

**At A Meeting of the Sussex County Board of Supervisors  
Held on Thursday, February 21, 2013, 7:30 p.m.  
General District Courtroom, Sussex Judicial Center**

**Board Members Present:**

Charlie E. Caple, Jr.  
C. Eric Fly, Sr.  
Alfred G. Futrell  
John A Stringfield  
Rufus E. Tyler, Sr.  
Raymond L. Warren

**Staff Present:**

Michael R. Packer, County Attorney  
Onnie L. Woodruff, Treasurer/Director of Finance  
Shannon D. Fennell, Assistant to the Director of Planning  
Anne P. Ellis, Accounts Payables Clerk  
Charles H. Harris, III, Superintendent of Schools  
Lyndia Person-Ramsey, Commonwealth's Attorney  
Deborah A Davis, Assistant to County Administrator

**Item 1. Call to Order**

The February 21, 2013 meeting of the Sussex County Board of Supervisors was called to order by Chairman Tyler.

**Item 2. The Invocation**

The Invocation was offered by Supervisor Futrell.

**Item 3. The Pledge of Allegiance**

The Pledge of Allegiance was recited by all.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables Items 4 and 5, Election of Chairman and Election of Vice Chairman, respectively, until next month's meeting.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield

(No vote from Chairman Tyler).

**Item 6. Amended Agenda**

Supervisor Fly asked that under New Business, add 13h, Personnel Committee and Finance Committee; 13e, Supervisor Fly said that the agenda reads Thomas Harris Misappropriation of Funds/Health Insurance; he stated that what he submitted was Reapplying Tom Harris Health Insurance. Supervisor Fly asked that the language in the agenda be stricken and that his language that he submitted for the agenda be added, which is Reapplying Tom Harris Health Insurance.

Chairman Tyler stated that he combined the two (2) issues; they can be separated by making the Misappropriation of Funds and 13i, Refund, or make it 13e1, Refund Health Insurance.

Supervisor Fly stated 13d, Interim County Administrator, strike the word "budget." This item was ultimately deleted because it is on the agenda as Item 7 under the Chairman's Report).

Supervisor Fly requested to add 13i, County Health Insurance; 13f George Morrison, strike Health Insurance status.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL that the Sussex County Board of Supervisors move all items under Consent Agenda to the Regular Agenda and be numbered accordingly.

Voting ayes; Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

The Chairman asked Supervisor Fly to denote the items that he would like to be extracted from the Consent Agenda and considered separately.

Supervisor Fly responded: (Consent Agenda items ) Item c, Approval of Invoice: Oyster Point Construction, Item g, Approval and Appropriation, VACORP Public Officials Coverage, \$2,500.00; Item h, Approval and Appropriation, One Environmental Group, \$1,100.00; Item i, Recommended Appropriations and Transfers; Item j, Acceptance of Revenue and Expenditures of VTC \$3,940,200 were extracted from the Consent Agenda.

Chairman Tyler stated that the aforementioned items will be made a part of New Business.

### **Item 7. Approval of Regular Agenda**

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Regular Agenda of the February 21, 2013 meeting of the Sussex County Board of Supervisors is approved including the following amendments: Under New Business, add Item 13h, Personnel and Finance Committee, Item 13e1, Refund Health Insurance; Item 13d Remove Interim County Administrator (as

it is already on the agenda under the Chairman's Report), Item 13i, County Health Insurance, Item 13f, George Morrison.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

### **Item 9. Standing Reports Committees/Organization**

#### **a. Health Department – no report**

#### **b. Chairman's Report**

1. Robinson, Farmer, Cox Associates: The County's Annual Financial Report was presented by Ann Wall, CPA of Robinson, Farmer Cox. (A copy of the report is retained in the February 21, 2013 Board packet.
2. Introduction of New 4-H Agent, Maurice Smith, Jr.: Mr. Smith was unable to attend the meeting and may be introduced at a future meeting.
3. I-95 Update: Supervisors Tyler and Fly provided the status of the I-95 toll project.
4. Progress/Status Report of Commonwealth's Attorney's Office Space: A copy of written report is retained in the February 21, 2013 Board packet.
5. \$3.9 Million Dollar Grant Award/Public Hearing Advertisement: Authorization.

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby authorizes staff to advertise the amendment to the FY 2014 budget, as a result of the \$3,940,200.00 grant from the Tobacco Commission.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

6. Economic Development Plan: The Chairman stated that he placed that on the agenda because he thinks the Board needs to aggressively move forward to develop an Economic Development Plan for the County. The Board members' input will be solicited.

Chairman Tyler reference a resolution dated October 18, 2012 regarding authorizing staff to begin the development of an economic development plan.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN that Administration is required to come back to the Board of Supervisors and seek approval of any expenditures related to the development of an Economic Development Plan.

Voting aye: Supervisors Fly, Futrell, Warren

Voting nay: Supervisors Caple, Stringfield, Tyler

The motion failed due to tie vote.

7. Appointment – Interim County Administrator

Chairman Tyler asked that Item #7, Appointment of Interim of County Administrator, be moved to Closed Session

Supervisor Fly stated that this subject has been discussed in open session several times.

Chairman Tyler stated that it would be under Personnel.

Supervisor Fly submitted names of retired County Administrators which were received from Mr. Jim Campbell, Executive Director of the Virginia Association of Counties. He asked the Board to authorize Ms. Davis (Assistant to County Administrator) to call and request resumes of the persons on the list of retired County Administrators).

Chairman Tyler asked Ms. Davis to contact those individuals on that list to ask for a copy of their resume. But he still would like to have that item discussed in Closed Session.

8. Advertisement – County Administrator

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the authorization to advertise for County Administrator.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

9. Employee Reimbursement Agreement.

A discussion was held regarding the Sick Bank Policy and the donation of time. The Board decided to discuss this issue in Closed Session.

**c. County Attorney's Report**

1. First Amendment to Tower Lease (Verizon Wireless)

County Attorney Packer advised that the amendment for the proposed structure lease agreement to the tower lease for the communications tower located at the Courthouse complex grants authority for the tenant to perform needed structural repairs to the tower and has been included in the Board packet. It provides for accelerated rent payments to the County. Mr. Packer stated that he has approved the amendment as to form and the Public Safety Coordinator, Mr. Vick recommends its adoption.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the First Amendment to the Structure Lease Agreement, to wit:

This First Amendment to Structure Lease Agreement (this "Amendment") is made this \_\_\_ day of \_\_\_\_\_, 2013, by and between **SUSSEX COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter "Lessor", and **CELLCO PARTNERSHIP**, a Delaware general partnership, d/b/a Verizon Wireless, , hereinafter "Lessee".

**WHEREAS**, Lessor and Lessee entered into a certain Structure Lease Agreement dated December 21, 2005 (the "Agreement"), by which Lessor currently leases to Lessee certain space on the ground and on the Structure (collectively, the "Premises") at the Lessor's property located at 20216 Thornton Square, Sussex, Virginia 23884;

**WHEREAS**, Lessor and Lessee desire to amend the Agreement for the purpose of modifying Lessee's equipment on the Structure.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to be legally bound to this Amendment as follows:

1. Paragraph 2A of the Agreement is hereby replaced and superseded in its entirety with the following:
  - A. Leased Positions. Subject to the terms and provisions of this Agreement, Lessor leases to Lessee and Lessee leases from Lessor thirteen (13) appurtenance mounting positions on the Structure located as follows: (i) Six (6) Andrew DB848H90E-XY-850 antennas; (ii) Three (3) Antel BXA-70080-8CF antennas; and (iii) Three (3) Andrew HBX-9016-DS-T0M-OODT-1920 antennas, all at approximately Two Hundred Ninety-Five (295') feet A.G.L., centerline, with eighteen (18) 1 5/8" coaxial cable thereto; and (iv) One (1) Andrew UHX6-59W-P3A/B microwave dish antenna at approximately One Hundred Fifty (150') feet A.G.L., centerline, with two (2) elliptical lines thereto, (collectively, the "Leased Positions").
2. Commencing March 1, 2013, Lessee's monthly rental shall increase by Three Hundred and no/100ths (\$300.00) Dollars for a new total monthly rental amount of Two Thousand Two Hundred Twenty-Five and no/100ths (\$2,225.00) Dollars. Thereafter, the increased annual rental amount shall increase upward as modified below.
3. Commencing on the next annual anniversary of the Agreement, rent shall increase by two (2%) percent annually and shall continue to increase annually by two (2%) percent on the anniversary of the Commencement Date each year thereafter and shall no longer increase by ten (10%) percent at the beginning of each renewal term.

4. Lessor and Lessee acknowledge and agree that each has received and reviewed a copy of that certain Structural Analysis Report dated August 20, 2012 prepared by Tower Engineering Professionals (the "Analysis"). According to the Analysis, the Structure and/or foundation is not structurally capable of accommodating Tenant's tower equipment identified herein without first making certain structural modifications to the tower and/or foundation as further described in the Analysis (the "Modification Work"). Lessor hereby permits Lessee to contract for the performance of the Modification Work and Lessee agrees to have such Modification Work performed at its sole cost and expense. Lessee further agrees that no equipment shall be installed on the Structure until the Modification Work is complete.
5. All remaining provisions of the Agreement shall remain in full force and effect as to all other terms and conditions, and shall remain binding on the parties hereto.
6. The Agreement and Amendment contain all agreements, promises or understandings between Lessor and Lessee and no verbal or oral agreements, promises or understandings shall be binding upon either the Lessor or Lessee in any dispute, controversy or proceeding at law, and any addition, variation or modification to the Agreement and Amendment shall be void and ineffective unless made in writing and signed by the parties. In the event any provision of the Agreement and Amendment is found to be invalid or unenforceable, such a finding shall not affect the validity and enforceability of the remaining provisions of the Agreement and Amendment.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

#### **Item 10: Citizens' Comments (9:00pm)**

Comments were heard from the following citizens:

- Chester Carter, Stony Creek District
- Anne Joyner, Wakefield District
- Bill Collins, Courthouse District
- Kevin Bracy, Courthouse District
- Thomas Harris, former County Administrator

#### **County Attorney's Report**

2. Sick Leave Bank: County Attorney Packer asked Board to discuss this issue in Closed Session.

County Attorney Packer also reported that he has not forgotten the citizens' request to get an amplification system for the Board meeting room. Since the last meeting, the Clerk of the General District showed Mr. Packer the system that is present in place. It is a quality system, speakers in the ceiling which can cause people who sit in the back, to be able to

hear. The only problem with it is that it has fixed microphone placements and the fixed placements are either on the court bench or in two of the tables used by the Board. And because the tables have been moved, the connection has been destroyed. So the microphones can't be put in the table. So what is being considered now is a microphone system, possibly a wireless one that can be used both at the podium and at the Board's tables that would then allow the amplification and also be available to the court. Because presently, the attorneys who sit at the counsel tables when court is in session, can't be amplified because the system has been destroyed. Staff received a bid to get a feel for how much it would cost put a new system in – that came in at \$10,000.00. What we are discussing now will probably not be near that amount of money, since we would be able to use what is presently in place. Staff will try very hard to try to have something in place by the next meeting.

**Item 9d. Treasurer's Reports**

The Treasurer, Onnie L. Woodruff distributed appropriations information to the Board. He advised them that this information should be part of the Consent Agenda that is part of the Board's packet. He asked that the Board scheduled a Budget Work Session.

**Item 9e. Commissioner of the Revenue** – no report

**Item f. Sheriff's Report** – no report

**Item g. Superintendent of Schools** – no report

**Item h. – Director of Social Services** – no report

**Item 11. Appointments**

a. Planning Commission Appointment (Wakefield District)

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Roger King, Post Office Box 349, Waverly, Virginia 23890, to the Sussex County Planning Commission, term expiring January 31, 2018.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

b. Set Term Expirations for Recent Planning Commission Appointees

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby set the terms of expiration for new Planning Commission members, as follows:

Brenda Burgess, Waverly District, term expires January 31, 2014

Kevin Bracy, Courthouse District, term expires January 31, 2015

Horace Lee Brittle, Sr., Waverly District, term expires January 31, 2016  
Richard L. Johnson, Blackwater District, term expires January 31, 2017  
Roger King, Wakefield District, term expires January 31, 2018  
Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren  
Voting nay: none

- c. John Tyler Alcohol Safety Action Program Board Appointment: Tabled until the March 21, 2013 Board meeting.
- d. Towing Advisory Board Appointments: Tabled until the March 21, 2013 Board meeting.

**Item 12. Unfinished Business**

- a. Approval of December 3, 2012 Minutes

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD that the Sussex County Board of Supervisors approves the minutes of the December 3, 2012 Board meeting.

Voting aye: Supervisors Caple, Stringfield, Tyler  
Voting nay: Supervisor Fly, Futrell, Warren

The motion failed due to tie vote.

- b. Proposed Bylaws

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD that the bylaws be approved.

The Board held a discussion regarding the proposed bylaws.

County Attorney Packer stated that he has reviewed the proposed bylaws.

Supervisor Warren questioned Page 5, Sections 2-6A, 2-7A, Page7, Section 4-1A, Page 11, Section 5-3E, Page 15, Section 5-8F, Page 20, Section 6-11.

County Attorney pointed out information on Page 21, Section 7-2B.

Supervisor Fly questioned the need for Personnel and Finance Committees.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN to strike Sections 7-2 A and 7-2B.

The Board held a discussion on the aforementioned motion.

At 10:17pm, Chairman Tyler requested a recess.

The meeting reconvened at 10:25pm.

Supervisor Fly stated that he would withdraw his motion if Mr. Warren would withdraw his second (the motion regarding Section 7-2).

Supervisor Warren withdrew his second; Supervisor Fly withdrew his motion.

County Attorney Packer requested that the Board reiterate the proposed amendments that they just discussed.

County Attorney Packer suggested that the Board leave Section 4-1A as written and add in Paragraph B after the word “scheduled” an additional sentence stating “Board member items shall appear using the exact language requested.”

ON MOTION OF SUPERVISOR STRINGFIELD, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Board Bylaws, to wit:

## **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 Supervisor's 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 Open Meeting Law 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 7:00 p.m. and end prior to 12:00 midnight, unless otherwise directed by the Board.
- F. Public hearings shall be advertised for 7:00 p.m.
- G. 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.
- H. Any supervisor may request a Closed Meeting for any of the permitted areas set forth in the Code of Virginia. Closed Meetings will be held upon completion of other formal agenda items unless for reasons beyond the Board's control.
- I. 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.
- J. 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.
- K. 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 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 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 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.
- 6 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 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. 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 7:00 p.m., the order of business shall generally be as follows:
1. 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:
  2. Call to Order – Determine Quorum
  3. Invocation and Pledge of Allegiance
  4. Amended Agenda
  5. Approval of Regular Agenda
  6. Consent Agenda  
Approval of Minutes
  7. Public Hearings
  8. Appointments
  9. Staff/Committees/Organizations – Standing Reports  
County Administrator  
Treasurer’s Report  
Commissioner of the Revenue  
Sheriff’s Department  
Superintendent of Schools  
Department of Social Services  
General Registrar  
Health Department  
County Attorney
  10. Hearing of Citizen’s Comments
  11. Unfinished Business

12. New Business  
Resolutions and Proclamations
13. Board Member Comments
14. Reports from Departments/Staff/Commissions
15. Monthly Department Reports
16. Closed Sessions
17. 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 limitation, 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.
- 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 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**

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 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 Supervisor's 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 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. 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 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.

#### **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 a 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 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 1<sup>st</sup>, 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.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

#### **c. Leave Carry Over Request**

Interim Director of Finance, Onnie L. Woodruff, provided information to the Board regarding excess leave balances and explained that it causes it a liability.(Supporting documentation is included in the Board's packet). Mr. Woodruff recommended that excess compensatory time as listed in the documentation provided, be approved and appropriate in the amount of \$14,721.64 and reset the leave back to the maximum amount of carryover for the compensatory leave; roll the vacation time and holiday time over and ask the Payroll Clerk to send a letter with the next pay stub informing all employees that the policy will be adhered to and the Board will not entertain carrying over excess leave balances.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriate \$14,721.64 to pay employees who have excess compensatory leave; and

FURTHER RESOLVED that the excess annual leave and holiday time be rolled over and that the Payroll Clerk is hereby authorized to send a letter to all employees advising that the Policy must be adhered to in regard to leave carryover.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

#### **d. Department of Corrections Report – Payment In Lieu of Taxes**

Supervisor Fly reported that Delegate Tyler put in a budget amendment to get the \$417 thousand dollars back for the payment in lieu of taxes that the County used to get for the prisons. That budget amendment failed and the County will not be receiving the \$417 thousand dollars back.

e. Route 460 Bypass

Supervisor Fly reported that not enough is being done on the 460 Bypass project. He stated that as a Board, a letter needs to be sent back to Delegate Tyler and Senator Lucas and Delegate Morris restating the fact that Sussex County is in opposition to the 460 Bypass and ask them to work on this.

**Item 13. New Business**

a. Crater District Area Agency on Aging

Brenda Burgess, Board member of the Crater District Area Agency on Aging, reported that the Crater Board did vote to send the concerns of Sussex to the Committee. That Committee has not met yet and the Board had not taken any action with the concerns.

David Sadowski, Executive Director of Crater District Area Agency on Aging and Mrs. Gladys Mason, Director of Programs provided updates on the agency's programs.

Mr. Sadowski reported that a Special Committee has been assigned to review statements of a newspaper article as to their accuracy. That Committee has not met yet because the year end audit has just been completed. County Attorney Packer will serve on the Committee to review information.

b. Consent Agenda Items

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of Application and Certificate of Payment #14 from Oyster Point Construction, in the amount of \$348,674.75; and approval and appropriation of VACORP Invoice in the amount of \$2,500.00 for the deductible amount for Claim #1072011060059, regarding Nicole Scuderi vs Sussex County.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

ON MOTION OF SUPERVISOR FUTRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves of the Consent Agenda inclusive of the following:

- a. Approval of January 9, 2013 Minutes
- b. Approval of January 17, 2013 Minutes
- c. Approval of Invoice: Oyster Point Construction: \$378,674.75

- d. Approval of Invoice: Rancorn Wildman: \$6,756.81
- e. Approval of Invoice: Speight, Marshall & Francis, \$500.00
- f. Approval & Appropriation, McQuire Woods: \$810.00
- g. Approval & Appropriation, VACORP Public Officials Coverage: \$2,500.00
- h. Approval & Appropriation, One Environmental Group: \$1,100.00
- i. Recommended Appropriations and Transfers
- j. Approval of Warrants and Vouchers
- k. Resolution Authorizing Application for 2013-2014 Local Government Challenge Grant

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

The Board held a brief discussion regarding the \$3,940,200.00 Tobacco Commission grant.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and appropriates revenue and expenditures for the Tobacco Commission grant amount of \$3,940,200.00; \$252,000.00 for engineering and \$750,000.00 for clearing and grubbing.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby tables all New Business items not considered tonight be placed on the next meeting agenda.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

**Item 14. Departmental Reports** – none

**Item 15. Board Members' Comments/Reports**

**Item 16. Closed Session** [12:13:06 AM](#)

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR STRINGFIELD and carried: RESOLVED that the Sussex County Board of Supervisors hereby desires to enter into a Closed Session for the following matters: (a) Personnel Matters (b) Real Estate Matters; (c) Legal Matters

WHEREAS, pursuant to Sections 2.2-3711(A)(1), 2.2-3711(A) (3) and 2.2-3711(A)(7) S of the Code of Virginia, as amended, such discussion may occur in Closed Session.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Sussex County does hereby authorize discussion of the aforesated matters in the Closed Meeting.

Voting aye: Supervisors Caple, Fly, Futrell, Stringfield, Tyler, Warren

Voting nay: none

**Item 17. RETURN TO OPEN SESSION 1:46:59 AM**

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

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

WHEREAS, Section 2.2-3711 of the Code of Virginia, 1950, as amended, requires a certification by the County of Sussex Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the County of Sussex Board of Supervisors hereby certifies that to the best of each member's knowledge (1) only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the meeting to which this certification applies.

Voting aye: Supervisors Caple, Fly, Futrell, Warren

Voting nay: none

Absent during the vote: Supervisors Stringfield, Tyler

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Closed Session.

Voting aye: Supervisors Caple, Fly, Futrell, Warren

Voting nay: none

Absent during the vote: Supervisors Stringfield, Tyler

**ITEM 18. ACTION TAKEN ON CLOSED SESSION ITEMS**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR WARREN and carried: RESOLVED that the Sussex County Board of Supervisors that hereby denies the claim from Phillips Communication.

Voting aye: Supervisors Caple, Fly, Futrell, Warren

Voting nay: none

Absent during the vote: Supervisors Stringfield, Tyler

**ITEM 19. ADJOURNMENT**

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that the February 21, 2013 meeting of the Sussex County Board of Supervisors is hereby adjourned at 1:49am.

Voting aye: Supervisors Caple, Fly, Futrell, Warren

Voting nay: none

Absent during the vote: Supervisors Stringfield, Tyler