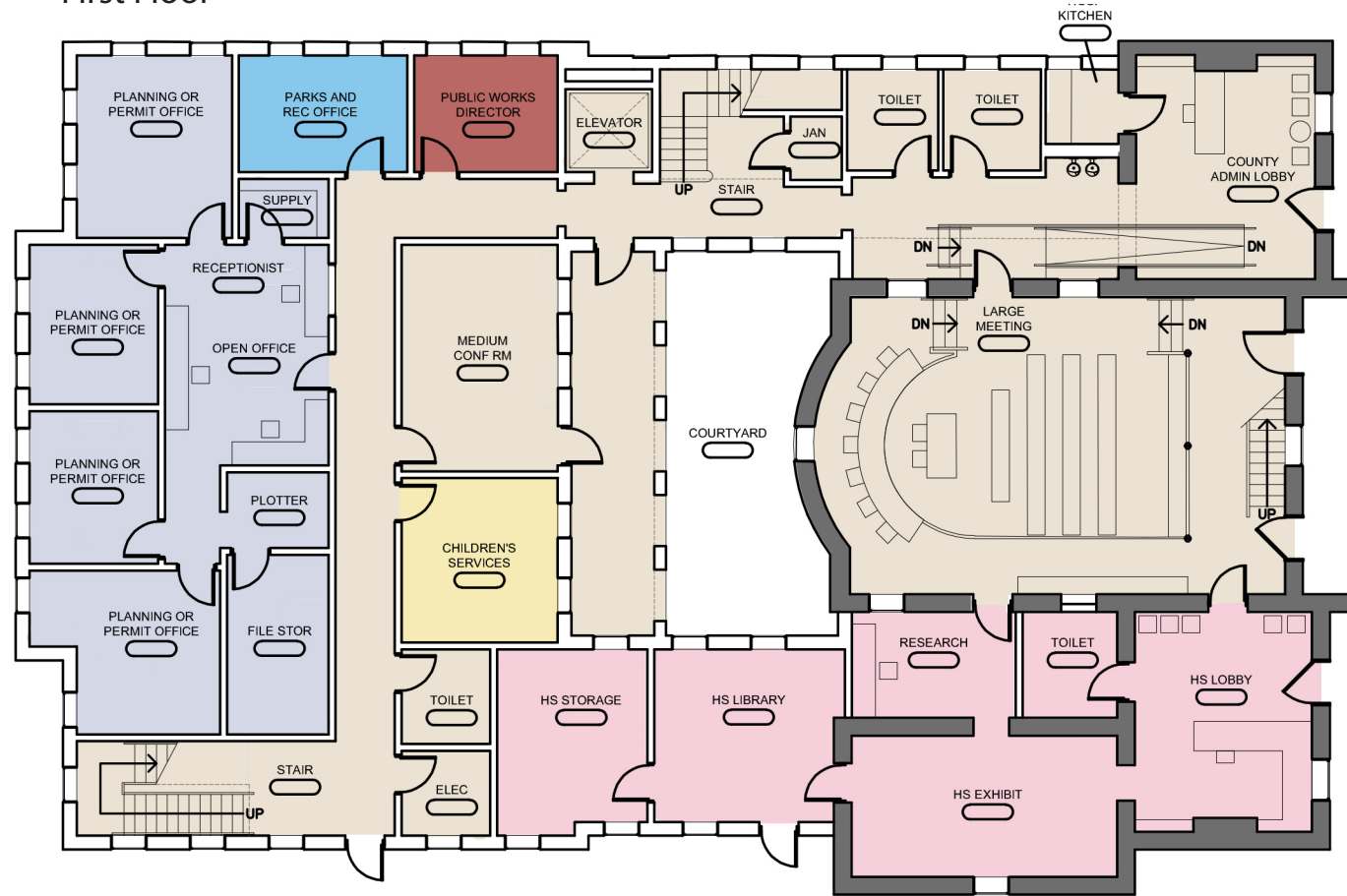




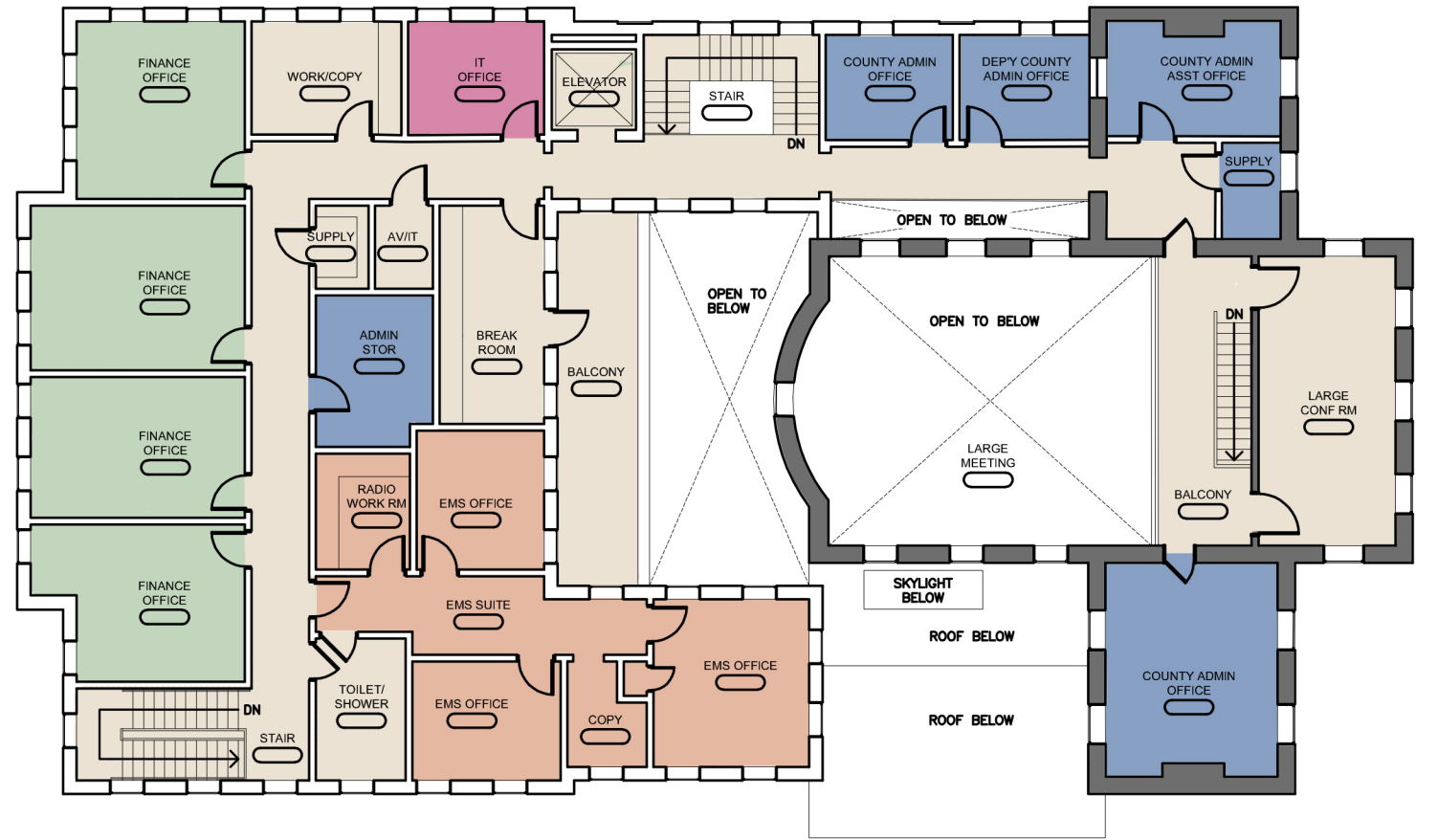
Legend

- EXISTING BUILDING (NOT IN SCOPE)
- EXISTING BUILDING
- BUILDING ADDITION

First Floor



Second Floor



Historic Courthouse and Addition			Shared Spaces		Room Area	
Department	Total Area	# of Offices				
County Administration	830 SF	4	Large Meeting Room (Historic CH)		965 SF	
Finance	980 SF	4	Work/Copy		130 SF	
Permit/Zoning	1,275 SF	4	Large Conference Room		300 SF	
EMS	820 SF	3	Medium Conference Room		250 SF	
Children's Services	180 SF	1	Reception/Lobby		285 SF	
Parks and Rec	135 SF	1	Break Room		175 SF	
IT	120 SF	1	Restrooms		5 total, incl. 1 with shower	
Public Works Director	135 SF	1				
Historical Society	1,260 SF	N/A	Existing Building Area to Remain		2,985 SF	
			Added Building Area*		8,631 SF	
			TOTAL BUILDING AREA (EXISTING + NEW)*		11,616 SF	

* Tabulation does not include 225 SF (each) of exterior loggia and balcony area.

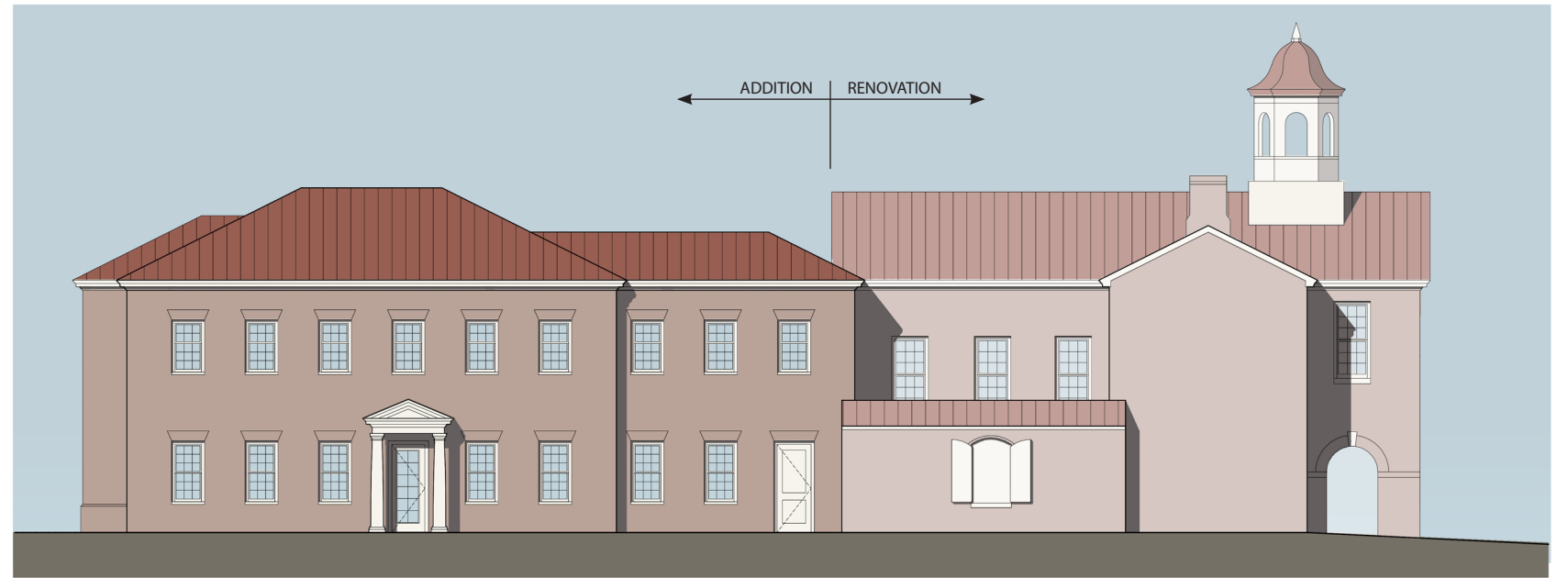
Legend

- SHARED
- FINANCE
- HISTORICAL SOCIETY
- CHILDREN'S SERVICES
- IT
- COUNTY ADMIN
- PUBLIC WORKS
- PARKS & RECREATION
- PLANNING & ZONING / BUILDING INSPECTIONS
- EMS

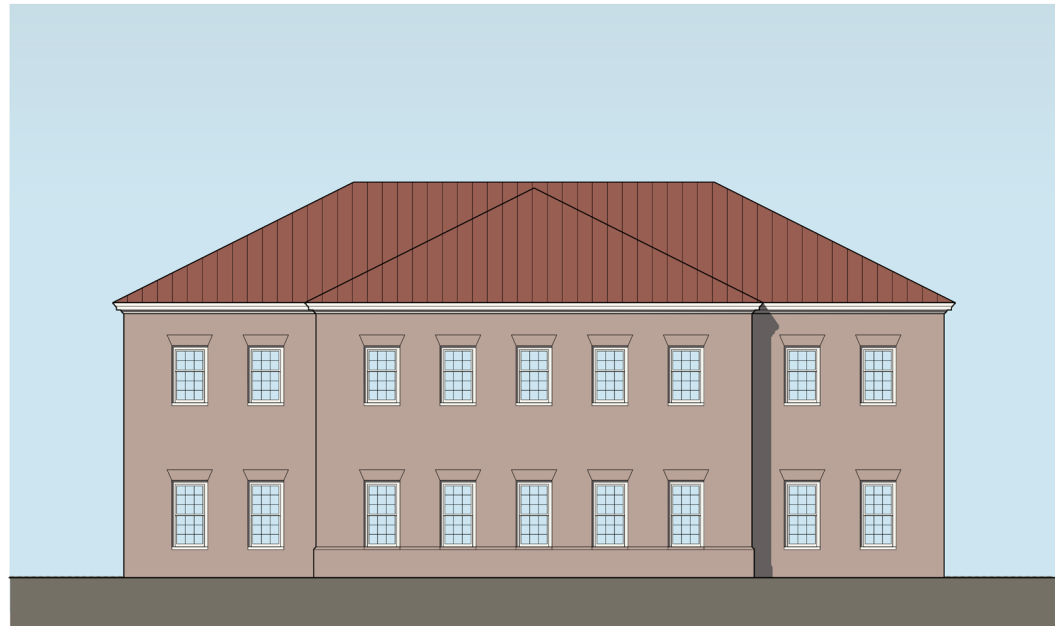




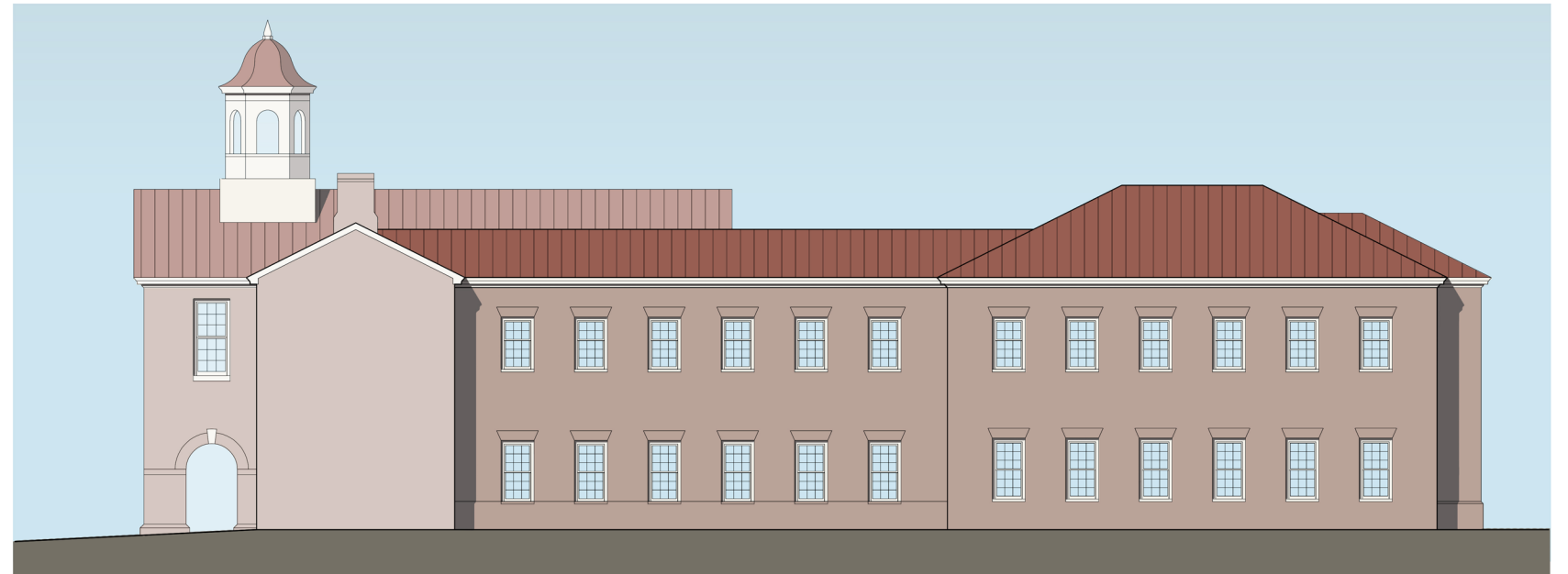
EAST ELEVATION



SOUTH ELEVATION

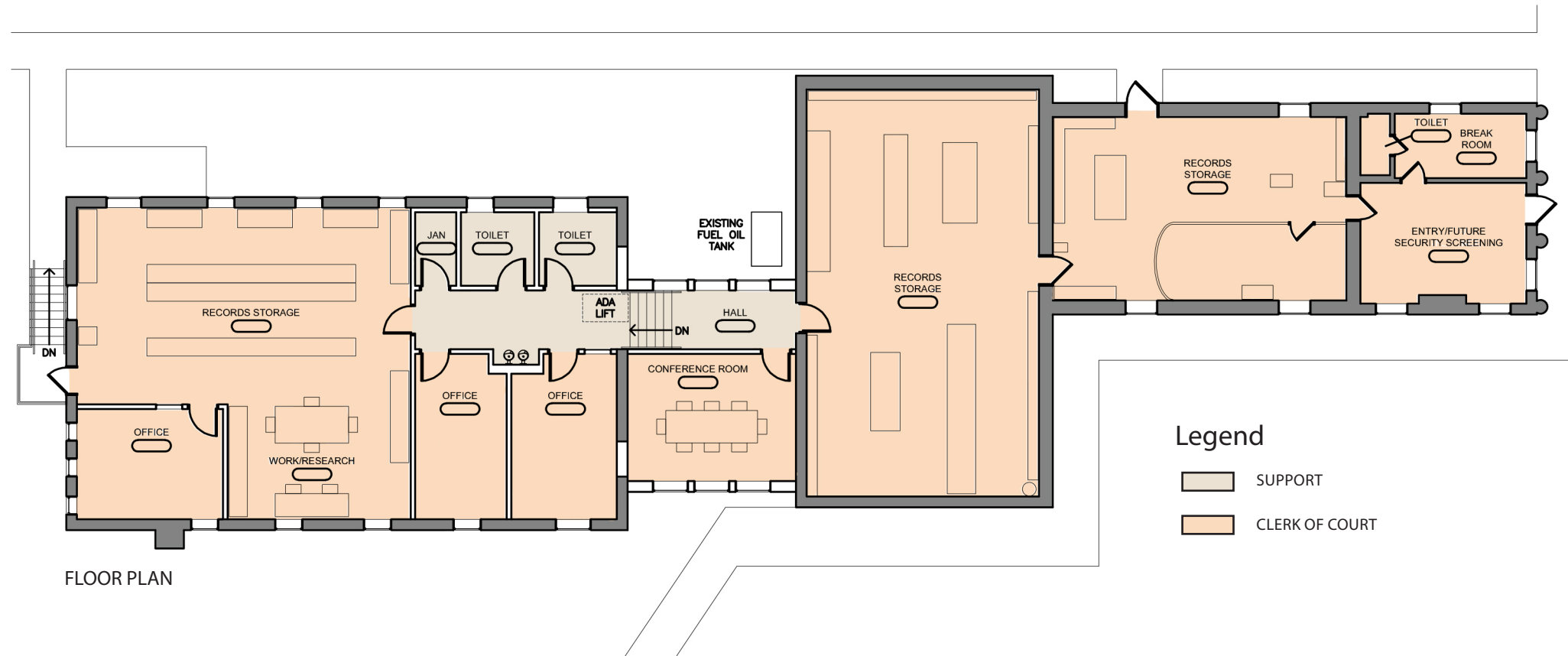


WEST ELEVATION



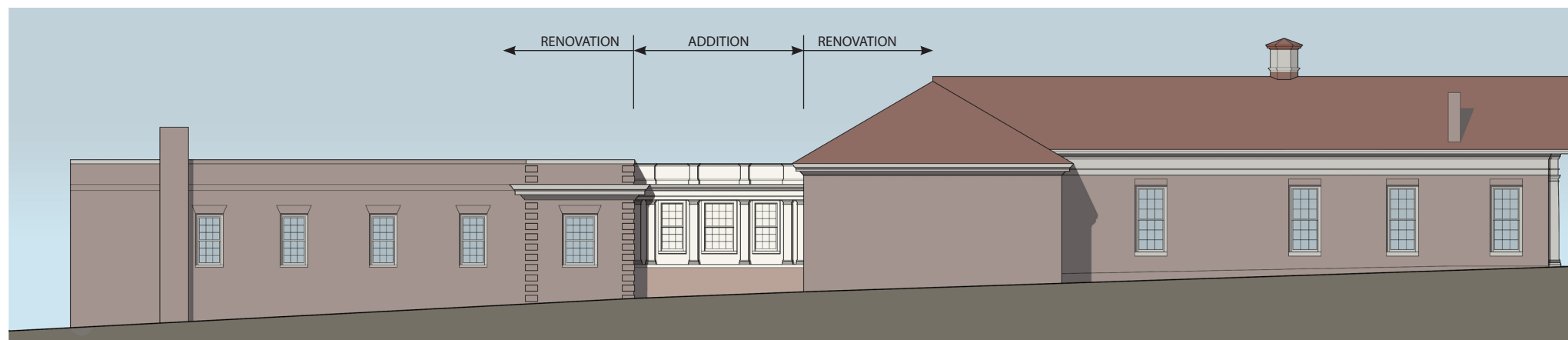
NORTH ELEVATION





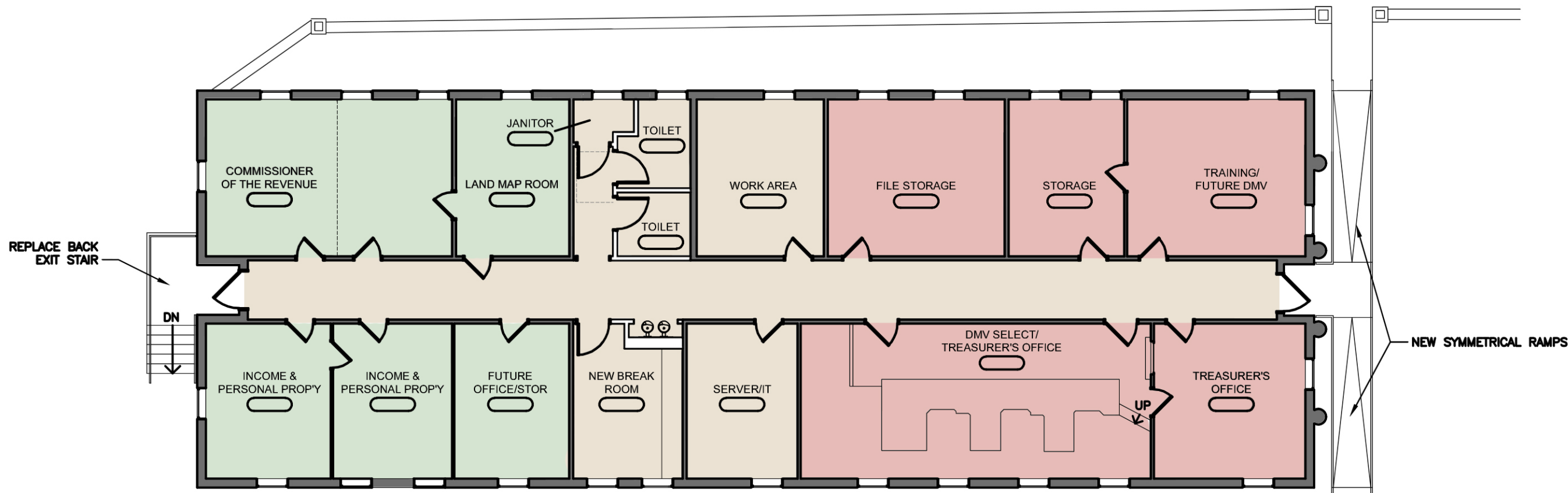
NOTES:

- New records storage to receive dry chemical fire suppression system and fire-rated enclosure.
- ADA lift will be folded against the wall when not in use. ADA lift may also be used to transport records between the upper and lower level.
- Proposed building area exceeds existing area currently occupied in 1950s courthouse addition. Spaces shown may be reconfigured to meet the occupants' needs.
- "Proposed" area in table below does not include the "Support" building areas.
- The following renovation scope is recommended for the existing building volume:
 - Replacement of existing loose carpeting.
 - Replacement of existing Halon fire suppression system with new dry chemical system.
 - Repairs to cracked masonry and plaster.



Clerk's Office	
Existing	Proposed
3,211 SF	4,105 SF





SCOPE OF WORK:

- REPLACE EXISTING RAMP AT FRONT ENTRY WITH NEW SYMMETRICAL CONCRETE RAMPS.
- REPLACE REAR EGRESS STAIR (MASONRY KNEE WALLS, CONCRETE LANDING AND STEPS, PAINTED STEEL RAILINGS)
- PROVIDE NEW SHARED BREAK ROOM (WITH COUNTER, SINK, REFRIGERATOR)
- REPLACE (4) EXISTING BATHROOMS WITH (2) NEW BATHROOMS, JANITOR'S CLOSET, AND DRINKING FOUNTAINS.

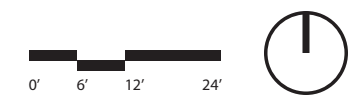
OTHER WORK TO BE PERFORMED (NOT SHOWN):

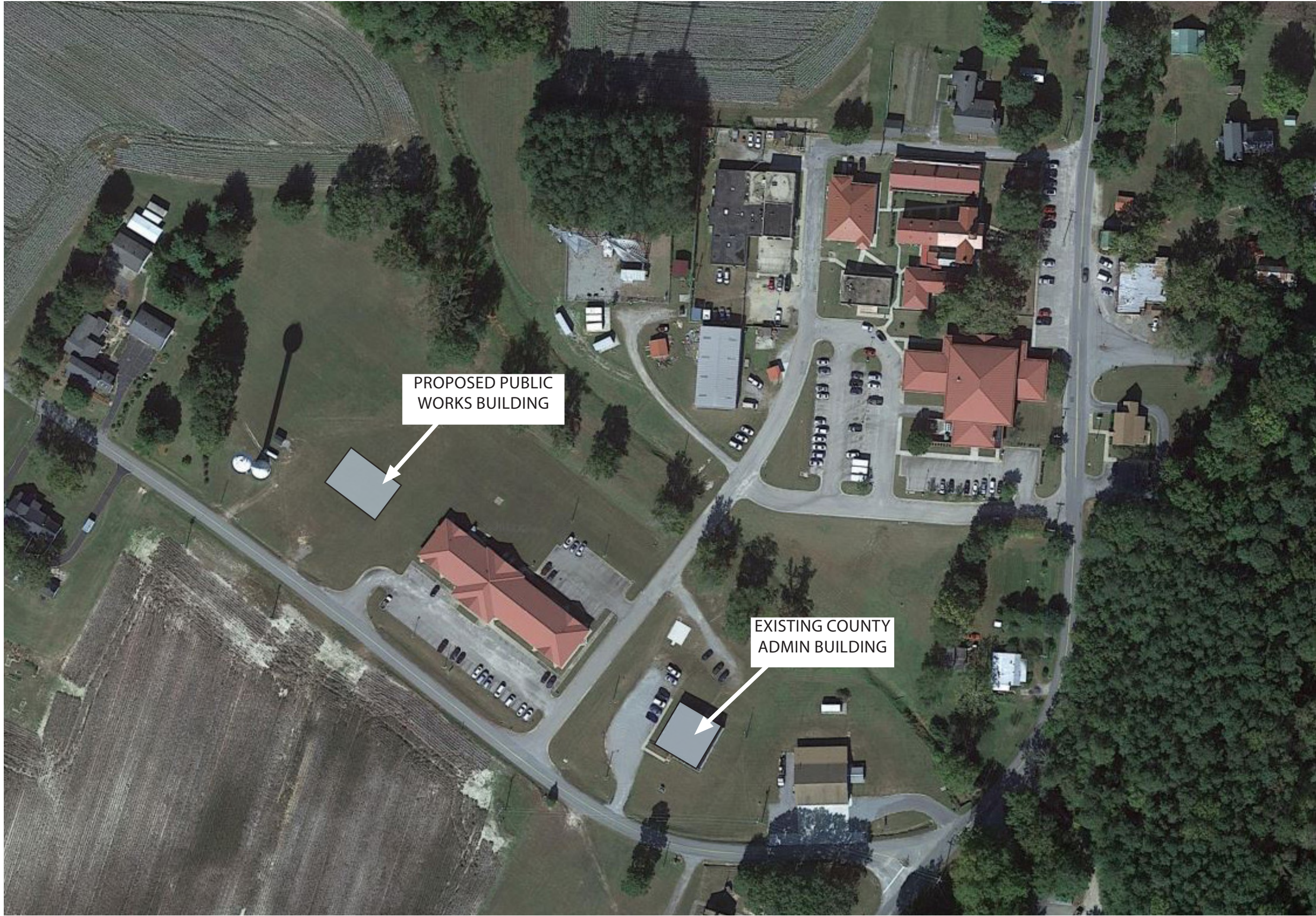
- REPLACE EXISTING PAINTED STANDING SEAM METAL ROOF WITH SAME
- REBUILD/REPLACE EXISTING CONCEALED GUTTER, COLLECTION BOXES, AND DOWNSPOUTS
- REPAIR SELECTIVE WALL DAMAGE AT INTERIOR PLASTER FINISHES (E.G., AT WALLS AND CEILINGS, APPROX. 200 SF)
- UPDATE INTERIOR FINISHES

Legend

- SHARED
- TREASURER
- COMMISSIONER OF THE REVENUE

Treasurer and Commissioner of the Revenue					
Existing Total	Proposed Total	Treasurer (Existing)	Treasurer (Proposed)	Revenue (Existing)	Revenue (Proposed)
3,571 SF	3,571 SF	1,716 SF	1,716 SF	1,017 SF	1,017 SF





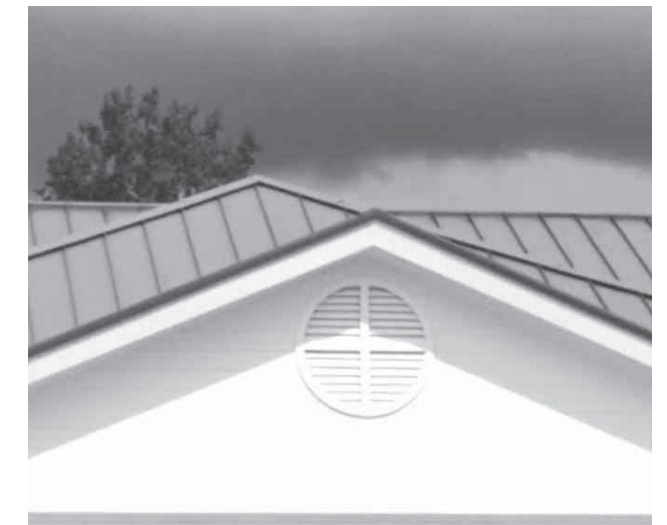
NOT TO SCALE 

Sussex County Courthouse

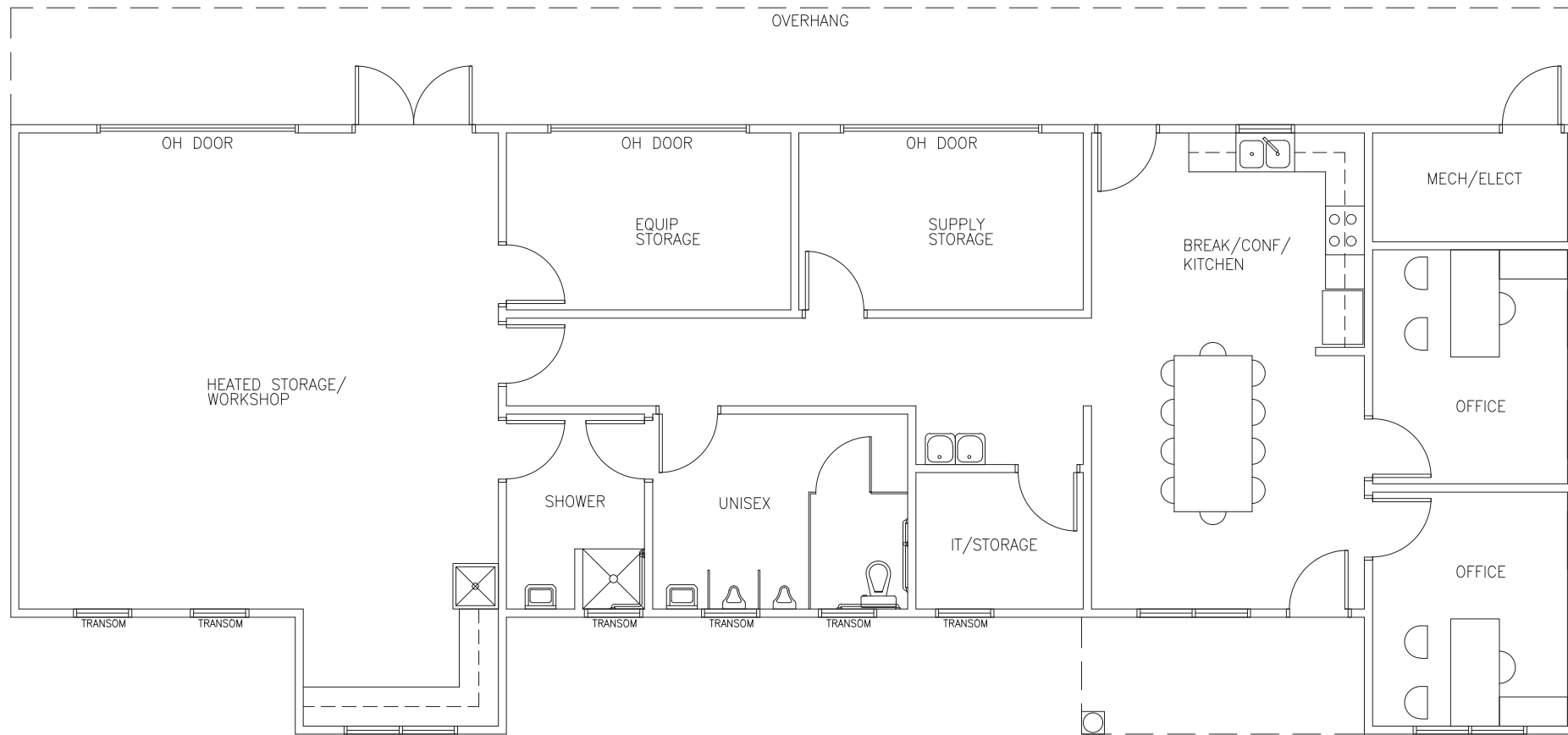
Sussex County, Virginia

PUBLIC WORKS/OLD ADMINISTRATION BUILDING			
ROOM NAME	NEAR	CURRENT SF	NEEDED SF
Office	Break/Conf/Kitchen		120
Office	Break/Conf/Kitchen		120
Break/Conf/Kitchen		180	250
Locker/Shower	Men's/Women's		100
Men's	Locker/Shower	60	120
Women's	Locker/Shower	40	80
Storage-Cleaning Supplies		100	120
Storage-Cleaning Equipment		100	120
Workshop	Heated Storage		150
Heated Storage	Workshop		350
Vehicle Wash			-
Subtotal		480	1530
Ancillary		1515	643
TOTAL		1995	2173
Occupied %		24%	70%
		Current	Future Need
		6	8

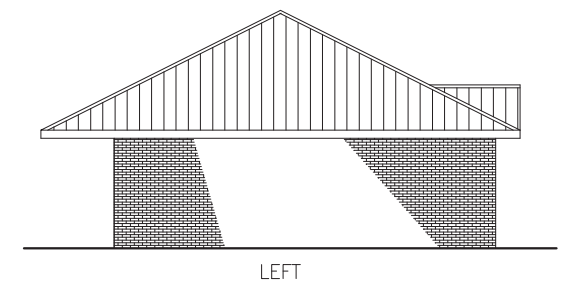
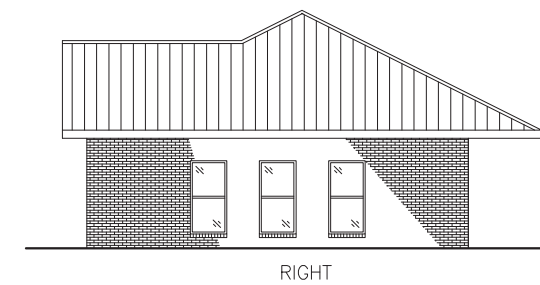
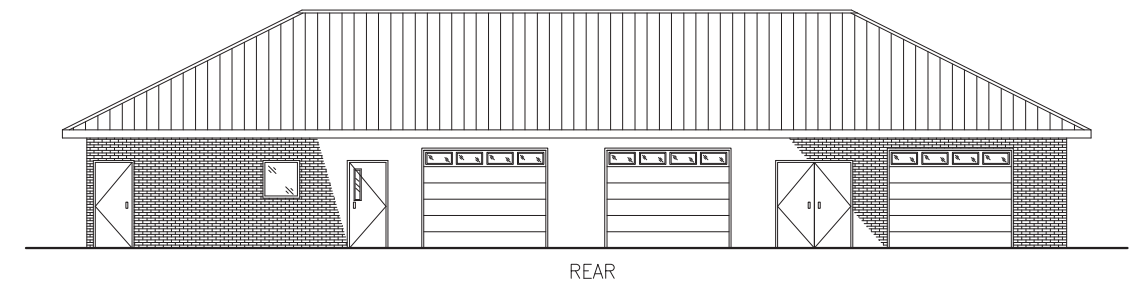
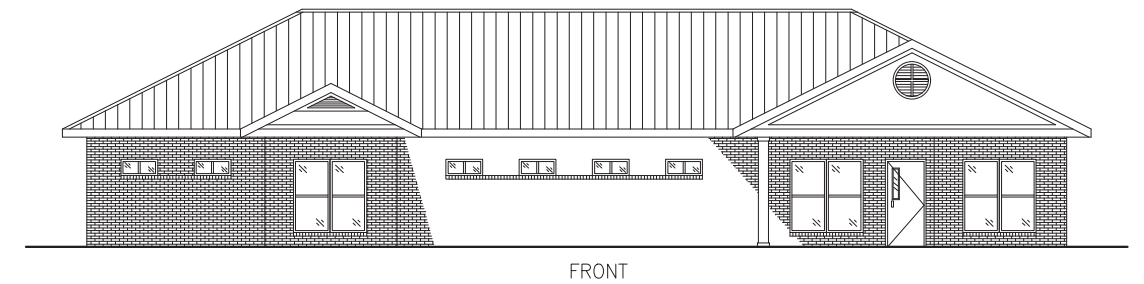
Required Areas



Architectural Precedent

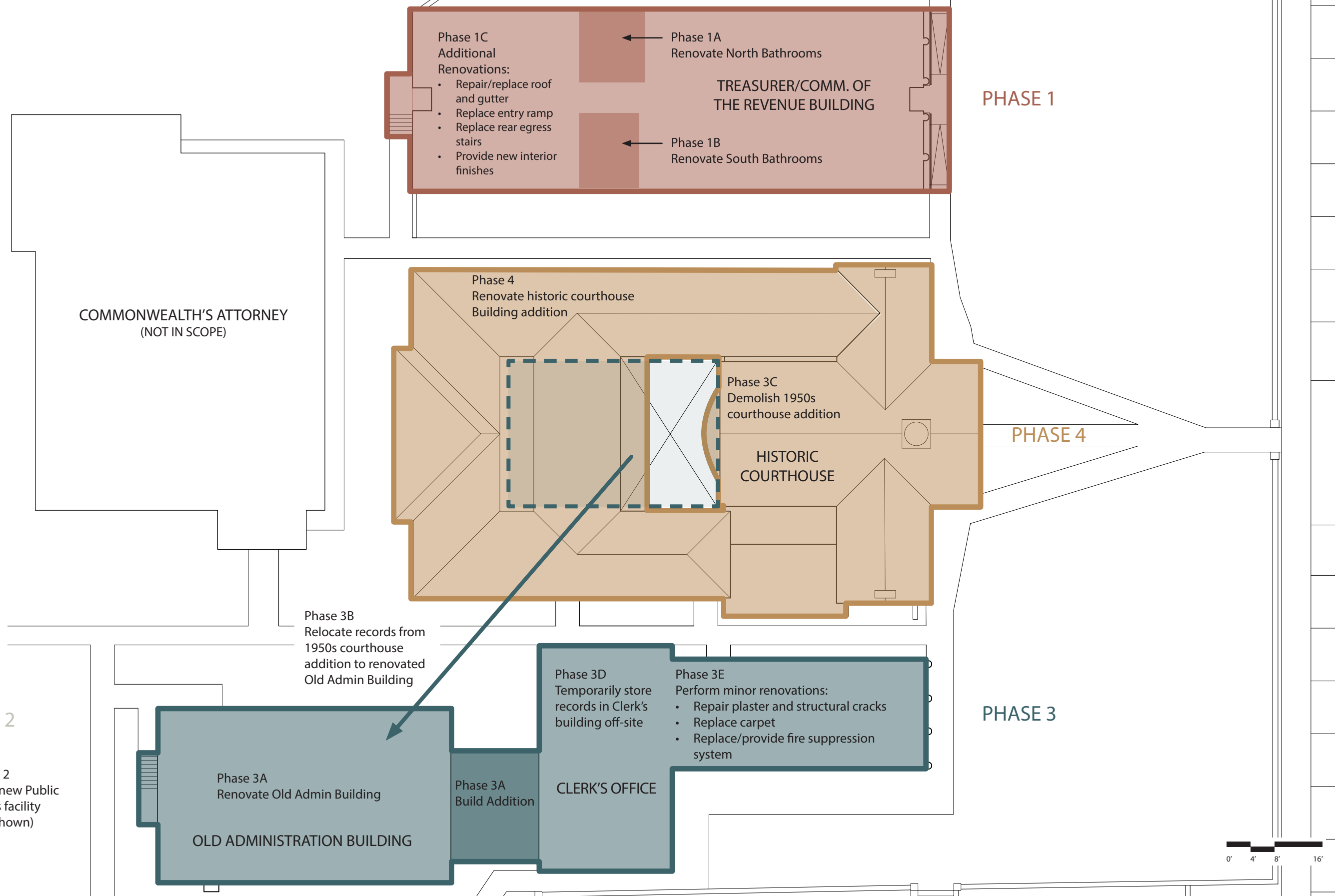


Maintenance Building Floor Plan



Maintenance Building Elevations





Estimate of Project Costs

Courthouse Building and Addition

1. Demolition	\$84,833
2. Foundations	\$1,890,145
3. Structure	\$577,994
4. Exterior Envelope	\$2,060,152
5. Interior Construction	\$2,098,824
6. Fire Protection	\$147,250
7. HVAC Systems	\$780,377
8. Plumbing Systems	\$194,952
9. Electrical, AV, IT, and Security Systems	\$964,034
10. Markups	\$4,182,739

Clerk's Building, Old Admin Building, and Addition

1. Demolition	\$65,792
2. Foundations	\$9,990
3. Structure	\$43,440
4. Exterior Envelope	\$413,868
5. Interior Construction	\$291,321
6. Fire Protection	\$23,400
7. HVAC Systems	\$280,513
8. Plumbing Systems	\$84,334
9. Electrical, AV, IT, and Security Systems	\$291,860
10. Markups	\$780,405

Treasurer/Revenue Building

1. Demolition	\$29,948
2. Structure	\$48,137
3. Exterior Envelope	\$427,752
4. Interior Construction	\$126,562
5. Plumbing Systems	\$34,405
6. Electrical, AV, IT, and Security Systems	\$81,191
7. Markups	\$323,114

\$11,507,092

Public Works Building

1. Foundations	\$37,028
2. Structure	\$112,022
3. Exterior Envelope	\$345,113
4. Interior Construction	\$140,401
5. Fire Protection	\$13,817
6. HVAC Systems	\$130,879
7. Plumbing Systems	\$39,548
8. Electrical, AV, IT, and Security Systems	\$148,929
9. Markups	\$516,602

\$ 1,566,507

Sitework

\$ 771,285

Construction Cost Estimate

\$ 17,213,254

Professional Services (10-12% of construction cost)

\$1,721,325-\$2,065,590

1. Design (75%)	\$1,290,994-\$1,549,193
2. Bidding (5%)	\$86,066-\$103,280
3. Contract Administration (25%)	\$430,331-\$516,398

Other Project Costs

\$3,308,192

1. Owner's Construction Contingency (8% of construction cost)	\$1,377,060
2. Special Inspections	\$100,000
3. Temporary Storage, Facilities, & Moving Costs	\$756,132
4. FF&E Allowance	\$575,000
5. Miscellaneous Expenses	\$500,000

Estimated Project Total

\$22,242,771-\$22,587,036

BOARD ACTION FORM

Agenda Item: Action Item #6.01

Subject: Consideration of Contract for Professional Architectural/Engineering Services for Renovation and Construction of Historic Courthouse and Related Facilities (RFP #2023-02)

Board Meeting Date: March 21 2024

=====

Summary: Request for Proposals 2023-02—Professional Architectural/Engineering Services for Renovation and Construction of Historic Courthouse and Related Facilities was advertised in December 2023 to solicit proposals regarding the proposed courthouse project. Glave & Holmes, who along with the Wooten Company completed the initial building assessment and conceptual planning work related to this project, was the lone firm that submitted a proposal by the deadline (another firm submitted after the deadline and was not deemed as qualified as Glave & Holmes). Glave & Holmes has significant experience in major historic preservation projects and is highly regarded for their work with historic properties. Staff has been negotiating contract fees as outlined in the RFP but has not finalized by the time this memo was prepared and plans to share at the board meeting. Staff is requesting authorization to execute a contract with Glave & Holmes for project architectural/engineering services (design, bid package, construction administration, etc.).

Recommendation: That the Board authorizes the County Administrator and County Attorney to prepare and execute a contract with Glave & Holmes for architectural/engineering services related to the courthouse project.

Attachment: Glavé & Holmes Proposal; RFP #2023-02

=====

ACTION: That the Board authorizes the County Administrator and County Attorney to prepare and execute a contract with Glave & Holmes for architectural/engineering services related to the courthouse project.

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Baicy	___	___	Tolliver	___	___
Fly	___	___	Tyler	___	___
Futrell	___	___	White	___	___
W. Jones	___	___			

15 March 2024

Richard Douglas
Sussex County Administrator
20135 Princeton Road
P.O. Box 1397
Sussex, Virginia 23834

Project: Sussex County Renovation and Construction of Historic Courthouse and Related Facilities
G&H Proposal Number: 23109
Sussex County RFP: #2023-02

Re: Proposal for Professional Design and Construction Phase Services

Dear Mr. Douglas,

We are pleased to hear that Sussex County has taken the decision to renovate and expand its county courthouse facilities. We are also excited to have the opportunity to help update and enhance the County's civic center.

Based on the terms of RFP #2023-02, our discussions, and the outcome of the Concept Design and Programming Study presented to the Board of Supervisors in August 2023, Glavé & Holmes Architecture (G&H) is pleased to present this proposal letter to Sussex County, Virginia (Owner) for the architectural and engineering services related to Sussex County Renovation and Construction of Historic Courthouse and Related Facilities (the Project).

1. PROJECT DESCRIPTION

We understand the Project to consist of the design and construction phase services for the following: Phase 1 - renovation of the existing Treasurer/Commissioner of the Revenue building; Phase 2 - construction of a new public works building; Phase 3 - renovation of the Clerk of Court office and adjacent former administrative building with new construction connecting the two buildings; and Phase 4 - renovations to the historic courthouse along with construction of an administrative addition including demolition of existing 1950s addition. The Project scope is generally defined in the Concept Design presentation to the Board of Supervisors (BoS) dated 8/17/2023, the programming document dated 8/11/2023 and the Site Assessment Report dated 4/28/2023, attached for reference.

The construction budget for the Project is anticipated to be \$17,213,254.00, based on the conceptual estimate prepared by Downey & Scott.

The construction will be divided into four phases under one construction contract; the phases. We understand the construction contract will be awarded by competitive bid to a contractor drawn from a pre-qualified list of General Contractors.

For this Project, we propose to subcontract with Wooten for civil engineering; Springpoint Structural for structural engineering; Inversity Consulting Engineers for HVAC, electrical, plumbing and fire protection engineering; GHD for security, audio-visual and IT systems engineering and Downey & Scott for cost estimating. We have successfully worked with each of these firms in the past and are confident that we have assembled an excellent team for the Project.

2. PROJECT SCOPE OF SERVICES AND DELIVERABLES

For this Project, we have divided the services into phases as follows:

- A. Schematic Design (SD)
 - a. Generally, we will provide customary services in accordance with the scope defined in the AIA Document *B101- 2017 Standard Form of Agreement Between Owner and Architect* for architectural, civil, structural, HVAC, electrical, plumbing, fire protection and low voltage systems services for the Project.
 - b. We will meet with the Owner to confirm the program for the Project and to develop Schematic Design floor plans for that program.
 - c. We have included up to three (3) in-person meetings to be held in Sussex County with the Owner. Alternatively, these meetings can be held virtually.
 - d. We have included colored presentation images of the floor plans and exterior (2D) sufficient to convey the design intent. For Phase 4, we will create 3D images of the building exterior to confirm building massing.
 - e. Deliverables: Presentation Drawings and Schematic Design Documents (drawings and design narrative) in digital, PDF format.
- B. Design Development (DD)
 - a. Generally, we will provide customary services in accordance with the scope defined in the AIA Document *B101- 2017 Standard Form of Agreement Between Owner and Architect* for Core & Shell, and engineering services for architectural, structural, HVAC, electrical, plumbing, fire protection and low voltage systems services for the Project.
 - b. We have included up to three (3) in-person meetings to be held in Sussex County with the Owner. Alternatively, these meetings can be held virtually.
 - c. We will update the presentation drawings from Schematic Design to convey the design intent.
 - d. Deliverables: Presentation Drawings and Design Development Documents (drawings and updated design narrative) in digital, PDF format.
- C. Construction Documents (CD)
 - a. Generally, we will provide customary services in accordance with the scope defined in the AIA Document *B101- 2017 Standard Form of Agreement Between Owner and Architect*.
 - b. We have included up to three (3) in-person meetings to be held in Sussex County with the Owner. Alternatively, these meetings can be held virtually.
 - c. Deliverables: Construction Documents for permitting and construction of the Project in digital, PDF format, including drawings and project manual
- D. Bidding/Negotiation Phase (Bid)
 - a. Generally, we will provide customary services in accordance with the scope defined in the AIA Document *B101- 2017 Standard Form of Agreement Between Owner and Architect for competitive bidding*.
 - b. We have included up to two (2) in-person meetings to be held in Sussex County with the Owner and Bidders. Alternatively, these meetings can be held virtually.
- E. Construction Contract Administration (CCA)
 - a. Generally, we will provide customary services in accordance with the scope defined in the AIA Document *B101- 2017 Standard Form of Agreement Between Owner and Architect*.
 - b. We have included customary Construction Phase services, including attendance at on-site construction progress meetings, reviewing the progress of construction, answering Contractor Requests for Information, issuing clarifications to the Construction Documents, reviewing Contractor Submittals, and inspecting the Work for Substantial and Final Completion (i.e. "Punch List.")
 - c. Based on conceptual discussions with Downey & Scott, we have assumed a construction duration of nineteen (19) months (Construction Start through Final Completion, assuming some phases to occur

concurrently) and have included two on-site construction meetings / site visits every month for the duration of construction, for a total of thirty-eight (38) meetings.

- d. We have included five (5) construction completion inspections (i.e. punch outs) to establish Substantial Completion and Final Completion, assuming some phases to be constructed concurrently.

F. Supplemental Services:

- a. Cost Consulting: Through our subconsultant Downey & Scott and in accordance with the County's RFP, G&H will provide independent cost estimates at the end of schematic and construction document phase of design (SD and CD). We have included one (1) virtual meeting per phase with the Owner, Contractor and Downey & Scott to answer questions and to reconcile the independent estimate with the Contractor's estimate.
- b. Survey Services: Through our sub-consultant Wooten, G&H will provide a sealed topographic survey indicating parcel line data, tied to the Virginia State Plane Coordinate system and locating first floor elevations of buildings within the survey limits. Refer to attached Survey Limits Exhibit.
- c. Geotechnical Services: Through our subconsultant Wooten, G&H will provide a geotechnical report based on field and laboratory testing consisting of 280 feet of CPT testing (7 CPT Soundings) of the project site. The report will provide recommendations for site preparation, foundation recommendations and an estimate of the Seismic Site Class along with other findings. Refer to attached Geotechnical Test Location Plan.
- d. Fire Flow Test & Modeling Services: Through our subconsultant Wooten, G&H will provide analysis of pressure capacity for fire flow as required by the Virginia Statewide Unified Building Code.

3. SCHEDULE

Upon receipt of your approval to this proposal, we we will finalize a mutually acceptable schedule. Our preliminary schedule, based on a Notice-To-Proceed by Monday, April 1, 2024, and our understanding of the work and site plan approval process, indicates the following approximate durations and milestones:

SD Completion: Mid-June 2024 (10 weeks)

DD Completion: End of October 2024 (20 weeks)

CD Completion: End of May 2025 (30 weeks)

Bidding/Permitting: Mid July 2025 (6 weeks)

Construction: Mid of July 2025- Mid of February 2027 (19 months)

4. QUALIFICATIONS & CLARIFICATIONS

A. The following scope of services are not included in this proposal:

- a. Selections or specifications of furnishings, fixtures and equipment (FF&E).
- b. Distributed Antenna System (DAS) for building cell coverage or for Public Safety communications. DAS can be designed for an additional fee.
- c. Landscape design.
- d. Commercial kitchen hoods or grease interceptors
- e. Specialized HVAC systems for archives or museum artifacts
- f. Non-water fire suppression systems
- g. Multiple construction packages

- h. Certifications related to sustainability or energy efficiency, such as LEED, Green Globes or WELL
- B. We have included performance criteria for a fire protection system for the building. The design of the system will be performed by a design/build contractor as a delegated design element in the Project.
- C. We have calibrated our services with the assumption that construction will be procured under a single construction contract by pre-qualified General Contractor's bidding (i.e. low-bid selection at the General Contractor level) basis.

5. COST OF SERVICES

Glavé & Holmes Architecture, P.C. will provide the services indicated in this proposal for the following stipulated sum, plus normal and customary Reimbursable Expenses at cost x 1.15. Reimbursable Expenses include printing, mileage, travel expenses, meals, postage/delivery, and similar project related expenses.

Basic Services Phase	Design Fee
Schematic Design Phase	\$236,575
Design Development Phase	\$477,410
Construction Document Phase	\$623,875
Bidding/Negotiation Phase	\$35,900
Construction Contract Administration Phase	\$576,520
Total Basic Services Fee	\$1,950,280

Supplemental Services	Design Fee
Record Documents	\$11,720
Cost Estimating	\$37,080
Survey Services	\$23,940
Geotechnical Services	\$26,470
Fire-Flow Test Modeling	\$3,295
Total Basic Services Fee	\$102,505

Total Services Fee **\$2,052,785**

We estimate reimbursable expenses will not exceed \$10,000.

Additional Services not contained in this proposal, when authorized by the Owner, shall be compensated on an hourly basis using hourly rates contained in Hourly Billing Rates Schedule in effect at the date of the additional services proposal or on the basis of a negotiated stipulated sum.

Prices contained in this proposal are valid for sixty (60) days from the proposal date.

6. TERMS AND CONDITIONS

We understand that the Owner intends to contract for the services described in this proposal using a standard AIA Form of Agreement, modified to reflect the services of this proposal and certain Owner-initiated amendments. Upon acceptance of this proposal, we will draft a suitable agreement for execution.

We are excited to be involved with realizing your vision for the Sussex County Courthouse Complex and we look forward to working with you. Should you have any questions, please do not hesitate to call us at (804) 649-9303.

Sincerely,



Andrew B, Moore, AIA
Senior Principal
for Glavé & Holmes Architecture P.C.

Encl:

- Concept Design presentation to the Board of Supervisors(BoS) dated 8/17/2023
- Programming Report dated 8/11/2023
- Site Assessment Report dated 4/28/2023
- Survey Limits Exhibit dated 3/14/2024
- Geotechnical Test Location Plan dated 2/23/2024

SUSSEX COUNTY, VIRGINIA
REQUEST FOR PROPOSALS #2023-02
PROFESSIONAL ARCHITECTURAL/ENGINEERING SERVICES
FOR RENOVATION AND CONSTRUCTION
OF HISTORIC COURTHOUSE AND
RELATED FACILITIES

Sussex County, Virginia, will accept proposals until Friday, January 19, 2024, 5:00 pm, local prevailing time, from qualified firms (“offerors”) to provide professional services associated with development of an architectural program, architectural and engineering design, development of construction documents/bid specifications and construction administration services, all associated with renovation of the historic Sussex County Courthouse and associated construction and renovation of related county facilities, in accordance with USDA Rural Development community facilities funding guidelines. Sussex County intends to select one firm or a team of firms to provide these services using the competitive negotiation procedure for professional services as defined in Section 2.2-4302.1 of the Code of Virginia.

Full copies of the RFP may be requested by contacting Shilton R. Butts, Assistant to the County Administrator/Clerk to the Board, at sricks@sussexcountyva.gov, or 434-246-1000. [The RFP is posted on the County website \[www.sussexcountyva.gov\]](http://www.sussexcountyva.gov) and on eVA [\[eva.virginia.gov\]](http://eva.virginia.gov).

1. General

Sussex County, Virginia, will accept proposals until Friday, January 19, 2024, 5:00 pm, local prevailing time, from qualified architectural firms (“offerors”) to provide professional services associated with development of an architectural program, architectural and engineering design, development of construction documents/bid specifications and construction administration services, all associated with renovation of the historic Sussex County Courthouse and associated construction and renovation of related county facilities, in accordance with USDA Rural Development community facilities funding guidelines. Sussex County intends to select one firm or a team of firms to provide these services using the competitive negotiation procedure for professional services as defined in Section 2.2-4302.1 of the Code of Virginia.

The Wooten Company, under its general services term contract with Sussex County, and Glave & Holmes recently completed general assessment and conceptual design tasks related to County’s courthouse campus, to include the historic Sussex County Courthouse, an addition to the courthouse constructed in the 1950s, a building housing the Treasurer and Commissioner of the Revenue, a building housing the Clerk of Court, and former county administration building. Deliverables included a report of existing conditions and concept design for the historic courthouse (January 2023); a building conditions assessment of the other buildings (April 2023); an architectural space program (August 2023); and a concept design and estimate of probable costs to reflect a project consisting of the following: a renovated historic courthouse with construction of an administrative addition/demolition of existing space; renovation of the existing Treasurer/Commissioner of the Revenue building; renovation of the Clerk of Court office and adjacent former administrative building with new construction connecting the two buildings; and a public works building. The architectural team estimated this project to cost \$17.2 million, and it was separated into four phases.

1. **Scope of Services**

Sussex County seeks the following professional services:

a) **Development/Finalization of the Architectural Program:**

Recommend any modifications to the architectural programming document, to include any modifications to the phasing of the project, if necessary.

b) Architectural and Engineering Design:

- i. Prepare design and construction documents for the project that are in conformance with the approved architectural program and generally accepted architectural and engineering practices, and further comply with applicable codes and regulations including but not limited to the Virginia Uniform Statewide Building Code and the Americans with Disabilities Act.
- ii. Revise as needed and finalize construction cost estimates and work with the County to create a comprehensive construction budget.
- iii. Prepare site plans and schematic drawings.
- iv. Refine the schematic design by preparing preliminary plans showing the layout and size of all of the components of the facility including all rooms, closets, toilets, storage and service areas, mechanical rooms, stairways, elevators and corridors. Indications of surface treatments, furnishings and the locations of equipment also should be shown.
- v. Prepare complete contract documents, including instructions to bidders, bid form, agreement, general conditions, supplementary conditions, technical specifications, construction plans and other documents as may be required by the County; all in compliance with the Virginia Public Procurement Act.
- vi. Furnish sets of construction drawings, elevation drawings and contract documents in such quantity as may be required by the County for submission to regulatory agencies and other reviewing authorities and for the County's general use.
- vii. Prepare an updated, detailed estimate of the cost of construction based on the final drawing and specifications that does not exceed the County's budget for the project. All cost estimates shall contain sufficient detail to project accurately all expenses associated with the project: including, for example, costs related to:
 - Building construction
 - Construction administration and oversight
 - Site improvements
 - Off-site improvements (If necessary)
 - Utilities

- Temporary facilities
- Consulting fees
- Boundary, topographical, as-built and other surveys
- Geotechnical investigation, soil borings and other tests
- Structural engineering investigation, concrete analysis and other tests
- Testing and laboratory services and inspections
- Furniture, fixtures and equipment.
-

c) Bidding Phase Services

- i. Assist the County in developing and publishing criteria for prequalification of prospective contractors for construction in accordance with Virginia Code § 2.2-4317.
- ii. Coordinate selection of a general contractor through the competitive sealed bidding process; including attendance at pre-bid conference and assisting in responding to inquiries regarding the drawings and specifications.
- iii. Assist the County in determining which bidder has submitted the lowest responsive and responsible bid.
- iv. Assist the County and selected general contractor in obtaining any federal, state or local permits or approvals that are applicable to or necessary for the project.

d) Construction Administration Services

- i. Review/approve submittals, shop drawings and other product data or samples to verify conformance with the contract documents.
- ii. Provide periodic site visits by principals, project architect, and other staff members as appropriate, to observe the work in progress and to make appropriate reports to the County.
- iii. Review proposed change orders submitted by the selected general contractor and make recommendations as to whether such change orders should be accepted; assist the County in preparation of change orders to the contract as deemed necessary by the County.
- iv. Review and verify monthly payment estimates submitted by the general contractor, and conduct periodic meetings to review progress and assist in coordinating ongoing work.

- v. Assist in providing (by subcontract if necessary) material testing services as needed during construction to assure appropriate quality control.
 - vi. Identify construction inspection/verification hold points that require verification/approval by either the AE or the County assigned Project inspector(s): such verification/hold points pertain to and/or are in addition to inspections required by the Virginia Uniform Statewide Building Code to ensure the quality and acceptability of the project Is confirmed at all phases of construction.
 - vii. Prepare and provide an Inspection Guide and Checklist for use by the AE and/or the County's assigned Project Inspector(s) to provide for documentation of the acceptance of all required inspections conducted/completed throughout construction of the project.
 - viii. Make a final Inspection of the completed project with the County. Upon full and satisfactory completion of all construction, issue in coordination with the County a Certificate of Substantial Completion and acceptance. Upon completion of the work, compile for and deliver to the County a complete set of record documents, including warranties on equipment, permits, as-built drawings and inspection reports.
- e) Provide other related services required to assist the County in bidding the construction work, awarding the construction contract and administering the construction contract.
 - f) Coordinate all activities of the program of work and consult regularly and clearly with the County with regard to any concerns or difficulties that may arise with respect to adhering to the agreed schedule and timelines.
 - g) Provide all necessary engineering, architectural, environmental, surveying, Impact analysis (e.g. traffic, utilities, infrastructure), and other services related to the program of work and necessary to provide the required services and deliverables.

This is a general listing of the scope of services and deliverables and should not be construed as being the full and complete list of all services and deliverables that may be required. A more comprehensive list of services and deliverables may be developed through discussion and negotiation between the offeror and County.

2. Site Visits

Site visits may be scheduled at the request of offeror and may be arranged by contacting the Office of the Sussex County Administrator at (434) 246-1000.

3. Term of Contract

The duration of any resulting contract will be dependent on negotiations with the selected offeror.

4. Proposals

- a)** In order to be considered for selection, offerors must submit a complete response to this RFP. One printed and signed original and one electronic copy (PDF) of each proposal must be submitted to the County Administrator, at the location stated below, on or before 5:00 pm, local prevailing time, on January 19, 2024.
- b)** Proposals should conform to the following requirements:
 - i. Proposals must be signed by an authorized representative of the Offeror.
 - ii. All requested Information must be submitted. Proposals which are substantially incomplete or lack key information will be rejected by the County.
- c)** Proposals must include:
 - i. Resumes of individuals to be assigned to the project (see subparagraph f below);
 - ii. Recent history of the firm, including recent projects of similar nature (see subparagraph d below);
 - iii. Names and references from similar projects (see subparagraph e below);
 - iv. A statement of the capacity of the firm to perform the work based upon current and planned work load and schedules; and
 - v. Proposed project schedule for carrying out/providing the services/ deliverables.
- d)** Offeror must furnish evidence of its qualifications, expertise and experience in the provision of similar services/deliverables. Proposals should highlight similar work performed by the offeror, including but not limited to other historic courthouse renovation projects conducted by the offeror. Offeror is encouraged to elaborate on its qualifications to carry out the scope of services considered herein and its experience providing services and deliverables similar to those requested in this RFQ, including specific reference(s) by the offeror of its capabilities with respect to quality assurance and quality control of construction projects it has designed and assisted in the completion of.
- e)** Offeror must provide the name, address, contact person and phone number of at least three clients for whom offeror has provided similar services or deliverables. Offeror should include a brief description of each similar project. The County reserves the right to contact any client listed.

- f) The proposal must identify the offeror's proposed project team including the project manager.
- g) The proposal must identify the offeror's proposed approach/strategy to completing the project and timeline for providing the services and deliverables.
- h) The proposal must state any professional licenses maintained by offeror and/or individuals identified as being a part of offeror's project team that are relevant to the project.
- i) Proposals should be prepared simply and economically, providing a straightforward, concise description of offeror's proposal and capabilities to satisfy the requirements of the RFP.
- j) Ownership of all data, materials and documentation originated and prepared for the County pursuant to the RFP shall belong exclusively to the County and be subject to public inspection In accordance with the Virginia Freedom of Information Act. Trade secrets or proprietary Information submitted by an offeror shall not be subject to public disclosure under the Virginia Freedom of Information Act: however, the offeror must invoke the protections of Section 2.2- 4342.F of the Code of Virginia, in writing, either before or at the time the data or other material is submitted. The written notice must specifically identify the data or materials to be protected and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures or paragraphs that constitute trade secret or proprietary Information. The classification of an entire proposal document as proprietary or trade secrets is not acceptable and will result in rejection of the proposal.
- k) No information regarding the proposal records or the contents of responses will be released except in accordance with Virginia Code § 2.2-4342. Once an award has been made, all proposals will be open to public inspection subject to the provisions set forth above.
- l) Offerors shall not provide any estimated project costs in their proposals. During discussions with offerors, as permitted during competitive negotiation under Virginia Code § 2.2-4302.2, County may discuss nonbinding estimates of total project costs with offerors. A final price shall be determined during negotiations.

- m) Identification of proposal envelope: The signed proposal should be sent or delivered to the County in an envelope or package that is sealed and clearly marked on the lower left-hand corner of the envelope or package with:

From: _____
(Offeror)

Due Date: January 19, 2024
Time: 5:00 p.m.
RFP #2023-02

Address _____

5. Evaluation of Proposals

The proposals will be evaluated by a team representing Sussex County Administration, Constitutional Officers, and the Sussex County Board of Supervisors. The team will rank the proposals based on the factors listed below and each firm's initial proposal. The team intends to conduct interviews and/or discussions with at least the two top-ranked firms; however, Sussex County reserves the right to interview more or less than two firms after initial proposals are reviewed, depending on how many offerors are deemed to be fully qualified.

At the conclusion of discussions, on the basis of evaluation factors published in this Request for Qualifications and all information developed in the selection process to this point, Sussex County shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to Sussex County can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to Sussex County, the award shall be made to that offeror, subject to approval of the Sussex County Board of Supervisors. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Factors to be considered by Sussex County in determining whose professional qualifications and proposed services are deemed most meritorious shall include:

- a) Professional competence;
- b) Understanding of the project and the scope of services requested in this RFP;
- c) Proposed project timeline and milestones;
- d) Specific experience with renovation of historic courthouse facilities;
- e) Plan for quality assurance and quality control;
- f) Non-Binding Estimate of Cost (at discussion stage);
- g) The results of interviews and/or discussions with offerors; and
- h) References.

6. Rejection of Proposals/Waiver

Sussex County reserves the right to cancel this RFP or reject any or all proposals received. The County also reserves the right to waive informalities in proposals.

7. General Conditions

Any contract resulting from this RFP shall include the County's General Conditions as set forth in Exhibit A, which is attached hereto and incorporated herein.

8. Proposal Acceptance Period

Any proposal in response to this RFP shall be valid for 90 days. At the end of the 90 days, the offer may be withdrawn at the written request of the offeror. If the offer is not promptly withdrawn (within 5 business days) at that time, it remains in effect until an award is made or the solicitation is canceled.

9. Questions/Comments Concerning this RFP

Pursuant to Virginia Code §2.2-4316, questions or comments concerning this RFP shall be submitted in writing via email to rdouglas@sussexcountyva.gov or by regular mail to Richard Douglas, Sussex County Administrator, P.O. Box 1397, Sussex VA 23884 no later than 5 pm EST on January 12, 2024.

10. Deadline/Address

All proposals must be sealed, delivered and received by 5:00 p.m., local prevailing time, on January 19, 2024. Proposals shall be mailed or hand delivered to:

Richard Douglas
Sussex County Administrator
20135 Princeton Road
P. O. Box 1397
Sussex, Virginia 23834

11. Contract Award

The award of any contract will be made in accordance with the statutes for competitive negotiation for professional contracts contained in Virginia Code § 2.2-4302.2. It is the County's intent to enter into a contract with the successful offeror on or before April 1, 2024. If the County determines in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. Upon the award or the announcement of the decision to award a contract as a result of this solicitation, the County will post such notice on the County's webpage.

12. Ethics In Public Contracting

By submitting a proposal, offeror certifies that its proposal is made without collusion or fraud and that it has not offered or received any kickbacks or inducements from any other offeror, supplier or subcontractor in connection with their proposal, and that it has not conferred on any public employee having official

responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged. Furthermore, the provisions, requirements, and prohibitions contained in Sections 2.2-4367 through 2.2- 4377 of the Virginia Code, pertaining to bidders, offerors, contracts and subcontractors, are applicable to this RFP, as are the provisions, requirements, and prohibitions contained in Sections 2.2-3100 through 2.2-3131 of the Code of Virginia.

13. Qualifications of Offeror

Sussex County may make such reasonable investigations as deemed proper and necessary to determine the ability of the offeror to perform/provide the services/deliverables and the offeror shall furnish to the County all such information and data for this purpose as may be requested. The County reserves the right to inspect offeror's physical facilities prior to award to satisfy questions regarding the offeror's capabilities. The County further reserves the right to reject any proposal if the evidence submitted by, or investigations of, such offeror fails to satisfy the County that such offeror is properly qualified to carry out the obligations of the contract and to provide the services and/or furnish the goods contemplated therein.

14. Debarment Status

By submitting their proposals, offerors certify that they are not currently debarred by the Commonwealth of Virginia, Sussex County, or any other locality from submitting bids or proposals on contracts for the type of Services/deliverables covered by this solicitation, nor are they an agent of any person or entity that is currently so debarred.

In compliance with this Request for Qualifications and to all the conditions imposed herein, the undersigned offers and agrees to furnish the services in accordance with the attached signed proposal or as mutually agreed upon in writing by subsequent negotiation.

Company Name and Address:

_____	Date: _____
_____	Name: _____
_____	Title: _____
_____	Telephone: _____
_____	Email: _____

Signature: _____

Attachment A
Sussex County Contract
General Conditions and any Special Conditions

Termination for Convenience. The County shall have the right to terminate this contract at its convenience, with or without cause, by specifying the date of termination in a written notice. In this event, the Contractor shall be entitled to just and equitable compensation for any satisfactory work completed. All work produced shall become the property of the County.

Assignment of Interest. The Contractor shall not assign any interest in the resulting contract and shall not transfer any interest in the same without prior written consent of the County which the County shall be under no obligation to grant.

Release of Data. No reports, information or data given to or prepared by the Contractor under the resulting contract shall be made available to any individual or organization by the Contractor without the prior written approval of the County, which approval the County shall be under no obligation to grant.

Gender Reference. Words of any gender used in this contract shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context otherwise requires.

Binding Effect. The terms, provisions, covenants and conditions contained in any resulting contract shall apply to, insure to the benefit of, and be binding upon the parties hereto and upon their respective heirs, legal representatives, successors, and permitted assigns except as otherwise expressly provided.

Governing Law. The laws of the Commonwealth of Virginia shall govern this contract.

Worker's Compensation Insurance shall be in compliance with all states in which Contractor does business, including coverage B Employer's liabilities in not less than the following amounts:

Bodily Injury by accident, \$100,000 for each accident;

Bodily injury by disease, \$500,000 policy limit;

Bodily Injury by disease, \$100,000 for each employee.

Public Liability Insurance in amount not less than \$1,000,000 for any occurrence involving bodily injury, and not less than \$1,000,000 for any occurrence involving property damage. This coverage shall include contractual liability, broad form property damage, independent contractors, and personal injury.

Automobile liability insurance in an amount not less than \$500,000 combined single limit bodily injury and property damage. This coverage shall include liability for the use of hired and non-owned vehicles.

The insurance specified herein shall name the County of Sussex as additional insured with regard to work performed under any subsequent contract. The policy(ies) shall provide that the County is to receive written notice by certified mail, sixty (60) days in advance of cancellation or alteration of the policy(ies). Contractor shall provide the County with copies of certification of insurance coverage and proof of payment of all premiums.

Ethics in Public Contracting. Contractor hereby certifies that it has familiarized itself with Article 6 of Title 2.2 of the Virginia Public Procurement Act (Va. Code §2.2-4367 et seq.), and that all amounts received by it, pursuant to this procurement, are proper and in accordance therewith.

Partial Invalidity. Neither any payment for, nor acceptance of, the whole or any part of the services by the County, nor any extension of time, shall operate as a waiver of any provision of this contract, nor of any power herein reserved to the County, or any right to damages herein provided, nor shall any waiver of any breach of any contract be held to be a waiver of any other or subsequent breach. Failure of the County to require compliance with any term or condition of any contract shall neither be deemed a waiver of such term or condition nor a waiver of the subsequent enforcement thereof.

Release and Ownership of Information. The County shall make a good faith effort to identify and make available to the Contractor all non-confidential technical and administrative data in the County's possession which the County may lawfully release including, but not limited to contract specifications, drawings, correspondence, and other information specified and required by the Contractor and relating to its work under this contract. The County reserves its right of ownership to all material given to the Contractor and to all background information, documents, and computer software and documentation developed by the Contractor.

Indemnity. The Contractor shall indemnify and hold harmless the County of Sussex and its officers and employees, against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from the performance of the work described herein, provided that any such claims, damages, losses or expenses (1) are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting there from, and (2) are caused in whole or in part by any negligent acts or omissions of the Contractor, any Subcontractor, or anyone directly or indirectly employed by any of them, regardless of whether or not it is caused in part by a party indemnified hereunder. This indemnification clause shall apply to the fullest extent permitted by law. The County is not permitted under Virginia law to provide a similar blanket indemnification to the Contractor, and any proposal including such a requirement may be deemed non-conforming.

Subcontractors and Assignments. The Contractor shall not sublet or assign this contract or any portion thereof without the prior written consent of the County. In seeking consent for any subcontract or assignment, the Contractor shall furnish all information required by the County to permit the County to ascertain the qualifications of the proposed Subcontractor to perform the

work, and the Contractor shall submit a copy of the subcontract to the County for approval. The subcontract shall incorporate by reference all provisions and conditions of this contract.

The County approval of a Subcontractor shall not relieve the Contractor of any of its responsibilities, duties or liabilities hereunder. The Contractor shall continue to be responsible to the County for performance of the Subcontractor and the Subcontractor, for all purposes, shall be deemed to be an agent or employee of the Contractor. Nothing in the contract resulting from this RFP or any subcontract shall create any contractual relationship between any Subcontractor and the County. Examination of Records. The Contractor agrees that the County of Sussex or any duly authorized representatives shall, until the expiration of three (3) years after final payment hereunder, have access to and the right to examine any and copy any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to any Contract resulting from this RFP. The period of access provided in this paragraph for records, books, documents, and papers and software which may be related to any arbitration, litigation, or the settlement of claims arising out of the performance of any subsequent contract or any subsequent Contracts with vendors shall continue until disposition of any appeals, arbitration, litigation, or claims.

Licenses and Patents. The Contractor shall pay all royalties and license fees necessary for performance of the Contract. The Contractor shall defend all suits or claims for infringement of any patent rights or any other proprietary rights arising from or related to performance of the resulting contract and shall save the County and its officer and employees harmless from any and all loss, including reasonable attorney's fees, on account thereof.

Attorney Fees. In the event of any action brought by either party against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, each party shall be responsible for its own attorney fees.

Contractual Disputes. Contractual claims, whether for money or other relief, shall be submitted by Contractor in writing no later than sixty days after final payment; however, written notice of Contractor's intention to file such claim shall have been given at the time of the occurrence or beginning of the work upon which the claim is based. The Owner shall consider the claim, and shall make a written determination as to the claim within forty-five days after receipt of the claim. Such decision shall be final and conclusive unless Contractor appeals within six months of the date of the final decision by instituting legal action as provided in Section 2.2-4364 of the Code of Virginia.

Payment of Subcontractors. Contractor agrees to take one of the two following actions within seven days after receipt of amounts paid to Contractor under this contract for work performed by a subcontractor under this contract:

(a) Pay the subcontractor for the proportionate share of the total payment received by Contractor attributable to the work performed by the subcontractor under this contract, or

Notify the Owner (Locality, Commission, Board, Authority, etc.) and the subcontractor, in writing, of Contractor's intention to withhold all or part of the subcontractor's payment with the reason for nonpayment.

Contractor shall pay interest to subcontractors on all amounts owed by Contractor that remain unpaid more than seven days following receipt by Contractor of payment for work performed by subcontractors under this contract, except for amounts withheld as allowed in (b) above. Unless otherwise provided under the terms of this contract, interest shall accrue at the rate of one percent per month. The interest charge shall not be deemed an obligation of the Owner, and a cost reimbursement claim may not include any amount for reimbursement for such interest charge.

Contractor shall include in each of its subcontracts a provision requiring each subcontractor to include or otherwise be subject to the same payment and interest requirements with respect to each lower-tiered subcontractor.

Nondiscrimination. During the performance of this contract, the contractor agrees:

- (a) not to discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment except where there bona fide occupational qualification reasonably necessary to the normal operation of the contractor. Notices setting forth the above language shall be posted in conspicuous places, available to employees and applicants for employment.
- (b) The Contractor, in all solicitations or advertisements for employees placed by or on the Contractor's behalf, will state that such contractor is an equal opportunity employer.
- (c) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the above requirements.
- (d) The Contractor will include the provisions of paragraphs (a), (b) and (c) in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

Drug-Free Workplace. During the performance of this contract, Contractor agrees to:

- (a) provide a drug-free workplace for Contractor's employees;
- (b) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (c) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and

(d) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

during the performance of this contract for goods or services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth; provision of SCC Identification Number.

Contractor, whether organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth of Virginia as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law. Contractor shall provide the County with its State Corporation Commission Identification Number.

If Contractor is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law, Contractor shall provide the County with a statement describing why it is not required to be so authorized.

Failure to comply with provision shall result in the Contractor not receiving an award of this Agreement unless a waiver of this requirement is granted by the County Administrator. Contractor shall not allow its existence to lapse or its certificate of authority or registration to transact business in the Commonwealth, if so required under Title 13.1 or Title 50, to be revoked or cancelled at any time during the term of this Agreement, and such failure to comply with this provision may result in the County voiding this Agreement as authorized by Section 2.2-4311.2 of the Code of Virginia.

Late Proposals: Any proposal received at the office designated in the solicitation after the exact time specified for receipt of the proposal is considered a late proposal. The County is not responsible for delays in the delivery of the mail by the U.S. Postal Service, private carriers or the inter-office mail system. It is the sole responsibility of the Offeror to ensure their proposal reaches the office by the designated date and hour.

- a. Late proposals/modifications will be returned to the Offeror UNOPENED, if solicitation number, acceptance date and Offeror's return address is shown on the container.
- b. If the County closes its offices due to inclement weather scheduled bid openings or receipt of proposals will be extended to the next business day, same time.

BOARD ACTION FORM

Agenda Item: Unfinished Business #8.01

Subject: Board Rules and Procedures

Meeting Date: March 21 2024

=====

Summary: Consideration of Board Rules and Procedures was tabled at the previous board meeting.

Recommendation: N/A

Attachment: Draft Board Rules and Procedures

=====

ACTION: N/A

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Baicy	___	___
Fly	___	___
Futrell	___	___
W. Jones	___	___

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Tolliver	___	___
Tyler	___	___
White	___	___



SUSSEX COUNTY BOARD OF SUPERVISORS BYLAWS AND RULES OF PROCEDURE

Adopted: February 21, 2013
Latest amendment ~~March 24, 2020~~

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INTRODUCTION

The Sussex County Board of Supervisors **BY-LAWS** (and Rules of Procedure) were designed and adopted for the benefit and convenience of the Governing Body. Their purpose is to help the Board conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in Robert's Rules of Order (Newly Revised) and applicable Virginia law. The rules of procedure do not create substantive rights for third parties or participants in proceedings before the Sussex County Board of Supervisors. Further, the Board reserves the right to suspend or amend the By-Laws/Rules of Procedure whenever a majority of the Board so determines. The failure of Board of Supervisors to strictly comply with the rules of procedure shall not invalidate any action of the Board that otherwise complies with applicable law.

SECTION 1 - PURPOSE AND PRINCIPLES OF THE SUSSEX COUNTY BOARD BY-LAWS

- A. To enable the Sussex County Board of Supervisors to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Board member;
- C. To preserve a spirit of cooperation among Board members; and
- D. To determine the will of the Board on any matter.

Section 1-1 BASIC PRINCIPLES UNDERLYING THE BOARD BY-LAWS

- A. The business of the Board of Supervisors should proceed in the most efficient manner possible;
- B. The Board of Supervisors' rules of procedure must be followed consistently;
- C. Board actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of the Board at one time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;

- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Sussex County Board of Supervisors must act as a single governing body.

SECTION 2 -- MEETINGS

Section 2-1 When and Where Regular Meetings are Held

- A. The time and place of regular meetings of the Board shall be held in the Sussex County General District Court Room on the third Thursday of each month or other location or date as designated and duly authorized by vote of the Board.
- B. Notification compliant with Virginia Freedom of Information Act will be made to the public if changes to the date or location are made.
- C. Workshops and/or work sessions of the Board, if desired or needed, shall be held in the Sussex County General District Court Room prior to the regularly scheduled meetings or as scheduled, duly voted on by the Board and appropriately advertised. When a conflict occurs due to any legal holiday, weather conditions or other events requiring rescheduling of the regular Board Meeting, the County Administrator shall notify the Chairman of the Board of the need to reschedule to an alternative date.
- D. Notification compliant with applicable Virginia law will be made to the public if changes to the date or location are made.
- E. The time for regular meetings shall be 6:00 p.m.
- F. If a majority of the Board fails to attend within half an hour after the time appointed for any meeting, the Clerk shall enter into the minute book the names of the members present and note the adjournment for lack of a quorum.
- G. Any supervisor may request a Closed Meeting for any of the permitted areas set forth in the Code of Virginia.
- H. Members shall address only the Chair, or address each other through the Chair. A member must be recognized by the Chair before he or she shall proceed; upon being recognized, a member shall not be interrupted during his or her comments except when a point of order is called or during discussion of the issue with other Board members.
- I. Individuals interested in addressing the Board or staff shall only do so at the lectern in order for their comments to be recorded as part of the record of the meeting, and shall only address the Board through the Chair, not the audience or the applicants.

- J. 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 appropriate to do so. 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. Additional meetings shall be referred to as “additional scheduled meetings” and shall be approved by Board of Supervisors during a regularly scheduled meeting or work session.

Section 2-1.1 Continued Meetings

- A. Unless otherwise set by the Board, regular meetings shall be continued, if necessary to the following Thursday, or to the next regularly scheduled meeting, at the same time and place as the regular meeting. If the Chairman, or Vice-Chairman in his or her absence, following consultation with the County Administrator, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, the meeting shall be rescheduled. Such finding shall be communicated to the Board members and the press 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 2-2 Special Meetings

- A. The Board may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Board shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950), as amended.
- B. Special meetings may be called by the Chairman or any two (2) members of the Board in writing to the Clerk of the Board for the purpose stated in the notice of the special meeting. The Clerk of Board shall forthwith notify the members of the Board of the time and place designated and the purpose of the meeting. Written notice, when possible, of the special meeting shall be delivered to each member of the Board by leaving a copy thereof at his or her place of abode or place of business at least twelve (12) hours before the time scheduled for the special meeting. Only matters specified in the notice of the special meeting shall be considered unless:
- 1) All of the members of the Board are present, and
 - 2) The Board determines in good faith at the meeting that it is essential to discuss or act on such additional item(s) immediately.
- C. Notice to the public of any special meeting shall be given contemporaneously with the notice provided the members of the Board, the County Attorney, and the County Administrator.

Section 2-3 Legal Holiday

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is canceled by a majority vote of the Board.

Section 2-4 Adjourned or Recessed Meetings

- A. A meeting of the Board is adjourned when the Board has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date; additionally, the Chairman may adjourn a meeting at anytime in the event of an emergency affecting the safety of those present. Generally, when a meeting of the Board is adjourned, the next meeting of the Board is preceded by opening ceremonies. A meeting of the Board is recessed when the Board takes a break between sittings and after the recess business is resumed where it left off.
- B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Board in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, additional scheduled or special meeting.

Section 2-5 Cancellation or Rescheduling of Meetings

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of the Board, if the change would not impact an advertised public hearing or a scheduled public presentation. The Chairman and Vice-Chairman shall agree to any such change and the remaining members of the Board shall be immediately notified of the change and the reason therefore. If any member of the Board objects, the regularly scheduled meeting may proceed as originally planned. In the event that no member of the Board objects, the public and the media shall be notified promptly of the change.

Section 2-6 Organizational Meeting

- A. The first meeting in January of each year shall be known as the organizational meeting. The Clerk of Board, Parliamentarian and/or County Attorney may preside during the organizational meeting pending the election of the Chairman.
- B. The Chairman shall be elected at the organizational meeting for a term of one year.
- C. Following the election of the Chairman, he or she shall preside during the election of the Vice Chairman.
- D. Following the election of the Vice Chairman, the Board shall:

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

Section 2-7 Procedure for Election of the Chairman and Vice Chairman

- A. The Clerk of the Board, Parliamentarian and/or County Attorney may preside during the meeting at which the Chairman is elected, pending the election of the Chairman. Following the election of the Chairman, he or she shall preside during the election of the Vice Chairman.
- 1) The presiding officer shall call for nominations from the membership.
 - 2) Any Board member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
 - 3) After all nominations have been made the presiding officer shall close the nominating process and open the floor for discussion.
 - 4) After discussion, the presiding officer shall call for the vote
 - 5) Each member shall cast one vote for any one nominee.
 - 6) In the case of three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.
 - 7) A majority of those voting shall be required to elect the Chairman or Vice Chairman.
- B. The Chairman and Vice Chairman shall serve until replaced.

Section 2-8 Seating Arrangement

- A. The Chairman shall occupy the center seat with the Vice Chairman occupying the seat at his or her immediate left. The remaining members of the Board shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Board. In the event that two (2) or more Board members have equal seniority, the selection of seating for those members shall be determined by the Chairman.

SECTION 3 -- OFFICERS

Section 3-1 Chairman and Vice Chairman

The Chairman shall preside over all meetings of the Board. The Vice Chairman serves in the absence of the Chairman. In the absence from any meeting of both the Chairman and Vice Chairman, the Board members present shall choose one of their members as temporary presiding officer.

Section 3-2 Clerk of the Board

The Clerk of the Board shall be appointed by the Board. He or she shall prepare the agenda for Board meetings, shall attend all Board meetings, and shall keep an accurate record of the proceedings.

Section 3-3 Parliamentarian

The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure and the Code of Virginia (1950), as amended, 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 member. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

Section 3-4 Preservation of Order

- A. At meetings of the Board, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:
- 1) To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;
 - 2) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
 - 3) To entertain and answer questions of parliamentary law or procedure;
 - 4) To call a brief recess at any time;
 - 5) To adjourn in an emergency.
- B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Board upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two (2) exceptions to this right of appeal. The presiding officer may adjourn without the Board's vote or appeal in an emergency, and he or she may

also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

SECTION 4 – AGENDA

Section 4-1 Preparation

- A. The Clerk of the Board shall prepare an agenda for the regularly scheduled meetings conforming to the agenda calendar and acting at the direction of the Chairman of the Board of Supervisors.
- B. Any Board member may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Board meeting for which they wish the item scheduled. Board members' items shall appear using the exact language requested. The Clerk shall place requested items on the agenda for the next regular meeting or work session, as appropriate, following the request.
- C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the following regular work session agenda for consideration.
- D. Nothing herein prohibits the Board from adding items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Board. Members must use discretion in requesting the addition of items on the agenda. It is considered desirable to have items listed on the published agenda.
- E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Board to hold a public hearing on the item.
- F. Any individual or group who wishes to address the Board during a regular meeting on any item of County business shall submit a written request to be on the agenda to the Clerk of the Board by noon on the Wednesday preceding the Board meeting.

Section 4-3 Delivery of Agenda

The Board meeting package, including the agenda and related materials, shall be delivered to each member of the Board of Supervisors, ~~including the Tie Breaker~~ and the County Attorney the Friday prior to the Thursday Board meeting, if possible.

Section 4-4 Copies

The Clerk of the Board shall prepare or cause to be prepared extra copies of the meeting package and shall make the same available to the public and the press in the County Administrator's Office contemporaneous with delivery to the Board. If possible, electronic

means should be used for delivery unless paper copy is requested by Board member. Copies of the Agenda will also be available at the Board meeting.

Section 4-5 Internet

The Clerk of Board shall post the Agenda for all Board meetings on the Internet for public information as promptly as possible.

SECTION 5 -- ORDER OF BUSINESS FOR BOARD MEETINGS

Section 5-1 Order of Business

A. At regular meetings of the Sussex County Board of Supervisors shall be held on the third Thursday of each month at 6:00 p.m.; the order of business shall generally be as follows:

After the call to order, the Invocation, and Pledge of Allegiance, the Board shall proceed to the agenda. The order of the agenda shall normally be as below, subject to rearrangement by the Chairman, absent objection by the Board:

Sussex County of Supervisors Meeting
Thursday
General District Courtroom – Sussex Judicial Center
15098 Courthouse Road, Sussex VA 23884

1. Commencement

- 1.01 Call to Order/Determine Quorum
- 1.02 The Invocation
- 1.03 The Pledge of Allegiance
- 1.04 Agenda Amendment(s)
- 1.05 Approval of Regular Agenda

2. Approval of Consent Agenda

- 2.01 Minutes of Previous Meeting(s)
- 2.02 Approval of Warrants and Vouchers
- 2.03 Approval, Accept & Appropriate Funds
- ~~2.03~~ 2.04 Departmental Reports - for information only

3. Recognition/Award

4. Public Hearing(s) if any

- 4.01 Public Comment
- 4.02 Board Comment
- 4.03 Action on Public Hearing Item(s)

5. Appointments

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6. Action Items

~~7.~~ **Report of Departments**

~~9-7.~~ **Citizens Comments**

~~10-8.~~ **Unfinished Business**

~~11-9.~~ **New Business**

~~12-10.~~ **Board Members Comments**

11. County Administrator's Report

~~13-12.~~ **Closed Session**

~~13-01~~~~12.01~~ Convene Into Closed Session

~~13-02~~~~12.02~~ Reconvene to Open Session

~~13-03~~~~12.03~~ Certification

~~13-04~~~~12.04~~ Action(s) Resulting from Closed Session

~~14-13.~~ **Adjournment**

~~14-01~~~~13.01~~ Recess/Adjournment

- B. The above order of business may be modified by the Chairman of the Board to facilitate the business of the Board.
- C. Board work sessions are less formal meetings and the agenda may be as determined by the County Administrator with review by the Chairman to best facilitate the business of the County.

Section 5-2 Consent Agenda

- A. The consent agenda shall include, by way of illustration but not limited to the following:
 - 1) Approval of minutes.
 - 2) Ordinances or resolutions that are routine.
 - 3) Final/second readings of appropriations, ordinances or resolutions which received unanimous approval upon introduction at a previous meeting.
 - 4) Any item believed by the Clerk of the Board to be routine and not controversial in nature.

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- B. The consent agenda shall be introduced by a motion “to approve,” and shall 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. There shall be no lengthy debate or discussion of a consent agenda item.
- D. Upon request of any Board member, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3 Citizen Participation

- A. Every petition, communication or address to the Board shall be in respectful language and is encouraged to be in writing.
- B. Public Presentations
 - 1) Individuals or groups wishing to speak at a regular Board meeting shall submit a written request to the Clerk of the Board by noon on the Wednesday a week prior to the regular meeting date on Thursday.
 - 2) Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Board. They shall not serve as a forum for debate with the Board.
 - 3) Remarks shall be addressed directly to the Board and not to staff, the audience, or the media.
 - 4) The presiding officer shall open the Public Presentations.
 - 5) Each speaker shall clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of the Board after speaking.
 - 6) There shall be a time limit for each individual speaker of 2 minutes.
 - 7) A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation.
 - 8) There shall be no comment during Public Presentations on a matter for which a public hearing is scheduled during the same meeting.

- 9) There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
 - 10) 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.
 - 11) Board members shall not discuss issues raised by the public except by consent of a majority of the Board members present.
 - 12) Once the Board has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of the Board present and voting.
 - 13) The above rules notwithstanding, members of the public may present written comments to the Board or to individual Board members at any time during the meeting. Such written comments shall be submitted through the Clerk of Board.
- C. Other than as stipulated above or during public hearings, no person shall be permitted to address the Board orally, except by permission of the Board, and such permission shall not be granted unless with the consent of a majority of the members of the Board present at such meeting.
- D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Board members present.
- E. Any outside agency who desires to submit written statements for forwarding to the Board prior to a Board meeting must submit eleven (11) copies to the Clerk of Board by 4:00 p.m. on the Tuesday a week prior to the Thursday Board meeting.

Section 5-4 Prohibited Conduct

- A. Persons appearing before the Board will not be allowed to:
- 1) Campaign for public office;
 - 2) Promote private business ventures;
 - 3) Use profanity or vulgar language or gestures;
 - 4) Use 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, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;

- 5) Make non-germane or frivolous statements;
 - 6) Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
 - 7) Engage in behavior that intimidates others;
 - 8) Address the Board on issues that do not concern the services, policies or affairs of the county.
- B. The presiding officer shall preserve order and decorum at Board meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Board. Any person so expelled shall not be readmitted who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Board meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Board, or by motion passed by the Board.

Section 5-5 Public Hearings

- A. This section of the agenda shall be for public hearings as required by County, State, or Federal law, or as the Board may direct.
- B. The presiding officer shall conduct all public hearings. The order of public hearings shall be as follows:
1. The presiding officer shall open the public hearing.
 2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the County Administrator. The presentation shall summarize the facts about the issue and the staff recommendation. Board members may seek clarification during the presentation.
 3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.
 4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of the Board after speaking. There shall be

a time limit of two (2) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one (1) spokesperson. The Board, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.

5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Board members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Board may debate the merits of the issue.

Section 5-6 Unfinished and New Business

A. Unfinished Business: This section of the agenda shall include items of a general nature previously considered by the Board of Supervisors. After the presiding officer has stated the item for consideration, if there are any questions the County Administrator may be asked to provide a brief summary.

B. New Business: This section of the agenda shall include items of a general nature to be introduced and considered by the Board of Supervisors. After the presiding officer has stated the item for consideration, if there are any questions the County Administrator may be asked to provide a brief summary.

Section 5-7 Items Not on the Agenda County Administrator's Report

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The County Administrator will provide an update on projects and activities in the County, if any, during the Board of Supervisors meeting.

~~With the Board of Supervisors' consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.~~

Section 5-8 Items not on the Agenda Closed Meetings

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With the Board of Supervisors' consent, items may be added to the agenda to respond to

situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Section 5-9 Closed Meetings

- A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

- B. No meeting shall become a Closed Meeting until the Board of Supervisors takes an affirmative recorded vote during the open meeting.
 - 1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the Closed Meeting.
 - 2. Members shall request the assistance of the County Attorney when making additions to the published Closed Meeting agenda.
- C. No resolution, ordinance, rule, contract, regulation or motion considered in a Closed Meeting shall become effective until the Board of Supervisors reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.
- D. At the conclusion of a Closed Meeting, the Board of Supervisors shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:
 - 1. Only public business matters lawfully exempted from open meeting requirements were discussed; and;
 - 2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.
 - 3. 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.
- E. The failure of the certification to receive the affirmative vote of the majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.
- F. The Board of Supervisors may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Board of Supervisors in its consideration of an issue.

- G. Individuals attending a Closed Meeting should respect the Board of Supervisors' decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6– RULES OF PROCEDURE FOR BOARD OF SUPERVISORS MEETINGS

Section 6-1 Quorum

- A. As provided by Section 15.2-1415 of the Code of Virginia, a majority of the members of the Board of Supervisors must be present to conduct business. A quorum is a majority of the entire membership of the Board of Supervisors, including any vacant seats.
- B. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Board of Supervisors can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.
- C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Board of Supervisors shall enter such adjournment in the minute book of the Board of Supervisors and shall notify absent members thereof in the same manner as required for special meetings.
- D. If the Virginia Conflict of Interests Act prevents some of the members of the Board of Supervisors from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia provide that a majority of the remaining members of the Board of Supervisors shall constitute a quorum.

Section 6-2 Priority in Speaking on the Board of Supervisors

When two (2) or more members of the Board of Supervisors wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3 Comments, Queries of Board of Supervisors Members

Boards of Supervisors members are to observe the following rules during the discussion of agenda items:

- A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.
- B. Board of Supervisors members may address questions to the County Administrator who may, if needed, ask staff present at the meeting. If requested by the County Administrator, staff members are to be at a microphone when answering Board of

Supervisors members' questions. All legal questions should be addressed to the County Attorney.

Section 6-4 Action by the Board of Supervisors

- A. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.
- B. When a proposal is perfectly clear to all present, and the proposal will not obligate the Board of Supervisors in any manner nor finally decide an issue before the Board of Supervisors, action can be taken upon the unanimous consent of the Board of Supervisors members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Board of Supervisors must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

Section 6-5 Motions

- A. Informal discussion of a subject is permitted while no motion is pending.
- B. Any member, including the presiding officer, may make a motion.
- C. Members are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A member may make only one motion at a time.
- E. Except for matters recommended by a Board of Supervisors' committee, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6 Substantive Motions

- A. A substantive motion is any motion that deals with the merits of an item of business and is within the Board of Supervisors' legal powers, duties and responsibilities.
- B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7 Procedural Motions

- A. Procedural motions are those motions that the Board of Supervisors may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

- B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, and requires a majority of the votes cast, with a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.
- 1) To Appeal a Procedural Ruling of the Presiding Officer: A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Board of Supervisors which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.
 - 2) Motion To Adjourn: At a meeting of the Board of Supervisors, 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.
 - 3) To Take a Brief Recess: This motion allows the Board of Supervisors to pause briefly in its proceedings. A motion to take a brief 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.
 - 4) To Suspend the Rules: The Board of Supervisors may suspend provisions of its rules of procedure. The Board of Supervisors may not, however, suspend any provisions of the rules that state requirements imposed by law on the Board of Supervisors. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of the majority members present.
 - 5) To Defer Consideration: The Board of Supervisors may defer action on a substantive motion to a more convenient time. The Board of Supervisors 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 public body 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 it takes an affirmative vote of a majority of the Board of Supervisors to bring the matter back for further discussion.

- c. Section 15.2-2286 of the State Code requires that a zoning petition must be “acted upon” within a “reasonable time,” not exceeding one year. The Board of Supervisors may defer action on a zoning petition for consideration at a more convenient time. However, the Board of Supervisors may not dispose of a zoning petition with a motion to postpone indefinitely.
- 6) Call the Question: The motion to call the question is not in order until every member of the Board of Supervisors has had an opportunity to speak once and the deliberation by the Board of Supervisors on an item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.
- 7) To Amend: Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Board of Supervisors, it is up to the Board of Supervisors to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.
- 8) Substitute Motion: A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the matter is decided. No more than one (1) substitute motion may be made.
- 9) Withdrawal of Motion: A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.
- 10) Motion to Reconsider: The Board of Supervisors 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 of Supervisors 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 of Supervisors member may introduce a motion to reconsider, only if the Tie Breaker is not prepared or unable to break the tie at that meeting.~~—The motion cannot interrupt deliberation on a pending matter but is in

order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

- 11) Motion to Prevent Reintroduction for Six (6) Months: The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership four (4) of the Board of Supervisors. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules.

Section 6-8 Debate

- A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:
 1. The maker of the motion is entitled to speak first;
 2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
 3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
 4. A member of the Board of Supervisors may vote against his or her motion, but may not speak against his or her motion.
 5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.

Section 6-9 Duty to Vote

- A. Each member of the Board of Supervisors who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests Act or unless excused from voting by the other members of the Board of Supervisors. A member who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Board of Supervisors shall take a vote of the remaining members on the question of whether or not to allow the member to abstain from voting.
- B. If there is an abstention, it shall be the responsibility of the Clerk of Board of Supervisors to note the abstention and the reason for abstaining for the record.

- C. Board member's vote shall be done by roll call; one vote maybe be done by calling each member beginning at one end of the table and the next time beginning at the other end of the table on votes on permanent effects such as adopting ordinances/laws, Closes Sessions and resolutions.

Board member's vote can be voice votes for temporary actions, procedural in nature by indication of voting ae or nay.

Section 6-10 Method of Voting

- A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.
- B. All questions submitted to the Board of Supervisors shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.
- C. An "affirmative vote" by a majority of the Board of Supervisors present being necessary to adopt a motion, a tie vote means that the motion has been rejected. When a motion fails on a tie vote, the "noes" prevail.
- D. All questions submitted to the Board of Supervisors for decision shall be decided by a vote of the Board of Supervisors. The presiding officer may ask for an oral vote at which time the question shall be decided by a vote of "aye" or "nay". Any member may request a roll call vote. In any case, the presiding officer shall announce the results of the vote.

Section 6-11 Decisions on Points of Order

Any Board of Supervisors member may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Board of Supervisors member may appeal the ruling of the presiding officer to the full Board of Supervisors which shall decide the matter by majority decision.

~~Section 6.12 Tie Breaker~~

~~The Tie Breaker may break a tie on any matter before the Board. Provided all members of the Board of Supervisors and the Tie Breaker are present at the meeting of the Board of Supervisors at which a tie vote on any matter occurs, the Chairman shall call upon the Tie Breaker to break the tie vote immediately upon the occurrence of the tie vote. The Chairman shall ask Tie Breaker whether he is fully advised as to the matter upon which he is to vote and whether he is prepared to cast his vote.~~

- ~~A. — If the Tie Breaker is prepared to cast his vote, then he shall assume a seat with the Board of Supervisors; the Clerk shall read the question before the Board and all members, including the Tie Breaker shall cast their vote.~~
- ~~B. — If the Tie Breaker is not prepared to cast his vote, then he may require the Clerk to enter an order, adjourning the meeting to some future day to be named in the minutes, not to exceed thirty (30) days. The Chairman, Tie Breaker and Clerk shall confer to select a date, time and place for an additional meeting and the Chairman shall announce the decision to be recorded in the minutes. If the Chairman determines that the question upon which the tie occurred is not urgent in nature, then the question shall be carried to the next regular meeting.~~
- ~~C. — If all members are not present at a meeting at which a tie vote occurs, then the question shall be carried to the next regular meeting. The Clerk shall promptly notify the Tie Breaker that a tie vote occurred and request his attendance at the next regular meeting. At the next regular meeting, the Clerk shall read the question and all members shall vote. If a tie vote occurs again, then the Chairman shall call upon the Tie Breaker to break the tie.~~
- ~~D. — Notwithstanding subsection (B), if a tie occurs on a procedural matter and the Tie Breaker is not prepared or unable to cast the deciding vote immediately, then the Chairman shall follow these Bylaws and continue with the order of business.~~

SECTION 7 – BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

Section 7-1 Appointments to Boards, Authorities, Commissions, and Committees

- A. Members of boards, authorities, commissions and committees shall be appointed by an affirmative vote of a majority of the members of the Board of Supervisors to serve specified terms as may be deemed to be appropriate by the Board of Supervisors.
- B. Ad hoc committees, such as special task forces, may be created from time to time, for specific purposes, as determined by the Board of Supervisors.

Section 7-2 Standing Committees Roles and Guidelines

- A. Finance Committee: A Finance Committee should be appointed by the Chairman promptly after each annual meeting. It shall be the duty of this committee to assist in preparing budgets for the fiscal year beginning July 1st, prior to submission to the Board of Supervisors for action. The Board may assign and/or refer fiscal matters to this Committee for implementation, review and/or recommendation.
- B. Personnel Committee: A Personnel Committee shall be appointed by the Chairman promptly after each annual meeting. It shall be the duty of this committee to assist in

drafting policies and procedures for county staff, for the Board of Supervisors consideration. The Board may assign or refer other personnel related issues to this committee for review and/or recommendations.

- C. Other Committees may be established by the Board of Supervisors to facilitate the effective operations of the Board.

SECTION 8 – GENERAL OPERATING POLICY

Section 8-1 Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Board of Supervisors. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. Example: for the first resolution in January, 2013, the resolution number would be shown as: #R-13 – 01. Ordinances shall also be numbered consecutively.

Section 8-2 Minutes of the Board of Supervisors Meetings

The minutes of the Board of Supervisors meetings shall reflect the official acts of the Board of Supervisors. They shall provide a summary of discussion and record Board of Supervisors votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-3 Amending the Rules of Procedure

These 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 the majority members of the Board of Supervisors.

Section 8-4 Special Rules of Procedure

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

SECTION 9 – REMOTE PARTICIPATION AND EMERGENCY MEETING POLICY

I. Remote Participation with Quorum Physically Assembled (Virginia Code §2.2-3708.3):

1. Remote Participation

Sussex County Board of Supervisors Bylaws, revised and adopted ~~March~~February— 25
2421, 204324

- a. It is the policy of the Board of Supervisors ("Board") that individual members may, with the approval of a quorum that is physically assembled, participate in meetings by electronic communications means as permitted by Virginia Code Section 2.2-3708.2. A Board member who seeks to participate electronically must notify the Chair on or before the day of the meeting that:
- i. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
 - ii. The member has a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance;
 - iii. The member's principal residence location more than 60 miles from the meeting location; or
 - iv. The member has a personal matter and identifies with specificity the nature of the personal matter.
- b. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
- c. Arrangements must be made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location.

2. Process to approve or disapprove remote participation

- a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Board shall record in its minutes: (1) the Board's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated. The remote location need not be open to the public.
- b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated. The remote location need not be open to the public.
- c. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

3. Strict and Uniform Application

This policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

II. Emergency Meetings Without Quorum Physically Assembled (Virginia Code §2.2-3708.2):

The Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency pursuant to Virginia Code Section 44-146.17 or the County has declared a local state of emergency pursuant to Virginia Code Section 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is provide for the continuity of operations of the County or the discharge of the Board's lawful purposes, duties, and responsibilities.

In so convening a public meeting, the Board shall:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;

2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing (if already used by the County); and

3. Provide the public with the opportunity to comment at such when public comment is customarily received.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

AMENDMENTS

<u>Date Amended</u>	<u>Section</u>	<u>Reference</u>
April 3, 2013	Section 6-7(10) (added language)	Motion to reconsider, as it relates to the Tie Breaker
April 3, 2013	Section 6-9(C) (added language)	Roll Call Vote
January 21, 2016	Section 5-1(A) (removed initial language and replaced with new)	Order of Business
January 21, 2016	Section 6-12 (added entire section)	Tie Breaker
January 19, 2017	Section 2-1(B) (changed language) Section 2-1(E) (changed start time) Section 2-1(F) (removed public hearing advertisement) Section 5-1(A) Adopt Remote Participation Policy	Meetings Order of Business
January 18, 2018	Section 2-1(E) (changed start time)	Meetings
January 3, 2019	Section 2-1 (E) (corrected start time) Section 4-3 (Added language for delivery of Board package) Section 5-1(A.8) (corrected time)	Meetings Delivery of Agenda Order Business (Citizens' Comments)
January 16, 2020	Section 2-1 (E) (Change Start Time & remove end time) Section 5.1 (A) (Change time) Section 5.1(A) 8 Delete Citizens' Comment Time Section 6-9(C) Added language and voice votes	Meetings Order of Business Roll Call Vote

<p><u>January 18, 2024</u></p>	<p><u>Section 2 (added 2.04 Departmental Reports)</u></p> <p><u>Section 4-3 (remove reference to tie breaker)</u></p> <p><u>Section 5-7 Add County Administrator's Report; renumber other Section 5 items after Sec. 5-7</u></p> <p><u>Section 6-7(10) (remove reference to tie breaker)</u></p> <p><u>Section 6-12 (remove tie breaker section)</u></p> <p><u>Added Section 9 (revised electronic Participation)</u></p>	<p><u>Departmental Reports</u></p> <p><u>Delivery of Agenda</u></p> <p><u>County Administrator's Report</u></p> <p><u>Procedural Motions</u></p> <p><u>Tie Breaker</u></p> <p><u>Remote participation and Emergency Meeting Policy</u></p>

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~~Remote participation policy for Sussex County Board of Supervisors~~

Mark Flynn
5 January 2017

~~It is the policy of Sussex County Board of Supervisors that individual board members and tie-breaker may participate in meetings of Board by electronic means as permitted by Virginia Code § 2.2-3708.1. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Board to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. When such individual participation is due to an emergency or personal matter, such participation is limited by law to two meetings or 25 percent of the meetings of the public body per member each calendar year, whichever is fewer.~~

§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

A. ~~A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:~~

1. ~~If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.~~

~~Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;~~

2. ~~If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or~~

3. ~~If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.~~

B. ~~Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:~~

1. ~~The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;~~

2. ~~A quorum of the public body is physically assembled at the primary or central meeting location; and~~

3. ~~The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.~~

Sussex County

~~It is the policy of the Board of Supervisors that individual Board members may participate in meetings of Board of Supervisors by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and this policy. This policy shall apply strictly and uniformly to the entire membership and without~~

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regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. An individual member may participate from a remote location only if a quorum (4 members) of the Board of Supervisors is physically assembled at the primary or central meeting location, and the Board has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. Remote participation in a meeting due to an emergency or personal matter may be approved only if, before 12:00 noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter. Remote participation in a meeting due to a temporary or permanent disability or other medical condition may be approved only if, before 12:00 noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance. As required by law, in the event of any such participation by a member from a remote location, the Board shall record in its minutes the specific nature of the emergency, personal matter, temporary or permanent disability or other medical condition, and the location from which the Board member participated remotely. As required by law, remote participation that is due to an emergency or personal matter shall be limited in each calendar year for each individual member to two (2) meetings or 25 percent of the meetings of the Board, whichever is fewer. This limitation shall apply separately with respect to the meetings of each of the Board's Standing Committees. An individual member's request for participation from a remote location under this policy shall be considered approved upon communicating the request to the Chairman of the Board, pending review by the County Attorney for compliance with the Code of Virginia and this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

BOARD ACTION FORM

Agenda Item: Unfinished Business #8.02

Subject: Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action

Meeting Date: March 21 2024

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Summary: This item was tabled from the previous Board of Supervisors Special meeting. There will be discussion of the Stony Creek Volunteer Rescue Squad ERP Compliance Plan of Action and measures taken to decrease EMS response times.

Recommendation: N/A

Attachment:

=====

ACTION: N/A

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Baicy	___	___	Tolliver	___	___
Fly	___	___	Tyler	___	___
Futrell	___	___	White	___	___
W. Jones	___	___			

BOARD ACTION FORM

Agenda Item: New Business #9.01

Subject: Regional Cigarette Tax Opportunity

Board Meeting Date: March 21 2024

=====

Summary: Effective July 1, 2020, the Virginia General Assembly authorized all counties to levy tax on cigarettes (under previous law, only cities, towns, and two counties were authorized to tax cigarettes). Several counties and cities in the broader region have been considering or have committed to a regional cigarette tax, and county staff have been invited to participate in an upcoming discussion on potential interest to pursue this regional tax. Staff will participate in these discussions if the Board is interested in considering a cigarette tax ordinance and participation in a regional cigarette tax program.

Recommendation: Staff is not requesting formal consideration at this time, but rather a general consensus for staff to participate in discussions regarding a potential regional cigarette tax.

Attachments: Copy of a Cigarette Tax Ordinance, letter regarding Regional Cigarette Tax Board, an example of Cigarette Tax Board Agreement, Article 11, Section 4.11-1 through 17.

=====

ACTION: None at this time.

MOTION BY: _____ **SECONDED BY:** _____

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Baicy	___	___	Tolliver	___	___
Fly	___	___	Tyler	___	___
Futrell	___	___	White	___	___
W. Jones	___	___			

AN ORDINANCE NO. 19-12, AS AMENDED

Amending Chapter 258, Taxation, of the Colonial Heights City Code by adding an Article IX, Cigarette Tax, to such chapter.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Chapter 258 of the Colonial Heights City Code is amended by adding the following article to such chapter:

ARTICLE IX
Cigarette Tax

§ 258-61. Definitions.

The following words and phrases shall, for the purposes of this article, have the following meanings:

CARTON – Any container, regardless of material used in its construction, in which two (2) or more packs of cigarettes are placed.

CIGARETTE –Any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (ii) tobacco, in any form, that is functional in the product, which because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (iii) any roll of tobacco used in the filler, or its packaging and labeling, likely to be offered to, or purchased by, consumers as a cigarette described in clause (i) of this definition. The term “cigarette” includes “roll-your-own” tobacco, which means any tobacco which, because of its appearance, type, packaging or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of “cigarette”, 0.09 ounces of “roll-your-own” tobacco shall constitute one individual cigarette.

COMMISSIONER – Commissioner of the Revenue of the City.

DEALER – Every manufacturer, manufacturer's representative, wholesaler, or other person, who sells, receives, stores, possesses, distributes, or transports cigarettes for resale within or into the city.

PACK – Every package, box, can, or other container of any cigarettes, irrespective of the material from which such container is made, and in which retail sales of cigarettes are normally made or intended to be made. Packs are those containers of cigarettes from which individual cigarettes are ordinarily taken when the ultimate user consumes them.

PURCHASER – Every person to whom a seller transfers title to any cigarette within the city's corporate limits.

RETAILER – Every person who transfers title to any cigarette, or in whose place of business title to any cigarette is transferred, within the city’s corporate limits, for any purpose other than resale.

SALE – Every act or transaction, irrespective of the method or means employed, whereby a seller transfers title to any cigarette to any person within the city’s corporate limits.

STAMP – A small heat set of paper or decalcomania to be sold by the director of finance, or as the commissioner of the revenue authorizes, to be affixed to every pack of cigarettes sold at retail in the city.

§ 258-62. Amount of tax; exemption; other taxes.

- A. The city levies, upon the sale of each pack or part of a pack of cigarettes sold within city limits, a tax of thirty-five cents (\$0.35) per pack, regardless of the number of cigarettes within the pack. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided that the tax payable for each cigarette or cigarette pack sold or used within the city shall be paid but once.
- B. The tax shall not apply to free distribution of sample cigarettes in packs containing five (5) or fewer cigarettes.
- C. The tax this article levies shall be in addition to all other taxes that any other ordinance or law levies.

§ 258-63. Methods of collection; reports.

- A. The tax this article imposes shall be evidenced by the use of a stamp, and each dealer or retailer liable for the tax shall pay it at the time the stamps are purchased from the director of finance. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam.
- B. All unstamped cigarette packs in a retailer’s possession on the effective date of this article shall be inventoried and reported to the commissioner not later than July 1, 2019. The commissioner shall provide the retailer with a report form, and the retailer shall remit the tax for the unstamped packs along with the completed report. Such reporting shall continue monthly until all unstamped cigarette packs have been sold. The commissioner may confiscate any unstamped cigarette packs not reported or for which the tax has not been paid.
- C. It shall be the duty of each dealer or retailer liable for the tax to report monthly to the commissioner separately the following information:
 - (1) The quantity of stamped cigarettes each dealer sells or delivers to a retailer;
 - (2) The quantity of stamps on hand, both affixed and unaffixed, on the last day of the month and the quantity of stamps or stamped cigarettes received; and
 - (3) Such further information as the commissioner may require for this article’s proper administration and enforcement.

- D. The commissioner is authorized to enter into an arrangement with the Virginia Department of Taxation to allow a dealer or retailer to use a dual die or stamp to evidence the payment of both the city and the state cigarette tax.
- E. When, upon examination and audit of any invoices, records, books, canceled checks, or memoranda relating to the purchase, sale, receipt, storage, or possession of cigarette products taxed herein, any dealer or retailer liable for the tax is unable to furnish the commissioner with evidence of sufficient tax payments and stamp purchases for cigarettes that he sold, used, stored, received, purchased, or possessed, the prima facie presumption shall arise that he received, sold, used, stored, purchased, or possessed such cigarettes without the proper tax having been paid. The commissioner shall, from the results of the examination and audit, assess the tax due and unpaid. This subsection shall not apply to cigarettes destined for resale outside the city limits.
- F. The dealer or retailer liable for the tax shall be notified by certified mail or hand delivery of such deficiency; and the tax, penalty, and interest assessed shall be due and payable within ten (10) days after notice of the deficiency.
- G. Every dealer and retailer in the city shall keep complete records for the current year and the three (3) preceding calendar years of all cigarettes that the dealer or retailer delivers or sells and shall make all such records available for examination upon demand by the commissioner or other authorized person at any reasonable time. The commissioner is authorized to examine the records, papers, and cigarettes in any premises where a retailer stores, sells, or offers for sale cigarettes.

§ 258-64. Preparation and sale of stamps generally; discount.

- A. For the purpose of making stamps available for use, the director of finance shall sell stamps by the roll for the tax payments this article imposes. In the sale of such stamps, the director of finance shall allow a discount of one cent (\$0.01) per stamp to cover the costs incurred in affixing the stamps to cigarette packs.
- B. Stamps shall be placed upon each pack of cigarettes in a manner so as to be readily visible to the purchaser.
- C. Every retailer shall examine each cigarette pack prior to making it available for sale, for the purpose of ascertaining whether the pack has the proper stamps affixed to it as this article provides.

§ 258-65. Notice by retailers.

Retailers who sell, offer for sale, store, possess, distribute, purchase, receive, or transport cigarettes in or into the city shall, upon the commissioner's request, notify the commissioner of their dealers' names and addresses and the name, address, and Virginia Retail Sales and Use Certificate of Registration number for each of the retailers' separate places of business.

§ 258-66. Display of stamps; seizure.

- A. A retailer shall display packs of cigarettes so that the stamps are readily visible.
- B. Except as allowed by subsection B. of §258-63, any retailer who possesses any cigarettes without the stamp affixed and is not in the process of affixing such stamps, shall be presumed to possess untaxed cigarettes in violation of this article.
- C. Any vending machine located within the city containing cigarettes upon which the stamp has not been affixed, or containing cigarettes placed so as to not allow the stamp's visual inspection through the vending machine's viewing area, shall be presumed to contain untaxed cigarettes in violation of this article.
- D. Any cigarettes, vending machines, counterfeit stamps, or other property found in violation of this article shall be considered contraband goods; and the commissioner may seize them. In addition to any tax due, the violating dealer or retailer shall be subject to the penalties prescribed in §258-70.
- E. In lieu of seizure, the commissioner may seal such vending machines to prevent the cigarettes' continued illegal sale or removal. The removal of the seal from a vending machine by any unauthorized person shall be a violation of this article. Nothing in this article shall prevent the vending machine's seizure at any time after it is sealed.
- F. Any cigarette vending machine shall be plainly marked with the owner's name, address, and telephone number.
- G. Any seized and confiscated cigarettes, vending machines, or other property used in the furtherance of any illegal evasion of the tax must be redeemed by the original owner within thirty (30) days by payment of the tax and penalties as prescribed in §258-70. Such confiscated items may be disposed of by sale as the commissioner deems appropriate thirty (30) days after notice of intent to do so is provided to the person from whom the items were seized. No credit from the commissioner's sale of cigarettes, vending machines, or other property seized shall be allowed toward the tax, penalties, or interest the violator owes.

§ 258-67. Design of stamps.

The director of finance may, from time to time, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design.

§ 258-68. Refunds.

- A. Should any person, after acquiring from the director of finance the appropriate stamps, cease to engage in a business necessitating the use of stamps, or should any such stamps become mutilated and unfit for use, the person shall be entitled to a refund of

the face amount of any stamps so acquired and not used, less one cent (\$0.01) per stamp. To receive the refund, the person shall present the stamps and an affidavit to the director of finance showing that the person acquired the stamps and that they have not been used, and providing the reason for requesting a refund.

B. In the case of stale-dated cigarettes, a refund of the stamps' face amount, less one cent (\$0.01) per stamp, shall be made upon furnishing the commissioner with (i) a count of pre-stamped packs that have not been sold and have been removed from the market, and (i) an affidavit of the manufacturer affirming the number of packs returned.

§ 258-69. Policies and regulations; delegation of duties.

The commissioner is authorized to adopt policies and regulations to administer and enforce this article's provisions. The commissioner is empowered to delegate any of the powers and duties this article specifies to one or more deputies or assistants, except as the law prohibits.

§ 258-70. Violation of article; and penalties.

A. Any person violating any provision of this article, or performing any act or failing to perform any act for the purpose of evading the payment of the cigarette tax, shall be guilty of a Class I misdemeanor. Conviction and punishment for a violation shall not relieve a person from any tax payment this article imposes. In addition, any person who shall perform any act or fail to perform any act for the purpose of evading the payment of the tax this article imposes shall pay a penalty in the amount of fifty (50) percent, and interest at the rate of ten (10) percent per year, of any tax that is overdue and unpaid.

B. Each day's violation of, or noncompliance with, any of this article's provisions may constitute a separate offense.

2. That this ordinance shall be in full force and effect on July 1, 2019.

Approved:

Mayor

Attest:

City Clerk

I certify that the above ordinance was:

Adopted on its first reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable T. Gregory Kochuba, Mayor: _____.

Adopted on its second reading on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable, John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney

To: Kevin Massengill

From: Bill Hefty

Re: Regional Cigarette Tax Board

Date: July 27, 2021

The General Assembly in 2020 adopted legislation allowing counties for the first time to adopt a cigarette tax. The maximum rate is 40 cents per pack. The county tax does not apply to cigarette sales in a town where the town imposes its own tax, either now or in the future, unless the town agrees that both the town and county tax should apply.

Earlier this year the General Assembly amended the legislation to allow at least six localities to create a Regional Cigarette Tax Board for the purpose of jointly administering cigarette taxes in a region. The regional tax board would be responsible for cigarette stamping in the localities who are members, collecting the tax for each locality and distributing it, and enforcing the cigarette tax ordinances to make sure that retailers and wholesalers were following the local ordinances.

There has been a Regional Cigarette Tax Board in Northern Virginia since 1970, which is comprised of Fairfax County, the City of Alexandria, the City of Fredericksburg, and several other small cities and towns in the region. There are currently 19 members. They have five employees, and it seems to have worked well.

Other areas of the state are considering establishing regional cigarette tax boards as well. Members of the Mount Rogers Planning District Commission, the Northern Neck/s Middle Peninsula Planning District Commission, the Thomas Jefferson Planning District Commission, the Northern Shenandoah Planning District Commission, and the Rappahannock-Rapidan Planning District Commission. Other counties are considering adopting a cigarette tax without forming a regional cigarette tax board, which is the other option.

Several key points/questions:

1. Some advantages of a regional cigarette tax board are that each locality would not have to administer and enforce its own program, there would be uniform enforcement across the region, and if all of the localities had a cigarette tax it would be harder for a consumer to go across jurisdictional lines to buy cigarettes to avoid the tax, to the extent that would occur.
2. How much revenue would be generated for each locality if the governing body adopted a cigarette tax? There is no study that shows the amount for each locality, and it obviously will differ depending on the population and number of cigarettes sold in each locality. Colonial Heights adopted a cigarette tax in 2019 and collects about \$800,000 a year in tax. A study for the Middle Peninsula Planning District Commission estimated that a county with 11,000 population with a tax of 30 cents per pack would collect approximately \$60,000 (using an

average of 20 packs sold per capita per year) and a county of 17,000 would collect approximately \$100,000. In urban areas, where there are more convenience stores, the amount may be higher than for rural counties.

3. How much would it cost each locality to participate in a regional board? It is anticipated that it would require two or three employees depending on the number of localities that were members of the Board. One would be an office employee in charge of collecting and distributing the tax, and one or two would be in the field visiting retailers to enforce the tax. One or two vehicles would be required, as well as office space. If there were three employees, the annual operating budget for the Board could be approximately \$200,000. The expenses would be divided based on the percentage of packs of cigarettes sold in the region (not on tax collected), so a county selling 1% of the cigarettes would pay 1% of the expenses.
4. It takes six localities to form a regional cigarette tax board. Once there are six localities that have adopted a cigarette tax ordinance, the Board can begin operation. As long as the ordinance has been adopted, the Board can be formed even if the effective date of the ordinance is sometime in the future.
5. Once the Board were formed, the Board would decide how many employees it would need, whether they would be housed in locality office space or rental space, whether one of the localities would be the fiscal agent, and when the Board would actually start operations. There would be initial start up costs that would have to be funded before the tax was actually collected, which could be reimbursed to the localities from tax proceeds.
6. There is a question of timing. It would seem preferable that localities that have not adopted a cigarette tax do so beginning July 1, 2022 to coincide with a fiscal year. In order to form the Board and get it operational by that date, however, it would be important for localities that want to have a cigarette tax and to join the Board do so sometime prior to January 1, 2022 so that everyone knows who will be members.
7. One caveat for counties is that a county cigarette tax applies to sales in towns within the county unless the town adopts its own tax. Since many convenience stores are in towns, that might be a large percentage of the sales within a county. If the town adopts a cigarette tax, they collect the revenue, and the county does not. If the residents will pay the same tax regardless of whether the county or town imposes it, there is little incentive for a town not to adopt a tax if the county does.
8. One question is whether each locality needs to adopt the same rate on cigarette tax sales. The answer is no.

AGREEMENT

WHEREAS, the Virginia General Assembly has authorized counties to charge a cigarette tax not in excess of 40 cents per pack beginning July 1, 2021, which authority previously was given only to cities and towns; and

WHEREAS, the legislation adds a new section to the Code of Virginia, Section 58.1-3832.1, which authorizes at least six localities who collect a local cigarette tax to establish a regional cigarette tax board for the purpose of collecting cigarette tax revenues for each member and distributing them to the member localities, enforcing all local cigarette tax ordinances among the member localities, promoting uniformity of cigarette tax ordinances among the member localities, and to the extent possible encouraging uniformity of cigarette tax rates among the member localities; and

WHEREAS, pursuant to such legislation, several localities in the Southside Virginia region which have adopted cigarette taxes in the past or after July 1, 2021 wish to establish a regional cigarette tax board.

NOW THEREFORE, IT IS AGREED by the undersigned localities (the “Member Jurisdictions”) as follows:

1. ESTABLISHMENT OF SOUTHSIDE REGIONAL CIGARETTE TAX BOARD.

Pursuant to Section 58.1-3832.1 of the Code of Virginia, the Member Jurisdictions hereby establish the Southside Regional Cigarette Tax Board, which shall become effective upon the adoption of a resolution approving this agreement by at least six localities which have adopted a local cigarette tax ordinance.

2. BOARD.

The Board shall consist of one member from each Member Jurisdiction, which shall be the chief executive officer of that Member Jurisdiction. Each Member shall have one vote. Each Member Jurisdiction may also appoint one alternate member, who may attend meetings if the appointed member is unavailable. The terms of the members shall be as determined by each Member Jurisdiction.

3. TERM.

The term of the Board shall be perpetual, subject to dissolution pursuant to Section 8 hereof.

4. POWERS AND DUTIES.

The Board shall have the following powers and duties:

- a. Providing for the use of a uniform meter impression or stamp as evidence of payment of any local cigarette tax within the region.
- b. Entering into an arrangement with the Department of Taxation for the use of a dual die or stamp as evidence of payment of any applicable local and state tax.
- c. Providing a single point of contract for a stamping agent to remit local cigarette taxes due to any Member Jurisdiction.
- d. Providing a discount to a stamping agent as compensation for accounting for the tax due in the amount of two percent.
- e. Distributing any local cigarette taxes collected by the Board to the appropriate Member Jurisdiction.
- f. Enforcing all local cigarette tax ordinances within the region.
- g. Promoting uniformity of cigarette tax ordinances among the Member Jurisdictions.
- h. To the extent possible, encouraging uniformity of cigarette tax rates among the Member Jurisdictions.
- i. Accomplishing any other purpose that helps promote the uniform administration of local cigarette taxes throughout the region.
- j. Any other power of duty that is authorized by Virginia law.

5. EMPLOYEES.

The Board shall have the authority to hire employees to carry out the duties of the Board. Such employees may be deemed to be employees of the Board itself or the Board may enter into an agreement with one of the Member Jurisdictions to be the employer.

6. DISBURSEMENT OF RECEIPTS AND MANAGEMENT OF FUNDS.

- A. The Board shall approve a budget prior to March 1 of each year for the next fiscal year, which it shall distribute to the Member Jurisdictions. The expenses of the Board shall be paid out of the taxes collected prior to distribution in proportion to the amount of cigarette tax collected in each Member Jurisdiction in the previous fiscal year or, for the first fiscal year, the expected percentages of cigarette taxes to be collected from each Member Jurisdiction.
- B. The Board shall collect the cigarette taxes in each of the Member Jurisdictions and deposit the tax receipts in an account set up solely for that purpose. The account may

be in the name of the Board, or the Board may contract with one of the Member Jurisdictions to serve as the fiscal agent.

- C. In order to have start up funds for the Board, each Member Jurisdiction agrees to contribute an amount determined by the Board to be necessary based on the expected percentage of taxes to be collected from the Member Jurisdictions. Such start up funds may be reimbursed by the Board from cigarette tax revenues.

7. LOCATION OF OFFICES.

The Board may rent space for its offices from the private sector, or may enter into an agreement with one of the Member Jurisdictions to use office space in that Member Jurisdiction on such terms as may be agreed upon.

8. DISSOLUTION AND WITHDRAWAL.

- A. Any member may withdraw from the Board by giving six months' written notice to the Board.
- B. In the event the Board has less than six Member Jurisdictions, the Board shall be considered dissolved. In addition, the Board may dissolve upon agreement of the Members. Upon dissolution, the assets of the Board shall be distributed to the Member Jurisdictions based upon each Member Jurisdiction's proportionate share of the number of taxable packs of cigarettes reported in the preceding twelve month period.

This Agreement shall be effective upon the signature of at least six Member Jurisdictions, whose governing bodies have adopted a resolution approving this Agreement and which have adopted a cigarette tax ordinance.

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ARTICLE 11. Cigarette Tax.

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[Section 4-11-11. Jeopardy assessment.](#)

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[Section 4-11-17. Severability.](#)

Section 4-11-1. Short title.

This Article shall be known and may be cited as the Fairfax County Cigarette Tax Ordinance. (29-78-4.)

Section 4-11-2. Definitions.

For the purposes of this Article, the following words and phrases have the meanings respectively ascribed to them by this Section, except in those instances where the context clearly indicates a different meaning:

- (a) *Board* or *NVCTB* means the Northern Virginia Cigarette Tax Board.
- (b) *Carton* means any container, regardless of material used in its construction, in which packages of cigarettes are placed.
- (c) *Cigarette* means and includes any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether the same is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf

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tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

- (d) *Cigarette Machine Operator* means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.
- (e) *County* means Fairfax County, Virginia.
- (f) *Dealer* means and includes every manufacturer's representative,, wholesaler, retailer, cigarette machine operator, public warehouseman or other person who shall sell, receive, store, possess, distribute or transport cigarettes within or into the County.
- (g) *Package* means and includes any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which they are consumed by their ultimate user. Ordinarily a package contains twenty cigarettes; however, "package" includes those containers in which fewer or more than twenty cigarettes are placed.
- (h) *Person* means and includes any individual, firm, unincorporated association, company, corporation, joint stock company, group, agency, syndicate, trust or trustee, receiver, fiduciary, partnership and conservator. The word "person" as applied to a partnership, unincorporated association or other joint venture means the partners or members thereof, and as applied to a corporation, includes all the officers and directors thereof.
- (i) *Place of business* means and includes any place where cigarettes are sold, placed, stored, offered for sale or displayed for sale or where cigarettes are brought or kept for the purpose of sale, consumption or distribution, including vending machines, by a dealer within the County.
- (j) *Registered agent* means and includes every dealer and other person who shall be required to report and collect the tax on cigarettes under the provisions of this Article.
- (k) *Retail dealer* means and includes every person who, in the usual course of business, purchases or receives cigarettes from any source whatsoever for the purpose of sale within the County to the ultimate consumer; or any person who, in the usual course of business, owns, leases or otherwise operates within his own place of business, one or more cigarette vending machines for the purpose of sale within the County of cigarettes to the ultimate consumer; or any person who, in any manner, buys, sells, stores, transfers or deals in cigarettes for the purpose of sale within the County to the ultimate consumer, who is not licensed as a wholesaler or vending machine operator.
- (l) *Sale or sell* means and includes every act or transaction, regardless of the method or means employed, including barter, exchange or the use of vending machines or other mechanical devices or a criminal or tortious act whereby either ownership or possession, or both, of any cigarettes shall be transferred within the County from a dealer as herein defined to any other person for a consideration.
- (m) *Stamp* means a small gummed piece of paper or decal used to evidence provision for payment of the tax as authorized by the Northern Virginia Cigarette Tax Board, required to be affixed to every package of cigarettes sold, distributed, or used within the County.
- (n) *Store or storage* means and includes the keeping or retention of cigarettes in this County for any purpose except sale in the regular course of business.
- (o) *Use* means and includes the exercise of any right or power over any cigarettes or packages of cigarettes incident to the ownership or possession of those cigarettes or packages of cigarettes including any transaction where possession is given or received or otherwise transferred, other than a sale.

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- (p) *User* means any person who exercises any right or power over any cigarettes or packages of cigarettes subject to the provisions of this Article incident to the ownership or possession of those cigarettes or packages of cigarettes or any transaction where possession is given or received or otherwise transferred, other than a sale.
- (q) *Wholesale Dealers* means any individual, partnership or corporation engaged in the sale of packages of cigarettes for resale into or within the County. (29-78-4; 35-04-4.)

Section 4-11-3. Levy and rate.

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby levied and imposed by the County upon every person who sells or uses cigarettes within the County an excise tax at a rate of five cents for each package containing twenty cigarettes and two and one-half mills for each cigarette contained in packages of fewer or more than twenty cigarettes sold or used within the County prior to September 1, 2004, and at a rate of one cent for each such cigarette sold, stored, or received on and after September 1, 2004, through June 30, 2005, and at a rate of one and one-half cents for each cigarette sold, stored, or received on and after July 1, 2005. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the County shall be paid but once. (29-78-4; 35-04-4.)

Section 4-11-4. Methods of collection.

- (a) The tax imposed by this section shall be evidenced by the use of a tax stamp and shall be paid by each dealer or other person liable for the tax under a reporting method deemed by the Board to carry out the provisions of this Article. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam. Each dealer or other person liable for the tax is hereby required, and it shall be his duty, to collect, pay the tax and report all packages of cigarettes on forms prescribed for this purpose by the Board:
 - (1) The quantity of NVCTB-stamped cigarettes sold or delivered to:
 - (A) Each registered agent appointed by the Board for which no tax was collected;
 - (B) Each manufacturer's representative; and
 - (C) Each separate person and place of business during the preceding calendar or fiscal month; and
 - (2) The quantity of NVCTB stamps on hand, both affixed and unaffixed on the first and the last day of the preceding calendar or fiscal month and the quantity of NVCTB stamps or NVCTB stamped cigarettes received during the preceding calendar or fiscal month; and
 - (3) The quantity of cigarettes on hand to which the NVCTB stamp had not been affixed on the first and last day of the preceding calendar or fiscal month and the quantity of cigarettes received during the preceding calendar or fiscal month to which the NVCTB stamp had not been affixed; and
 - (4) Such further information as the administrator for the board may require for the proper administration and enforcement of this article for the determination of the exact number of cigarettes in the possession of each dealer or user.
- (b) Each dealer or other person liable for the tax shall file such reports with the Board and pay the tax due to the Board prior to the due date, and shall furnish copies of all cigarette tax reports submitted to the Virginia Department of Taxation.

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- (c) When, upon examination and audit of any invoices, records, books, cancelled checks or other memoranda touching on the purchase, sale, receipt, storage or possession of tobacco products taxed herein, any dealer or other person liable for the tax is unable to furnish evidence to the Board of sufficient tax payments and stamp purchases to cover cigarettes which were sold, used, stored, received, purchased or possessed by him, the prima facie presumption shall arise that such cigarettes were received, sold, used, stored, purchased or possessed by him without the proper tax having been paid. The Board shall, from the results of such examination and audit based upon such direct or indirect information available, assess the tax due, impose a penalty of ten per cent and may impose interest of three-quarters per cent per month of the gross tax due.
- (d) When any dealer or other person liable for the tax files a false or fraudulent report or fails to file a report or fails to perform any act or performs any act to evade payment of the tax, the board shall administratively assess the tax due and impose a penalty not to exceed fifty per cent of the tax due and interest of three-quarters per cent per month of the gross tax due.
- (e) The dealer or other person liable for the tax shall be notified by certified mail of such deficiency and such tax, penalty and interest assessed shall be due and payable within ten days after notice of such deficiency has been issued. Every dealer or other person liable for the tax shall examine each package of cigarettes to insure that the NVCTB stamp has been affixed thereto prior to offering them for sale.
- (f) Any dealer or other person liable for the tax who shall receive cigarettes not bearing the NVCTB stamp shall, within one hour of receipt of such cigarettes, commence and with all reasonable diligence continue to affix the NVCTB stamp to each and every package of cigarettes until all unstamped packages of cigarettes have been stamped and before offering such cigarettes for sale. Any dealer or other person liable for the tax who has notified the Board that he is engaged in interstate or intrastate business shall be permitted to set aside such part of his stock as may be legally kept for the conduct of such interstate or intrastate business (that is, cigarettes held for sale outside the jurisdiction of the Board) without affixing the stamps required by this Article. Any such interstate or intrastate stock shall be kept entirely separate and apart from the NVCTB-stamped stock, in such a manner as to prevent the commingling of the interstate or intrastate stock with the NVCTB stock. Any dealer or other person liable for the tax found to have had untaxed cigarettes which have been lost, whether by negligence, theft or any other unaccountable loss, shall be liable for and shall pay the tax due thereon.
- (g) It shall also be the duty of each dealer or other person liable for the tax to maintain and keep for a period of three years, not including the current calendar year, records of all cigarettes received, sold, stored, possessed, transferred or handled by him in any manner whatsoever, whether the same were stamped or unstamped, to make all such records available for audit, inspection and examination at all reasonable times, as well as the means, facilities and opportunity for making such audit, inspection or examination upon demand of the Board. (29-78-4; 35-04-4.)

Section 4-11-5. Registered agents.

- (a) Any dealer or other person liable for the tax who shall sell, use, store, possess, distribute or transport cigarettes within or into the County shall first make application to the Board to qualify as a registered agent. Such application blank, which shall be supplied upon request, shall require such information relative to the nature of the business engaged in by said applicant, as the Board deems necessary for the administration and enforcement of this article. There is a yearly Registration Fee for all Wholesale Dealers [and] all Cigarette Machine Operators. Applicant shall provide a surety bond to the Board of 150 percent of his average monthly tax liability with a surety company authorized to do business in the Commonwealth of Virginia. Such bond shall be so written that, on timely payment of the premium thereon, it shall continue in force from year to year. Any applicant whose place of business is outside the County shall automatically, by filing his application, submit himself to the

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Board's legal jurisdiction and appoint the Administrator for the Board as his agent for any service of lawful process.

Upon receipt of the properly completed required application forms, and the required surety bond executed, the Board shall determine whether the said applicant qualifies to be a registered agent. The Board will issue to said qualified applicant a yearly registered agent permit to qualify him to purchase, sell, use, store, possess, distribute or transport within or into the County, NVCTB-stamped cigarettes.

- (b) Registered agents shall agree to the reporting and payment requirements placed upon him by this Article and the rules and regulations as from time to time may be promulgated by the Board. When any registered agent's monthly report and payment of the tax is not received within the dates prescribed, the Board shall impose a late reporting penalty of ten per cent of the gross tax due or ten dollars whichever is greater, but in no event more than \$1,000. The Board also may require such registered agent to provide proof that he has complied with all applicable laws of the Commonwealth of Virginia to legally conduct such business and to file financial statements showing all assets and liabilities. The Board may revoke or suspend any registered agent's permit due to failure to file tax reports in a timely manner, non-payment of taxes due, or if the cigarette tax surety bond should become impaired for any reason.
- (c) All money collected as cigarette taxes under this ordinance shall be deemed to be held in trust by the dealer collecting the same until remitted to the Board.
- (d) Registered agents must account for all NVCTB authorized tax stamps purchased. Periodic audits may be conducted to determine any unaccounted variance between the number of stamps purchased and the number of stamps reported and an assessment will be made for all unaccounted for stamps. Any assessment of registered agents located outside the jurisdictions of the Board will be based upon the average sales of packages of cigarettes by jurisdiction during the audit period. For registered agents located within the jurisdictions of the Board, any assessment will be based upon the tax rate of the jurisdiction in which they are located. In addition, there will be a penalty for non-reporting of ten per cent of the gross tax due. (29-78-4; 35-04-4.)

Section 4-11-6. Requirements for retail dealers.

- (a) Retail dealers who shall sell, offer for sale, store, possess, distribute, purchase, receive or transport cigarettes for the purpose of sale within the County shall purchase cigarettes only from registered agents giving or supplying the business trade name and business address of the location where the cigarettes will be placed for sale to the public. Cigarettes purchased for personal use cannot be brought into a business for resale. Only properly registered and licensed retail stores may sell cigarettes to the public. To be properly registered and licensed, a retail store must first have a valid Virginia state sales and use tax certificate and valid retail business license. Cigarettes must be purchased and stored separately for each business location. All copies of cigarette purchase invoices/receipts must be retained by the retailer for a period of three years and shall be made available to Agents of the NVCTB upon request for use in conducting audits and investigations. All copies of cigarette purchase invoices/receipts must be stored at the business retail location for a period of one year from date of purchase. Failure to provide cigarette invoices/receipts may result in confiscation of cigarettes until receipts can be reviewed by the Board to verify the proper tax has been paid. It is the responsibility of each retail location to insure that all cigarettes placed for sale or stored at that location be properly taxed and stamped. Cigarettes found without the NVCTB stamp or the proper jurisdictional tax paid will be seized by the Agents of the Board.
- (b) Retail dealers must make their place of business available for inspection by Tobacco Revenue Agents to insure that all cigarettes are properly tax-stamped and all cigarette taxes are properly paid. (29-78-4; 35-04-4.)

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Section 4-11-7. Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.

- (a) If any cigarette machine operator or other person liable for the tax imposed by this Article is found to possess any cigarettes without the jurisdictional tax paid or the proper tax stamp affixed, there shall be a rebuttable presumption that any such operator or other person shall be in possession of untaxed cigarettes in violation of this section.
- (b) If any cigarettes are placed in any vending machines within the County, then there shall be a rebuttable presumption that such cigarettes were placed in that machine for sale within the County. If [a]ny vending machine located within the County contains cigarettes upon which the NVCTB tax stamp has not been affixed or on which the jurisdictional tax has not been paid or containing cigarettes placed so as to not allow visual inspection of the NVCTB tax stamp through viewing area as provided for by the vending machine manufacturer, then there shall be a rebuttable presumption that the machine contains untaxed cigarettes in violation of this Article.
- (c) Any cigarettes, vending machines, cigarette tax stamps or other property found in violation of this Article shall be declared contraband goods and may be seized by the Board. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes or tax stamps shall be subject to civil and criminal penalties herein provided.
- (d) In lieu of seizure, the Board may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of such seal from a vending machine by any unauthorized person shall be a violation of this Article. Nothing in this Article shall prevent the seizure of any vending machine at any time after it is sealed.
- (e) All cigarette vending machines shall be plainly marked with the name, address and telephone number of the owner of said machine. (29-78-4; 35-04-4.)

Section 4-11-8. Illegal acts.

- (a) It shall be unlawful and a violation of the Article for any dealer or other person liable for the tax:
 - (1) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this Article or of any part thereof, or to fail or refuse to perform any of the duties imposed upon him under the provisions of this Article or to fail or refuse to obey any lawful order which may be issued under this Article; or
 - (2) To falsely or fraudulently make, or cause to be made, any invoices or reports, or to falsely or fraudulently forge, alter or counterfeit any stamp, or to procure or cause to be made, forged, altered or counterfeited any such stamp, or knowingly and willfully to alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps; or
 - (3) To sell, offer for sale, or distribute any cigarettes upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid; or
 - (4) To possess, store, use, authorize or approve the possession, storage or use of any cigarette packages upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid; or
 - (5) To transport, authorize or approve the transportation of any cigarette packages in quantities of more than sixty packages into or within the county upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid, if they are:

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- (A) Not accompanied by a receipt/bill of lading or other document indicating the true name and address of the consignor or seller and the consignee or purchaser and the brands and quantity of cigarettes transported; or
- (B) Accompanied by a receipt/bill of lading or other document which is false or fraudulent in whole or part; or
- (C) Accompanied by a receipt/bill of lading or other document indicating:
 - (i) A consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid unless the tax on the jurisdiction of destination has been paid and said cigarettes bear the tax stamps of that jurisdiction; or
 - (ii) A consignee or purchaser in the Commonwealth of Virginia but outside the taxing jurisdiction who does not possess a Virginia Sales and Use Tax Certificate and, where applicable, any licenses issued by the Commonwealth or local jurisdiction of destination; or
- (6) To reuse or refill with cigarettes any package from which cigarettes have been removed, for which the tax imposed has been theretofore paid; or
- (7) To remove from any package any stamp with intent to use or cause the same to be used after same has already been used or to buy, sell, or offer for sale or give away any used, removed, altered or restored stamps to any person, or to reuse any stamp which had theretofore been used for evidence of the payment of any tax prescribed by this Article or to sell, or offer to sell, any stamp provided for herein; or
- (8) To sell, offer for sale or distribute any loose or single cigarettes; or
- (9) To perform any act that violates the resolutions promulgated by the Board.
- (b) It shall be unlawful and a violation of the Article for any person or individual to transport, possess, store, use, authorize or approve the possession, storage or use of any cigarette in quantities of more than sixty packages upon which the NVCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid. (29-78-4; 35-04-4.)

Section 4-11-9. Establishment of the Northern Virginia Cigarette Tax Board.

- (a) The ordinance adopted by the County Board, dated April [29](#), 1996, pertaining to the establishment of the Northern Virginia Cigarette Tax Board is hereby continued in effect and made a part of this Article by reference.
- (b) Any inconsistencies between the powers granted to the Board in the ordinance adopted by the County Board, dated April [29](#), 1996, and herein incorporated by reference and the powers granted to the Board in [Section 4-11-10](#) shall be resolved in favor of those provisions in [Section 4-11-10](#)
- (c) The Board's fiscal year shall be from July 1 through June 30. (29-78-4; 19-96-4.)

Section 4-11-10. Powers of the Northern Virginia Cigarette Tax Board.

The board may delegate any of its powers to its Administrator or employees and may adopt regulations regarding the administration and enforcement of the provisions of this Article.

- (a) The Board shall be granted the following powers:

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- (1) To assess, collect and disburse the cigarette tax for each participating jurisdiction;
 - (2) To audit sales of cigarettes for each participating jurisdiction;
 - (3) To provide information to Commonwealth's attorneys or County attorney for each participating jurisdiction;
 - (4) To designate an Administrator;
 - (5) To manage the Northern Virginia Cigarette Tax Funds;
 - (6) To retain a certified public accountant to audit its books;
 - (7) To designate a depository bank or banks;
 - (8) To contract with member jurisdiction for administrative services;
 - (9) To hold and convey real and personal property;
 - (10) To enter into contracts;
 - (11) To hire, supervise and discharge its own employees;
 - (12) To sue and be sued in its own name;
 - (13) To prescribe the design of a stamp(s) and to issue and sell said stamps to authorized dealers;
 - (14) To establish different classes of taxpayers;
 - (15) To promulgate resolutions for the assessment and collection of cigarette taxes and the enforcement of this ordinance; and
 - (16) To conduct inspections of any place of business in order to enforce the provisions of this ordinance and all resolutions of the Board.
- (b) The Board may employ legal counsel, bring appropriate court action in its own name to enforce payment of the cigarette tax or penalties owed and file tax liens against property of taxpayers hereunder.
- (c) The Board is authorized to enter into an agreement with the Virginia Department of Taxation under which a registered agent with the NVCTB who is also qualified to purchase Virginia Revenue Stamps, may qualify to purchase Dual Virginia - NVCTB stamps from the Virginia Department of Taxation. Authority to purchase dual Virginia - NVCTB stamps is granted solely by the Board and may be revoked or suspended for violations of this ordinance or resolutions adopted by the Board.
- (d) The Board may appoint certain employees as Tobacco Revenue Agents, who shall be required to carry proper identification while performing their duties. Tobacco Revenue Agents are further authorized to conduct inspections of any place of business and shall have the power to seize or seal any vending machines, seize any cigarettes, counterfeit stamps or other property found in violation of this Article and shall have the power of arrest upon reasonable and probable cause that a violation of this Article has been committed. The Board is authorized to provide its tobacco revenue agents with (1) firearms for their protection; (2) emergency equipped vehicles while on duty; and (3) other equipment deemed necessary and proper.
- (e) The Board may exchange information relative to the sale, use, transportation or shipment of cigarettes with an official of any other jurisdiction entrusted with the enforcement of the cigarette tax laws of said other jurisdiction. (29-78-4; 35-04-4.)

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Section 4-11-11. Jeopardy assessment.

If the Administrator of the Board determines that the collection of any tax or any amount of tax required to be collected and paid under this Article will be jeopardized by delay, he shall make an assessment of the tax or amount of tax required to be collected and shall mail or issue a notice of such assessment to the taxpayer together with a demand for immediate payment of the tax or of the deficiency in tax declared to be in jeopardy including penalties and interest. In the case of a current period, for which the tax is in jeopardy, the Administrator may declare the taxable period of the taxpayer immediately terminated and shall cause notice of such finding and declaration to be mailed or issued to the taxpayer together with a demand for immediate payment of the tax based on the period declared terminated and such tax shall be immediately due and payable, whether or not the terms otherwise allowed by this Article for filing a return and paying the tax has expired. (29-78-4.)

Section 4-11-12. Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.

- (a) Any person assessed by the Board with a cigarettes tax, penalties and interest or any person whose cigarettes, vending machines and other property have been sealed or seized under processes of this Article, who has been aggrieved by such assessment, seizure or sealing may file a request for a hearing before the Administrator for the Board for a correction of such assessment and the return of such property seized or sealed.
- (b) Where holders of property interest in cigarettes, vending machines or other property are known at time of seizure or sealing, notice of seizure or sealing shall be sent to them by certified mail within twenty-four hours. Where such holders of property interests are unknown at time of seizure or sealing, it shall be sufficient notice to such unknown interest holders to post such notice to a door or wall of the room or building which contained such seized or sealed property. Any such notice of seizure or sealing shall include procedures for an administrative hearing for return of such property seized or sealed as well as affirmative defenses set forth in this section which may be asserted.
- (c) Such hearing shall be requested within ten days of the notice of such assessment, seizure or sealing and shall set forth the reasons why said; tax, penalties and interest, cigarettes, vending machines or other property should be returned or released. Within five days after receipt of such hearing request the Administrator shall notify the petitioner by certified mail of a date and time for the informal presentation of evidence at a hearing to be held within fifteen days of the date notification is mailed. Any such request for hearing shall be denied if the assessed tax, penalties and interest has not been paid as required or if the request is received more than ten days from first notice to the petitioner of such seizure or sealing. Within five days after the hearing, the Administrator shall notify the petitioner, by registered mail, whether his request for a correction has been granted or refused.
- (d) Appropriate relief shall be given by the Administrator if he is convinced by the preponderance of the evidence that said seized cigarettes were in the possession of a person other than the petitioner without the petitioner's consent at the time said cigarettes, vending machines or other property were seized or sealed or that petitioner was authorized to possess such untaxed cigarettes. If the Administrator is satisfied that the tax was erroneously assessed, he shall refund the amount erroneously assessed together with any interest and penalties paid thereon and shall return any cigarettes, vending machines or other property seized or sealed to the petitioner. Any petitioner who is dissatisfied with the written decision of the Board may within thirty days of the date of such decision, appeal such decision to the appropriate Court in the jurisdiction where the seizure or sealing occurred. (29-78-4; 35-04-4.)

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Section 4-11-13. Disposal of seized property.

Any seized and confiscated cigarettes, vending machines or other property used in the furtherance of any illegal evasion of the tax may be disposed of by sale or other method deemed appropriate by the Board after any petitioner has exhausted all administrative appeal procedures. No credit from any sale of cigarettes, vending machines, or other property seized shall be allowed toward any tax and penalties assessed. (29-78-4.)

Section 4-11-14. Extensions.

The Administrator, upon a finding of good cause may grant an extension of time to file a tax report upon written application for a period not exceeding thirty days. Except as hereinafter provided, no interest or penalty shall be charged, assessed or collected by reason of the granting of such an extension. (29-78-4; 35-04-4.)

Section 4-11-15. Penalty for violation of article.

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$2,500.00 or imprisonment for not more than twelve months or by both such fine and imprisonment. Such fine and/or imprisonment shall not relieve any such person from the payment of any tax, penalty or interest imposed by this Article. (29-78-4; 35-04-4.)

Section 4-11-16. Each violation a separate offense.

The sale of any quantity, the use, possession, storage or transportation of more than sixty packages of cigarettes upon which the NVCTB tax stamp has not been affixed or the proper jurisdictional tax has not been paid shall be and constitute a separate violation. Each continuing day of violation shall be deemed to constitute a separate offense. (29-78-4; 35-04-4.)

Section 4-11-17. Severability.

If any section, phrase, or part of this Article should for any reason be held invalid by a Court of competent jurisdiction, such decision shall not affect the remainder of the Article; and every remaining section, clause, phrase or part thereof shall continue in full force and effect. (29-78-4.)