

January 8, 2013

At the regular meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday, the 8<sup>th</sup> day of January, 2013; at 7:00 p.m., there were present:

Howard M. Campbell

Pattie Cooper-Jones

William G. Fore, Jr.

Don C. Gantt, Jr.

Robert M. Jones

Charles W. McKay

Howard F. Simpson

Jim R. Wilck

Also present: Wade Bartlett, County Administrator; Sarah Elam Puckett, Assistant County Administrator; Sharon Lee Carney, Director of Economic Development; Jim Ennis, County Attorney; Beverly Booth, Commissioner of Revenue; Donna Nunnally, Treasurer; and Eric Hougland, High Bridge Trail State Park Manager.

Chairman Fore called the meeting to order. Supervisor McKay led the Pledge of Allegiance and offered the invocation.

In Re: Date, Time, and Place of Board Meetings

Supervisor McKay moved that the regular monthly meetings of the Prince Edward County Board of Supervisors be held on the second Tuesday of each month, at 7:00 p.m., in the Board of Supervisors' Room of the Court House Building, 111 South Street, Farmville, Virginia. The motion carried:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

In Re: Adoption of Board By-Laws

After some discussion, Supervisor Gantt moved that the Prince Edward County Rules of the Board of Supervisors be tabled until the February meeting to allow a Committee to study the issue of adding a Code of Conduct and if all motions should require a second; the motion carried:

Aye:	Howard M. Campbell	Nay:	William G. Fore, Jr.
	Pattie Cooper-Jones		Howard F. Simpson
	Don C. Gantt, Jr.		
	Robert M. Jones		
	Charles W. McKay		
	Jim R. Wilck		

Chairman Fore stated Supervisor Gantt will Chair the Board By-Laws Review Committee; Supervisor Wilck, Supervisor Jones, and Supervisor Simpson will also be on the committee.

In Re: Selection of Operating System: Committees or Committees-of-the-Whole

The Rules of the Board state that “at the January meeting of each year, the Board shall vote whether to operate with a system of standing committees during the year. If it does, the Board shall specify the name, composition, and function of each of the several committees.” If the Board would vote not to have standing committees, it may act as a “committee of the whole.”

Chairman Fore said the Board currently operates as a “committee of the whole” with one standing committee, the Personnel Committee, and asked if the Board wished to continue or change to a Committee system.

Supervisor Wilck moved that the Board operate as a committee of the whole, but with one standing committee. The motion carried:

Aye:	Howard M. Campbell	Nay:	None
	Pattie Cooper-Jones		
	William G. Fore, Jr.		
	Don C. Gantt, Jr.		
	Robert M. Jones		
	Charles W. McKay		
	Howard F. Simpson		
	Jim R. Wilck		

In Re: Appointments: Personnel Committee

Chairman Fore stated the Personnel Committee comprises Supervisor Campbell, Supervisor Wilck, and Supervisor Simpson to act as Chair of the Personnel Committee.

In Re: Adoption of Board Rules of Procedure for Public Hearings

On motion of Supervisor Jones and carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
------	--	-----------

the Prince Edward County Board of Supervisors readopted the following procedures to govern public hearings:

BOARD OF SUPERVISORS PUBLIC HEARINGS  
RULES OF PROCEDURE

1. Public Hearings – the order of presentation shall be as follows, unless varied by the Chairman.
  - a. Staff report.
  - b. Applicant’s presentation.
  - c. Comments, statements or presentations from members of the public.

The order of speakers will be:

- 1) Those in support of the matter,
  - 2) Those with questions or concerns,
  - 3) Those opposed,
  - 4) Rebuttals (limited by the Chair as to number and time-see below),
  - 5) Questions by the Board members of speakers.
- d. Additional rules:
    - The Chair can permit speaking out of the order in #c above as deemed necessary to enable the public to fully participate.
    - Speakers must stand at the podium and address the Board.
    - All comments shall be directed to the members of the Board of Supervisors. Debate is prohibited. This includes debate among speakers or speakers/Board members/staff.
    - Presentation by the applicant and other speakers shall be limited to a time set by the Chairman.
    - Additional time, for any portion, may be granted at the discretion of the Chairman.

- The Chair will set the number of minutes permitted for rebuttal and has the discretion to change the number.
  - The Chair has the authority to limit or decrease time for any portion of the public hearing due to the number of potential speakers, or repetition, or any other concern.
  - Remarks shall be confined to the matter under discussion and shall be relevant.
2. Speakers arriving after the commencement of the hearing and/or who are not on the sign-up sheet will be recognized at the discretion of the Chairman.
  3. Repetitive testimony is discouraged.
  4. The Chairman shall have the authority to end a presentation that violates these rules or for other cause.
  5. Following discussion of all matters considered in the public hearing, the Board members will consider one of three actions regarding each matter:
    - Approval (with conditions, as applicable);
    - Denial; or
    - Table for further review.
  6. Once the public comment period has been closed, no further public input will be permitted unless clarification is requested by a Board member. The response shall address only those questions raised by the member.

In Re: Adoption of Board By-Laws - Revisited

Mr. Jim Ennis, County Attorney, advised the Board that the amendments to the By-Laws are not yet specific, and that without adopting the By-Laws, the Board would be operating with no By-Laws.

Supervisor McKay moved that the Prince Edward County Rules of the Board of Supervisors be adopted as presented with possible amendments to follow at a later date; the motion carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
------	--	-----------

PRINCE EDWARD COUNTY  
RULES OF  
THE BOARD OF SUPERVISORS

(As amended January 2008)

I. ATTENDANCE AND ADJOURNMENT

All members shall make a reasonable effort to attend meetings of the Board. If unable to attend, a member shall notify the Chairman or County Administrator.

A majority of the members of the Board shall constitute a quorum and must be present to proceed to business. A smaller number of members may adjourn or send for absentees. Special meetings of the Board may be called in accordance with Section 15.1-538 of the Code of Virginia, 1950, as amended.

The Chairman shall take the chair at the hour set by the Board for regular or special meetings. He shall immediately call the Board to order and determine if a quorum is present; if so, he shall have the minutes of the preceding meeting submitted. Any errors or omissions shall, upon motion and carried, then be corrected. The minutes, being found correct, shall be signed by the Chairman and Clerk and shall be the authentic record of the proceedings of the Board of Supervisors.

II. CHAIRMAN AND VICE-CHAIRMAN

At the first meeting in January of each year, the Board of Supervisors shall elect one of its members as Chairman and one other of its members as Vice-Chairman. The term of office for the Chairman and Vice-Chairman shall be for two years, but they may be re-elected.

The Chairman shall preside at all meetings at which he is present. The Vice-Chairman shall preside at all meetings at which the Chairman is absent and may discharge any other duty of the Chairman during his absence or disability.

The day, time, and place of regular board meetings shall be determined at the January meeting.

III. CLERK

The County Administrator shall serve as Clerk to the Board.

The minutes of the meetings of the Board shall be duly drawn by the Clerk and shall be submitted for approval at the next regular monthly meeting following their draft.

The Clerk shall appoint a deputy as recording secretary if required or needed by the Board.

IV. ORDER OF BUSINESS

After the call to order the Board shall proceed to the agenda. The normal order of the agenda shall be as below, except at the January organizational meeting and as subject to rearrangement by the Chairman, absent objection by the Board. At the

organizational meeting in January, the first order of business shall be the election of the Chairman and Vice-Chairman and approval of the Board's operating procedures.

- A. Public Participation
- B. Consent Agenda
  - Acceptance of Treasurer's Report
  - Approval of Minutes
  - Approval of Warrant List
- C. Highway Matters
- D. Business for Board Consideration
- F. County Administrator's Report
- G. Closed Session
- H. Correspondence
- I. Informational Items
- J. Upcoming Meetings
- K. Monthly Reports from Local Departments
- L. Adjournment

#### V. PREPARATION OF AGENDA

The County Administrator shall see that the preparation and printing of Board papers, ordinances, resolutions, petitions, and other applicable documents, be completed within such time that members of the Board may receive the documents at least 72 hours before the meeting of the Board.

The County Administrator shall close the upcoming Agenda on the Wednesday prior to the meeting of the Board. Any item submitted after this deadline will not be considered for action unless recommended by the County Administrator.

#### VI. CONSENT AGENDA

The Chairman and County Administrator shall style routine, non-controversial matters requiring Board action on a Consent Agenda. Items may be removed from the Consent Agenda and place on the Regular Agenda on recorded vote by a majority of the Board members present. Only one motion is necessary to adopt all recommendations and action items on the Consent Agenda.

There shall be no debate or discussion by any member of the Board or the public regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

#### VII. CONDUCT OF BUSINESS

The Chairman shall preserve order and decorum. When two or more members speak at the same time, the Chairman shall name the person who shall speak first.

A motion or proposition shall be reduced to writing, if desired by the Chairman or any member. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the Board upon it, except a motion to reconsider, which shall not be withdrawn without leave of the Board. Otherwise, meetings shall be conducted in accordance to Robert's Rules of Order, Newly Revised (Procedures for Small Boards).

## VIII. TAKING THE VOTE

When a motion in order is made, the Chairman shall state the exact motion and indicate that it is open to debate. After the motion has been debated, the Chairman shall put the question in the following forms: "As many as agree that, etc. (as the question may be) let it be known by raising your right hand", and "Those opposed by the same sign."

According to the Constitution of Virginia, a majority of all elected members shall be necessary to adopt any ordinance or resolution appropriating money exceeding the sum of \$500.00, imposing taxes, or authorizing the borrowing of money. Otherwise, a resolution, ordinance, or other proposition shall be adopted by vote of the majority of Board members present and voting. A tie vote shall mean the defeat of the motion voted on.

A member may abstain and be entered in the minutes as present and abstaining.

The Code of Virginia, 1950, as amended, Title 2.1, Chapter 40.2, Section 639.30 et seq shall control with respect to a member's participation and voting. (Conflict of Interest-Section 2.1-639.30 et al, Code of Virginia, 1950, as amended.)

## IX. RECONSIDERATION

After a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided the motion is made on the same day as the decision carried. All motions to reconsider shall be decided by a majority of the votes of the members present and voting.

## X. WITHDRAWAL OF EXHIBITS

Original papers, filed as exhibits with any ordinance or resolution, may be withdrawn by the patron or upon his order. In such case, he shall leave attested copies, and shall pay the Clerk for the cost of copying.

## XI. MANUAL AND RULES

The rules of parliamentary practice in Robert's Rules of Order, Newly Revised shall govern the Board in all cases to which they are applicable, except when they are inconsistent with the rules established by the Board.

The Rules of the Board shall be reviewed and adopted in January of each year. These Rules may subsequently be suspended or amended by a two-third vote of the entire Board. Upon a motion to suspend or amend, the mover shall be allowed two minutes to state the reasons for his motion, and one member opposed to the motions shall be allowed an equal time to object.

## XII. APPOINTMENTS

All appointments of Board representatives to commissions, authorities, committees, etc. shall be made once the individual leaves the position or on expiration of

his term, and not later than two meetings after the individual has left. The Board shall attempt to honor appointments from representative districts and shall not discriminate based on sex, age, handicap, race, or origin.

At the January meeting of each year, the Board shall vote whether to operate with a system of standing committees during the year. If it does, the Board shall specify the name, composition, and function of each of the several committees. The committees shall meet at the regular times and in conformity with the Virginia Freedom of Information Act. In selecting members of committees, the Chairman of the Board shall make nominations after soliciting from members of the Board their preferences as to committee assignments. The Board may amend the Chairman's nominations and shall confirm the assignments. Standing committees shall consider such matters as referred by the Board, and shall report at regular meetings of the Board.

If the Board votes not to have standing committees, it may act as a committee of the whole on matters normally referred to standing committees. However; the Chairman after consulting with the County Administrator, may appoint special (ad hoc) committees to carry out specific tasks. This shall be done after soliciting from members of the Board their preferences as to committee assignments. A special committee shall automatically cease to exist once it has completed its specific task.

### XIII. PUBLIC HEARINGS

The Chairman may, at his discretion, set an appropriate and consistent time limit on all speakers at a public hearing. All speakers shall come forward and identify themselves by name and address before stating their position. If a public hearing becomes disruptive, the Chairman may adjourn or continue, in accordance with the Code of Virginia.

### XIV. CLOSED SESSIONS

All discussions held in Closed Session as outlined in the Freedom of Information Act shall represent privileged information held by those involved. Release of such information by a Board member outside the session shall be considered a breach of these by-laws, and the member shall be subject to censure. Specific purpose of closed session shall be stated in accordance with Section 2.2-3711 of the Code of Virginia, 1950, as amended.

Upon return to regular session after a closed session, the County Attorney and/or Chairman shall state the nature of the closed session in as specific terms as appropriate.

In open session, a roll call vote shall be recorded in the minutes, certifying that only public business matters lawfully exempted from open meeting requirements and only such business matters as were identified in the motion were discussed or considered. Any member of the public body who believes there was a departure from the requirements shall so state prior to the vote. The statement shall be recorded in the minutes.



## ROBERT'S RULES OF ORDER, NEWLY REVISED

### PROCEDURE IN SMALL BOARDS

In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects:

--Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

--Motions need not be seconded.

--There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

--Informal discussion of a subject is permitted while no motion is pending.

--Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method in such meetings.

--The chairman need not rise while putting questions to vote.

--The chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

### EFFECT OF PERIODIC PARTIAL CHANGE IN BOARD MEMBERSHIP

In cases where a board is constituted so that a specific portion of it is chosen periodically (as, for example, where one third of the board is elected annually for three-year terms), it becomes, in effect, a new board each time such a group assumes board membership. Consequently, all unfinished business existing when the outgoing portion of the board vacates membership falls to the ground; and if the board is one that elects its own officers or appoints standing committees, it chooses new officers and committees as soon as the new board members have taken up their duties, just as if the entire board membership had changed. The individual replacement of persons who may occasionally vacate board membership at other times, however, does not have these effects.

In Re: Adoption of Board Protocol for Public Participation

On motion of Supervisor Simpson and carried:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

the Prince Edward County Board of Supervisors readopted the following Protocol for Public Participation:

**Protocol for Public Participation**

The Board of Supervisors sets aside twenty (20) minutes near the beginning of each regular board meeting for citizen comment.

This regular agenda item is termed "Public Participation." During this period, the Board receives comment from any citizen of Prince Edward County on any matter not scheduled for a public hearing.

This is an opportunity for citizens to speak and the Board to listen carefully to citizen expressions of concern and opinion.

Citizens may ask questions of the Board or individual Board members; however, Public Participation is not designed to allow debate between Board members and citizens.

Citizens are expected to conduct research on topics prior to Board meetings and this forum provides citizens with an opportunity to inform elected officials of their findings and positions on matters of public interest and concern.

Citizens wishing to speak during Public Participation are asked to please sign the Public Participation register prior to the beginning of the meeting.

Citizens are respectfully requested to state their full name and address for the record.

The Chairman of the Board will establish the order of speakers and will maintain decorum.

Citizens shall speak for a maximum of five (5) minutes, unless more time is granted by the Chair.

In the event that more than four (4) speakers wish to be heard during citizen's time, the Chairman shall allocate the twenty (20) minutes among speakers in an equitable manner. An extension to the twenty (20) minute limit can be granted by the Chair.

Comments from citizens who are not residents of Prince Edward County will be entertained once all County residents are heard.

Signs, placards, posters or like material are not permitted in the Board Chamber, adjoining areas or County offices.

The Board asks that citizens remain seated during the meeting unless called upon to stand for recognition as a speaker, official duties, physical necessity, or to enter or leave the meeting.

The use of profane, vulgar, obscene or threatening speech is not permitted and can result in removal from the meeting.

Citizens are requested to turn off or deactivate the sound from all cell phones, pagers, or other electronic communication devices.

In Re: Adoption of Protocol for Board of Supervisors Comments

On motion of Supervisor McKay and carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
------	--	-----------

the Prince Edward County Board of Supervisors readopted the Protocol for Board of Supervisors

Comments:

**Protocol for Board of Supervisors Comments**

- The Board of Supervisors sets aside ten (10) minutes near the beginning of each regular board meeting for each member of the Board of Supervisors to respond to comments made by citizens during “Public Participation,” if he/she so desires.
- This is an opportunity for each individual member of the Board to express his/her own personal opinion in response to a citizen’s concerns on matters of public interest.
- “*Board of Supervisors Comments*” is not designed to allow debate between Board members and citizens.
- The Chairman of the Board will establish the order of speakers and will maintain decorum.
- Each Board member shall be allotted an opportunity to speak for a maximum of one (1) minute; unless additional time is yielded by another member of the Board. In the event a Board member or members shall be absent, unallocated time shall not be allocated to Board members in attendance.
- Following each Board member’s comment period, the remaining two (2) minutes shall be set aside for appropriate response, and shall be divided equally between those members of the Board wishing to respond, and as directed by the Chairman.

In Re: Adoption of Board of Supervisors Conflict of Interest Policy

On motion of Supervisor Jones and carried:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

the Prince Edward County Board of Supervisors readopted the Conflicts of Interest Policy:

**Conflicts of Interest Policy**

**I. Introduction**

Our system of government is dependent in large part on its citizens maintaining the highest trust in their public officials. *1995 Va. Op. Atty. Gen. 2*. The conduct and character of public officials is of particular concern to state and local governments, because it is chiefly through that conduct and character that the government's reputation is derived. *1995 Va. Op. Atty. Gen. 2*.

The purpose of the Conflict of Interests Act (*Virginia Code § 2.2-3100 et seq.*) is to assure the citizens of the Commonwealth that the judgment of public officers and employees will not be compromised or affected by inappropriate conflicts. *Virginia Code § 2.2-3100*. To this end, the Act defines certain standards or types of conduct that clearly are improper.

The Act does not address all appearances of conflict and, in those cases; the public official must determine whether participation in a matter presents an unacceptable appearance of impropriety that will affect the confidence of the public in the official's ability to perform his or her duties impartially.

A knowing violation of the Act has serious consequences. A knowing violation is a misdemeanor (*Virginia Code § 2.2-3120*) and constitutes malfeasance in office (*Virginia Code § 2.2-3122*). In addition to criminal fines and penalties, a knowing violation may result in forfeiture of the office or employment (*Virginia Code § 2.2-3122*), the forfeiture of the value derived from the violation, and civil penalties in the amount of the value derived from the violation (*Virginia Code § 2.2-3124*).

Although the Conflict of Interests Act also covers conflicts arising in the contracting process, this policy pertains only to conflicts arising from a public official's personal interest in matters coming before a public body and other generally prohibited conduct. This policy also covers conflicts of interest not specifically covered by the Act.

Except as expressly stated otherwise, the term *public official* includes members of the County's public bodies, advisory agencies, committees and employees (collectively referred to as a *public body*).

## **II. Procedure if a conflict of interest in a transaction may exist**

A public official should review pending matters and agenda materials for possible conflicts of interest and then do the following:

### **A. Notify the County Attorney's Office**

If the public official believes that a conflict of interest may exist, the official should contact the County Attorney's Office immediately so that it is aware of the possible conflict, provide advice and, if necessary, assist the public official with the preparation of the required disclosure statement before the matter is considered.

After a full disclosure of the facts, the County Attorney's Office will advise the public official to seek an advisory opinion from the Commonwealth's Attorney.

### **B. Request an advisory opinion from the Commonwealth's Attorney**

The Commonwealth's Attorney is charged to render advisory opinions as to whether the facts in a particular case would constitute a violation of the provisions of the Conflict of Interests Act to the County's public officials. *Virginia Code § 2.2-3126(B)*. If the public official believes that a conflict of interest may exist, he or she should make a full disclosure of the facts to the Commonwealth's Attorney and request a written opinion from that office. If the official relies in good faith on the opinion of the Commonwealth's Attorney, the official is immunized from prosecution for a knowing violation of the Act. *Virginia Code § 2.2-3121(B)*.

In order for this immunity to be effective, it is critical that the public official is certain that all of the facts are disclosed to the Commonwealth's Attorney. It is also important that the opinion request be made in sufficient advance of the public body's consideration of the matter so that the Commonwealth's Attorney has adequate time to prepare the written opinion. Finally, if the public official will participate in the matter based on the Commonwealth's Attorney's opinion, the official should have the written opinion prior to his or her participation.

### **C. Request Attorney General to review Commonwealth's Attorney opinion, and judicial review**

If the opinion given by the Commonwealth's Attorney indicates that the facts would constitute a violation of the Conflict of Interests Act, the public official affected by the opinion may request that the Attorney General review the opinion. *Virginia Code § 2.2-3126(B)*. A conflicting opinion by the Attorney General acts to revoke the opinion of the Commonwealth's Attorney. *Virginia Code § 2.2-3126(B)*.

Regardless of whether an opinion of the Commonwealth's Attorney or the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law. *Virginia Code § 2.2-3126(B)*.

## **III. Determining whether a personal interest in a transaction exists**

A conflict of interest exists if the public official has a *personal interest in the transaction*. The italicized words are defined by statute.

### **A. Personal interest.**

A *personal interest* is a financial benefit or liability accruing to a public official or to a member of his or her immediate family. *Virginia Code § 2.2-3101*. A member of the *immediate family* is either a spouse or any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee, or of whom the officer or employee is a dependent. *Virginia Code § 2.2-3101*.

A *dependent* is a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if the person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support. *Virginia Code § 2.2-3101*.

A personal interest exists in any of the following situations:

1. *Ownership in a business*: Ownership in a business if the ownership interest exceeds three percent of the total equity of the business.
2. *Income from property or business*: Annual income that exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business.
3. *Salary, compensation, benefits paid or provided by business*: Salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business that exceeds, or may reasonably be anticipated to exceed, \$10,000 annually.
4. *Ownership of property*: Ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income, salary, other compensation, fringe benefits or benefits from the use of property.
5. *Personal liability on behalf of business*: Personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business. A *business* is a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit. *Virginia Code § 2.2-3101*.

### **B. Transaction**

A *transaction* is any matter considered by the board or commission, whether in a committee, subcommittee, or other entity or department of the County, on which official action is taken or contemplated. *Virginia Code § 2.2-3101*.

### **C. Personal interest in a transaction**

A *personal interest in a transaction* is a personal interest of an officer or employee in any matter considered by his agency. *Virginia Code § 2.2-3101*. A personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents any individual or business and the property, business or represented individual or business: (1) is the subject of the transaction; or (2) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. *Virginia Code § 2.2-3101*.

Notwithstanding the above, a personal interest in a transaction is not deemed to exist where a member of the Board of Supervisors serves without remuneration as a member of

the board of trustees of a not-for-profit entity and the Board member or member of his immediate family has no personal interest related to the not-for-profit entity. *Virginia Code § 2.2-3101*.

#### **IV. What to do if a public official has a personal interest in a transaction**

If a public official has a personal interest in a transaction, he/she must respond in one of the following ways:

##### **A. When disclosure and disqualification required**

A public official must disqualify himself or herself from participating if the transaction applies *solely* to the property or business in which he or she has a personal interest. *Virginia Code § 2.2-3112(A)(1)*. However, a public official is not disqualified merely because the official is a party in a legal proceeding of a civil nature concerning the transaction. *Virginia Code § 2.2-3112(D)*.

Once the public official is disqualified, he or she may not vote or in any other manner act on the matter. *Virginia Code § 2.2-3112(A)(1)*. However, an employee (not a board member or commissioner) who is disqualified may represent himself or a member of his immediate family in the transaction provided he does not receive compensation for the representation and makes a proper disclosure of the conflict. *Virginia Code § 2.2-3112(B)*.

A public official who is disqualified, or otherwise elects to disqualify himself, must promptly disclose the existence of his interest. *Virginia Code § 2.2-3115(E)*. The disclosure is typically announced by members of a public body during the meeting when the particular matter is called, and is set forth in writing in a form prepared by the County Attorney's Office and signed by the public official. The disclosure is reflected in the public records for five years in the office of the administrative head of the public body. *Virginia Code § 2.2-3115(E)*.

##### **B. When disclosure required, participation allowed**

A public official may participate in a transaction if he or she is a member of a business, profession, occupation, or group, the members of which are affected by the transaction. *Virginia Code § 2.2-3112(A)(2)*. This means that if the transaction affects not only the property or business in which he or she has a personal interest, but also other properties or businesses, the public official may participate in the transaction. For example, the Attorney General has determined that a member of an airport commission was not required to disqualify himself from participating in a commission's vote on an application for funding to acquire the member's property if the transaction included property owned by others as well. *1995 VA. Op. Atty. Gen. 2*. In that case, the commissioner was merely a member of the group of landowners whose property the commission was considering acquiring.

A public official who has a conflict of interest because of his membership in a business, profession, occupation or group is required to declare his interest. *Virginia Code § 2.2-3115(G)*. The declaration must state: (1) the transaction involved; (2) the nature of the official's personal interest affected by the transaction; (3) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction; and (4) that he is able to participate in the transaction fairly, objectively, and in the public interest. *Virginia Code § 2.2-3115(G)*. The disclosure is typically announced by members of the public body during the meeting when the particular matter is called, and is set forth in writing in a form prepared by the County Attorney's Office and signed by the public official.

The disclosure is reflected in the public records for five years in the office of the administrative head of the public body. *Virginia Code § 2.2-3115(G)*. If reasonable time is not available to comply with these disclosure provisions prior to participating in the transaction, the public official must prepare and file the required declaration by the end of the next business day. *Virginia Code § 2.2-3115(G)*.

If a public official is unable to make the statements in the declaration of the interest without reservation, he or she should not participate in the matter and disqualify himself or herself from participating in the transaction.

### **C. When neither disclosure nor disqualification required**

A public official may participate in a transaction if it affects the public generally, even though his or her personal interest, as a member of the public, may also be affected by the transaction. *Virginia Code § 2.2-3112(A)(3)*.

### **V. What it means to participate in a transaction**

A transaction includes any matter considered by the public body on which official action is taken *or contemplated*. *Virginia Code § 2.2-3101*. Thus, the *transaction* begins when some future action is contemplated, *e.g.*, when a complete application for a special use permit is filed with the County, and continues until a final decision is made by a County public body.

*Participation* is not included in the Act. However, it is clear that during the decision making process, *participation* includes not only voting on the transaction, but also engaging in any discussion related to it. The practice of some public bodies is for a disqualified official not to sit with the public body while the transaction is being considered so there is no question as to whether the disqualified official participated. Some public officials may even choose to leave the hearing room so that there is no question that the official tried to influence the public body through hand gestures and body language. Such an extreme measure, of course, is not required.

*Participating in a transaction* extends beyond the hearing room. Because a *transaction* includes any matter on which official action is contemplated, *participation* reasonably includes any activity that may influence the matter for which official action is contemplated, including talking to the applicant, other citizens, County staff and members of the County's public bodies. This broad application is consistent with the liberal interpretation to be given to the Act to effectuate its purposes.

### **VI. Avoiding the appearance of impropriety even though statutory conflict of interest does not exist**

The Conflict of Interests Act does not address all conflicts of interest. There may be circumstances when a public official's interest in a transaction may not be a conflict within the meaning of the Act, but which may lend itself to an appearance of impropriety. In those cases, it is incumbent upon the public official to determine whether participating in the transaction presents an appearance of impropriety. *1995 Va. Op. Atty. Gen. 2*.

In determining whether an appearance of impropriety exists, the public official should consider: (1) whether the appearance of a conflict is unacceptable; and (2) whether the appearance of a conflict will affect the confidence of the public in the public official's ability to perform his or her duties impartially. *1995 Va. Op. Atty. Gen. 2*. If either of these elements is present, the public official should seriously consider disqualifying himself or herself from participating in the matter.



## **VII. The effect of disqualification on a public body's ability to transact business**

If a disqualification leaves less than the number of members required by law to act, the remaining member or members have authority to act for the public body by majority vote. *Virginia Code § 2.2-3112(C)*.

## **VIII. Generally prohibited conduct**

In addition to those situations when a public official may have a personal interest in a transaction, the Conflict of Interests Act prohibits certain interests in contracts and other general conduct. Conflicts of interests arising in contracts are addressed in Virginia Code § 2.2-3105 *et seq.* This section addresses other conduct prohibited by Virginia Code § 2.2-3103, which provides that the following conduct by County officers and employees is declared to be unlawful:

1. *Solicit or accept money or other thing of value for services:* Except for special benefits authorized by law, an officer or employee may not solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the County.
2. *Offer or accept money or other thing of value for employment, appointment or promotion:* An officer or employee may not offer or accept money or any other thing of value in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency.
3. *Offer or accept money or other thing of value to use position for contract purposes:* An officer or employee may not offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency.
4. *Use confidential information for personal or another's gain:* An officer or employee may not use for his own economic benefit, or that of another party, confidential information which he has acquired by reason of his public position and which is not available to the public.
5. *Accept money or other benefit that may influence performance:* An officer or employee may not accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This rule does not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Virginia Code § 24.2-900 *et seq.*
6. *Accept opportunity that may influence performance:* An officer or employee may not accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties.
7. *Accept honoraria:* An officer or employee may not accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term *honoraria* does not include any payment for or reimbursement to a person for his actual travel, lodging, or subsistence expenses incurred in connection with the appearance, speech, or article or, in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under Section 162 of the Internal Revenue Code.

8. *Accept a gift where its timing and nature questions impartiality:* An officer or employee may not accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor.
9. *Accept gifts frequently so as to raise appearance of impropriety:* An officer or employee may not accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain.

Each of these prohibitions will be liberally construed to apply as broadly as reasonable under the circumstances.

#### In Re: Public Participation

Chairman Fore read the Public Participation Policy, adopted at the September 2009 meeting:

*Public Participation is a time set aside for citizens to share their thoughts, ideas and concerns. An official record is made of each person's contribution tonight and will be directed to the County Administrator for follow-up; any necessary follow-up will be noted and tracked. Follow-up may consist of an immediate response, or planned action by the County Administrator or Board, or by placement on a future Board agenda. Tonight's agenda cannot be changed because the public needs advance knowledge of and the opportunity to review related materials regarding items addressed by the Board. To further assist public information, the Board requests our Administrator, Attorney or county staff immediately correct any factual error that might occur.*

**Donna Nunnally**, Treasurer, stated she looks forward to working with the Board and the citizens of Prince Edward County. She added she will work to make improvements to the collection processes for current and delinquent taxes, and to make payment options more modern and convenient to citizens.

**Wilkie Chaffin**, Buffalo District, gave a brief history of Madeline's House and encouraged the Board to support the organization, stating that he would match the \$3,000 donation to be made by the Board.

In Re: Board of Supervisors Comments

Supervisor McKay stated he agrees with Dr. Chaffin in his support of Madeline's House.

Supervisor Cooper-Jones also expressed support of Madeline's House and thanked Dr. Chaffin for his donation. All Board members were in agreement.

Supervisor Wilck made a motion to contribute \$3,000 to Madeline's House; the motion carried unanimously:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
------	--	-----------

Supervisor Cooper-Jones made a motion to approve the budget amendment and make the appropriations as follows:

		<u>Debit</u>	<u>Credit</u>
3-100-41050-0100	From General Fund Balance		\$ 3,000
4-100-53501-5651	Southside Center Violence Prevention	\$ 3,000	

The motion carried unanimously:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
------	--	-----------

In Re: Consent Agenda

On motion of Supervisor McKay and carried:

Aye:	Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None	Abstain: Howard M. Campbell
------	--	-----------	-----------------------------

the Board accepted the Treasurer's Reports for October 2012 and November 2012; the minutes of the meeting held December 11, 2012; Accounts and Claims; Salaries; and appropriations as follows:

FY 2013 Budget Amendment

		<u>Debit</u>	<u>Credit</u>
3-100-41050-0100	From General Fund Balance		\$ 7,500
4-100-12240-3120	Accounting & Auditing Services	\$ 7,500	

October 2012

Fund balances were as follows:

General Fund	120,533.81	
General Fund Reserved for Investments	4,150,638.09	
		4,271,171.90
PPEA Fund		(1,529.57)
Industrial Development Authority Fund		181,753.89
Recreation Fund Reserved for Investments		27,161.26
Forfeited Assets Fund Reserved for Investments		85,105.03
School Capital Projects Fund - VPSA		(49,800.43)
Undistributed Local Sales Tax Fund		0.00
Underground Storage Tank Fund		20,000.00
Economic Development Fund		743,464.42
Board of Public Welfare Special Account		3,167.36
Piedmont ASAP Fund		322,772.12
QZAB Debt Services Fund		408,068.97
Landfill Construction Fund		1,302,401.73
PCS Fund		301,077.79
Revenue Sharing Fund		(74,783.03)
Retirement Benefits Fund		9,100.51
Granite Falls CDA Fund		(3,030.00)
Dare Donations Fund		2,959.67
School Cafeteria Fund		368,637.01
Prince Edward Community Development Fund		46,793.50
Water Fund		617,505.65
Sewer Fund		(156,640.52)
School Fund		0.00
		8,425,357.26

Cash accounts were as follows:

Cash in Office	1,000.00
Cash in Banks	2,657,297.26
Warrants Payable (School Fund)	0.00
General Fund Investments	4,150,638.09
VPSA Investments	0.00
QZAB01 Investments	0.00
Underground Storage Tank Fund	20,000.00
Recreation Fund Investments	27,161.26
QZAB02 Investments	0.00
Landfill Construction Fund for Investment	1,302,401.73
Forfeited Asset Fund for Investment	85,105.03
Industrial Development Authority for Investment	181,753.89
	8,425,357.26

\*Of this \$4,271,171.90 in the General Fund, \$6,927,272.85 is encumbered for:

Transfers in:

School Fund	6,258,160.85
VPA Fund	442,839.06
Water Fund	0.00
Sewer Fund	0.00
IDA Fund	0.00
Retirement Benefits Fund	15,720.00
Debt Obligations	210,552.94
Total	6,927,272.85

This leaves an unencumbered balance of \$(2,656,100.95) in the General Fund.

## STATEMENT OF DEPOSITORY BALANCES

**Balances as of October 2012:**

**Checking Accounts:**

Benchmark Community Bank	291,075.08
Wachovia Bank	150,212.43
BB&T	0.00
Bank of America	1,621,230.90

**2,062,518.41**

**Investment Accounts:**

Benchmark Community Bank	5,819,419.02
Wachovia Bank	140,001.50
Citizens Bank & Trust Company	35,000.00
BB&T	4,993.38

Planters Bank & Trust	200,000.00
Mentor Investments	162,424.95
SNAP (State Non-Arbitrage Plan)	0.00
Bank of America	0.00

**6,361,838.85**

**November 2012**

Fund balances were as follows:

General Fund	120,962.35	
General Fund Reserved for Investments	8,331,320.57	
		8,452,282.92
PPEA Fund		(1,529.57)
Industrial Development Authority Fund		178,671.99
Recreation Fund Reserved for Investments		27,174.51
Forfeited Assets Fund Reserved for Investments		85,202.94
School Capital Projects Fund - VPSA		(49,800.43)
Undistributed Local Sales Tax Fund		0.00
Underground Storage Tank Fund		20,000.00
Economic Development Fund		743,464.42
Board of Public Welfare Special Account		2,865.36
Piedmont ASAP Fund		326,657.70
QZAB Debt Services Fund		408,068.97
Landfill Construction Fund		1,329,751.13
PCS Fund		371,946.81
Revenue Sharing Fund		1,077,705.94
Retirement Benefits Fund		8,082.44
Granite Falls CDA Fund		(3,030.00)
Dare Donations Fund		3,560.95
School Cafeteria Fund		373,707.02
Prince Edward Community Development Fund		46,793.50
Water Fund		617,505.65
Sewer Fund		(156,640.52)
School Fund		0.00
		13,862,441.73

Cash accounts were as follows:

Cash in Office	1,000.00
Cash in Banks	3,889,320.59
Warrants Payable (School Fund)	0.00
General Fund Investments	8,331,320.57

VPSA Investments	0.00
QZAB01 Investments	0.00
Underground Storage Tank Fund	20,000.00
Recreation Fund Investments	27,174.51
QZAB02 Investments	0.00
Landfill Construction Fund for Investment	1,329,751.13
Forfeited Asset Fund for Investment	85,202.94
Industrial Development Authority for Investment	178,671.99
	13,862,441.73

\*Of this \$8,452,282.92 in the General Fund, \$6010453.22 is encumbered for:

Transfers in:

School Fund	5,356,993.35
VPA Fund	427,186.93
Water Fund	0.00
Sewer Fund	0.00
IDA Fund	0.00
Retirement Benefits Fund	15,720.00
Debt Obligations	210,552.94
Total	6,010,453.22

This leaves an unencumbered balance of \$2,441,829.70 in the General Fund.

### STATEMENT OF DEPOSITORY BALANCES

#### Balances as of November 2012:

##### Checking Accounts:

Benchmark Community Bank	307,117.85
Wachovia Bank	123,138.52
BB&T	0.00
Bank of America	1,658,736.88

**2,088,993.25**

##### Investment Accounts:

Benchmark Community Bank	11,233,109.15
Wachovia Bank	127,574.62
Citizens Bank & Trust Company	35,000.00
BB&T	14,338.36
Planters Bank & Trust	200,000.00
Mentor Investments	162,426.35
SNAP (State Non-Arbitrage Plan)	0.00
Bank of America	0.00

**11,772,448.48**

	<u>BOARD OF SUPERVISORS</u>		
Business Card	Lodging		2,780.27

COUNTY ADMINISTRATOR

Business Card	Postage	37.65	
	Lodging	174.66	212.31
Pitney Bowes Financial Services	Postage meter lease		29.00
Business Data of Virginia, Inc.	Norton Anti-virus		29.95
Matthew Bender & Company, Inc.	Admin Law Appendix 2012		36.99

COMMISSIONER OF REVENUE

Beverly M. Booth	Mileage	93.80	
	Meals	34.00	127.80

TREASURER

Farmville Herald	Advertising		142.50
Pitney Bowes Financial Services	Postage equipment lease		1,002.00
Key Office Supply	Rubber bands	6.19	
	Paper clips	1.89	8.08

INFORMATION TECHNOLOGY

Business Data of Virginia, Inc.	Travel expenses	250.00	
	Professional service	125.00	
	Contract agreement	3,700.00	4,075.00

ELECTORAL BOARD AND OFFICIALS

Ruby F. Amos	Official	100.00	
	Training	25.00	125.00
Barbara Barnes	Official	100.00	
	Training	25.00	125.00
Robert L. Barnes	Official		90.00
Mary L. Baylis	Official	100.00	
	Training	25.00	125.00
William E. Brandt, Sr.	Official		90.00
Wendell Brown	Official		90.00
Peggy S. Cave	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	5.00	175.00
Ralph A. Crawley	Set up polls		50.00
Rachael E. Dove	Official		90.00
Esheila Eames	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	



	Mileage	5.00	175.00
Sarah Edmondson	Official		90.00
Vincent Eanes	Official		90.00
Dean Farmver, Jr.	Set up polls		50.00
Nancy D. Fawcett	Official	100.00	
	Training	25.00	125.00
Linda Finch	Official	90.00	
	Mileage	50.00	140.00
Moses Ford	Official		90.00
Beth M. Fore	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	5.00	175.00
Jean G. Fowlkes	Official		90.00
Yolanda Gladden	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Mileage	5.00	155.00
Jennifer J. Halladay	Official		90.00
Edward Lee Helton, Jr.	Official	100.00	
	Training	25.00	125.00
Jane Newman Hines	Official		90.00
Esther W. Hollingsworth	Official	100.00	
	Training	25.00	125.00
Frances D. Jasper	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
John Jennings	Official		90.00
Donald B. Kellum, Jr.	Official		90.00
Peggy Kelsey	Official		90.00
Cindy H. Koether	Official		90.00
James Junior Lee	Official		90.00
Jean W. Lee	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
April McBride	Official		90.00
Lora P. McElhenie	Official		90.00
Tola Morgan	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	10.00	180.00
Nancy Phaup	Official	100.00	
	Training	25.00	125.00
Rebecca L. Randolph	Official	100.00	

	Training	25.00	125.00
Mary G. Reed	Official		90.00
Rosalie B. Robertson	Official	100.00	
	Training	25.00	125.00
Henry O. Shelton	Official		90.00
Bertha E. Shepperson	Official		90.00
Claudia Somers	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	10.00	180.00
J. Scott Simms	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
Phillip Somers	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
Lynn Skakum	Official		90.00
Margaret Stockton	Official	100.00	
	Training	25.00	125.00
Linda Timmons	Official		90.00
James B. Towler	Official		90.00
Crystal Glenn Townsend	Official		90.00
Michael Scott Warner	Official		90.00
Virginia H. Wilson	Official		90.00
Kasie R. Wright	Official	100.00	
	Training	25.00	125.00
Lucie Zehner	Official	115.00	
	Training	25.00	
	Phone	10.00	
	Ballots	20.00	
	Mileage	15.00	185.00
Farmville Printing	Voter info envelopes		113.00
Darlington Heights Volunteer Fire Dept.	Rent		200.00
Elks Lodge #269	Rent		200.00
Farmville Volunteer Fire Department	Rent		200.00
Hampden-Sydney Fire Department	Rent		200.00
Mt. Zion Second Baptist Church	Rent		200.00
Prospect Volunteer Fire Department	Rent		200.00
Rice Volunteer Fire Department	Rent		200.00
Mt. Pleasant Church	Rent		200.00
Key Office Supply	Ribbons	71.88	
	Copy paper	54.95	
	Labels	32.49	
	Batteries / letter pads	32.87	192.19

	<u>REGISTRAR</u>		
Farmville Herald	Advertising		117.88
Dale L. Bolt	Mileage		56.06
Key Office Supply	Copy paper / hi-liters	34.76	
	Copy paper	59.90	
	Calendars	27.58	122.24
	<u>GENERAL DISTRICT COURT</u>		
US Cellular	Phone		25.38
	<u>SPECIAL MAGISTRATES</u>		
Key Office Supply	Ink cartridge		92.19
	<u>LAW LIBRARY</u>		
AT&T	Phone		37.14
CenturyLink	Phone		39.66
LexisNexis	Online charges		239.00
Matthew Bender & Company, Inc.	Admin Law Appendix 2012	36.99	
	VA Advance Code Serv	70.30	107.29
	<u>COMMONWEALTH'S ATTORNEY</u>		
Brian Butler	Mileage		79.92
James R. Ennis	Mileage	114.33	
	Lodging	239.95	
	Meals	69.71	423.99
William B. Turner	Mileage		185.37
	<u>VICTIM WITNESS ASSISTANCE PROGRAM</u>		
Virginia Victim Assistance	Dues		50.00
	<u>SHERIFF</u>		
CenturyLink	VCIN		7.97
	<u>PROSPECT VOLUNTEER FIRE DEPARTMENT</u>		
Prince Edward County Public Schools	Diesel		149.95
	<u>DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT</u>		
C. W. Williams	Gloves		77.23
Cyrus Pest Control Company	Exterminating service		45.00
Ellington Energy Service	Propane		532.66
NAPA of Farmville	Liftgate lift support		65.98
Verizon Wireless	Phone		60.07
	<u>HAMPDEN-SYDNEY VOLUNTEER FIRE DEPARTMENT</u>		
BB&T Governmental Finance	Truck payment		14,178.46
Arcet Equipment Company	Air bottles	222.04	
	Service charge	1.64	223.68
Fire & Safety Equipment Company	Turnout gear		81.60
Fire Programs	Web support		1,380.00
Foster Fuels, Inc.	Propane		180.95

Hampden-Sydney College	Fuel	1,139.53
CenturyLink	Phone	50.23
Travelers - RMD	Workers comp	6,038.00
Dominion Virginia Power	Electric service	325.19
Watkins Insurance Agency	Package/auto/umbrella insurance	11,822.00

EMERGENCY SERVICES

Korman Signs	Road sign	56.95
--------------	-----------	-------

REGIONAL JAIL & DETENTION

Piedmont Regional Juvenile Detention Center	Juvenile detention	4,575.00
--	--------------------	----------

BUILDING OFFICIAL

US Cellular	Phone	25.38
-------------	-------	-------

ANIMAL CONTROL

Treasurer of Virginia	Necropsy	178.00
CenturyLink	Phone	130.83
US Cellular	Phone	50.76

BIOSOLIDS MONITORING

Manuel H. Toombs, Jr.	Internet (1 year)	182.09
US Cellular	Phone	25.38

REFUSE DISPOSAL

Resource International	Misc work tasks	1,160.00	
	Storm water compliance	2,241.40	
	Groundwater monitoring	9,297.88	12,699.28
Business Card	Credit	-53.26	
C&L Machine & Welding	Repair container	781.25	
Grainger	Pushbutton switch	146.34	
	Contact block	55.20	201.54
Lowe's	Broom	11.39	
Arcet Equipment Company	Gloves	13.25	
Virginia Truck Center	Truck repairs	3,795.95	
AT&T	Phone	37.11	
CenturyLink	Phone	88.43	
US Cellular	Phone	25.38	
Prince Edward County Public Schools	Diesel	1,490.51	

GENERAL PROPERTIES

Dominion Virginia Power	Courthouse	11,817.17	
	Scope building	258.36	
	Ag building	2,202.54	14,278.07
AT&T	Phone	37.12	
CenturyLink	Phone	52.85	
US Cellular	Phone	80.77	
Grainger	Floor pads	84.70	
Handi-Clean Products, Inc.	Disinfectant	254.65	

Lowe's	Lysol	7.58	
	Plunger	17.04	
	Socket wrench	5.67	
	Wiring box / staples	24.88	
	Valve / clamp / tubing	24.10	79.27
Cintas Corporation #524	Uniform rental		511.18
Prince Edward County Public Schools	Diesel		167.94

CANNERY

Ellington Energy Service	Fuel oil		1,212.04
CenturyLink	Phone		178.81
US Cellular	Phone		25.38

COMPREHENSIVE SERVICES ACT

Braley & Thompson, Inc.	Professional services		3,131.50
Crossroads Services Board	Professional services		260.00
Family Preservation Services	Professional services		1,653.75
Letricia R. Logan	Foster care		666.00
The Hughes Center	Professional services		4,840.00
Treasurer of Bedford	Professional services		5,940.00
United Methodist Family Services	Professional services		2,226.23
Safe Harbor Counseling	Foster care		30.00
Andrea Vershaeve	Foster care		666.00

PLANNING

Sanuel Coleman	Commission meeting	100.00	
	Mileage	13.32	113.32
Sally W. Gilfillan	Commission meeting		100.00
Donald B. Gilliam	Commission meeting	100.00	
	Mileage	22.20	122.20
Preston Hunt	Commission meeting	100.00	
	Mileage	22.20	122.20
Robert M. Jones	Commission meeting	100.00	
	Mileage	5.55	
Robert Christopher Mason	Commission meeting	100.00	
	Mileage	9.99	109.99
John F. Townsend, III	Commission meeting	100.00	
	Mileage	8.32	108.32
Brett Von Cannon Watson	Commission meeting		100.00
Business Card	Postage		15.90
US Cellular	Phone		67.28

ECONOMIC DEVELOPMENT

Business Card	Postage		84.55
US Cellular	Phone		25.38

TOURISM

Business Card	Shipping		6.42
McMurray, Inc.	Magazine insert		2,500.00

	<u>GENERAL EXPENSE</u>		
Southern States Cooperative, Inc.	Gas		16,746.88
	<u>CAPITAL PROJECTS</u>		
Compro Computers	Laptop	999.9	
	Laser printer	299.94	
	Monitor / hard drive	479.75	1779.59
Dixie Canner Company	Programmable controller		773.86
	<u>SEWER FUND</u>		
Dominion Virginia Power	Sewer pump		35.16
	<u>PIEDMONT COURT SERVICES</u>		
Quill Corporation	Copy paper / toner		14.89
Kinex Networking Solutions	Remote backup		20.00
	<u>PCS SUPERVISION FEES EXPENDITURES</u>		
SRP Corporation, LLC	Rent		2,383.00
Page Hardy	Cleaning service		210.00
	<u>ADDENDUM BILL LIST</u>		
	<u>BOARD OF SUPERVISORS</u>		
Farmville Herald	Advertising		133.25
Howard M. Campbell	Mileage		285.83
Don C. Gantt, Jr.	Mileage	315.80	
	Registration	700.00	1,015.80
Howard F. Simpson	Mileage	483.41	
	Meals / tips	56.11	539.52
	<u>COUNTY ADMINISTRATOR</u>		
Diamond Springs	Equipment rental		8.95
Key Office Supply	Copy paper	229.95	
	Office supplies	386.80	
	Green bar paper	264.95	
	Tapes / paper clips	28.25	
	Calendar	14.94	924.89
Reliable	Time cards / printer ink		111.42
Rochette's Florist	Ribbon		31.75
	<u>COMMISSIONER OF REVENUE</u>		
Treasurer of Virginia	Online service		78.77
NADA Used Car Guide	Used car guide		99.00
NADA Appraisal Guides	Subscriptions		110.00
	<u>TREASURER</u>		
Treasurer of Virginia	Online service		78.78
Business Data of Virginia, Inc.	Norton Anti-virus		107.84

Key Office Supply	Ink cartridge / ribbon	246.47	
	Ink cartridges	201.98	
	Rubber bands	4.29	
	Markers / ink cartridge	46.26	499.00
	<u>INFORMATION TECHNOLOGY</u>		
Business Data of Virginia, Inc.	Travel expenses	875.00	
	Norton Anti-virus	125.00	
	Lodging	74.96	
	Contract agreement	3,700.00	4,774.96
	<u>REGISTRAR</u>		
Business Data of Virginia, Inc.	Norton Anti-virus		80.88
	<u>CIRCUIT COURT</u>		
Matthew Bender & Company, Inc.	Criminal Law 12 Supp.		135.39
	<u>GENERAL DISTRICT COURT</u>		
Joyce K. Sexton	Mediation		855.00
	<u>CLERK OF THE CIRCUIT COURT</u>		
Key Office Supply	Copier service contracts	1,404.00	
	Correction tape	41.20	
	Calendars	39.36	1,484.56
AT&T	Phone		43.70
CenturyLink	Phone		85.13
Kinex Networking Solutions	DSL		74.95
Matthew Bender & Company, Inc.	Wills/Admin Rel #6		236.73
	<u>LAW LIBRARY</u>		
Matthew Bender & Company, Inc.	Forms Supp/Set Index		454.31
	<u>COMMONWEALTH'S ATTORNEY</u>		
Purchase Power	Fees		47.63
William B. Turner	Postage		5.75
Treasurer of Virginia	Meeting registrations (3)		150.00
STEPS, Inc.	Shredding service		35.00
Key Office Supply	Planner		12.99
	<u>SHERIFF</u>		
East End Motor Company, Inc.	Inspections (3)	48.00	
	Tire rotation	50.00	
	Rotors / pads / battery	528.47	
	Plugs / oil / filters	362.70	
	Tires / inspection	625.82	1,614.99
Express Care	Oil changes (3)	131.88	
	Oil change / wiper	68.93	200.81
CenturyLink	VCIN		18.49
US Cellular	Phone		696.78
Lowe's	Keypad entry		122.55

Business Data of Virginia, Inc.	Norton Anti-virus		26.96
Arlene C. Layden	Photos		200.00
Proforma	Cups & pencils		1,098.70
Southside Electric Cooperative	Electric service		9.15
DMV	Sheriff plates	25.00	
	Special IDs	20.00	45.00
Fire & Safety Equipment Company	Recharge extinguisher		17.95
Southern Police Equipment Company	Holster		37.99
Town Police Supply - Richmond	Holster	99.00	
	Agent case	36.00	135.00
Galls, LLC	Boots		35.00
Premium Marketing & Sales	Badges		278.00
Quality Uniform Company, Inc.	Jackets (2)		245.00

FARMVILLE VOLUNTEER FIRE DEPARTMENT

Blue Ridge Rescue Suppliers	Boots		1,268.28
Davis GMC Truck, Inc.	Towing / rekey Tahoe		277.25
Fire & Safety Equipment Company	Straps		637.60
Jack L. Slagle Fire Equipment	Hose repair		211.00
Ashby's, Inc. / Crenshaw Corp.	Light		255.35

RICE VOLUNTEER FIRE DEPARTMENT

John Deere Financial	Diesel		457.66
Dominion Virginia Power	Electric service		303.98

PROSPECT VOLUNTEER FIRE DEPARTMENT

Benchmark Community Bank	Truck payment		3,500.00
Farmville Auto Parts	Fuel filters	80.99	
	Injector cleaner	23.96	
	Oil Dry	29.96	
	Fuel conditioner	31.99	
	Oil / tire foam / wash	33.93	
	Bulb	4.75	205.58
Pamplin Exxon	Fuel	422.59	
	Inspect / repair	56.85	479.44
Town of Farmville	Fuel		345.32
Dominion Virginia Power	Electric service		269.29

DARLINGTON HEIGHTS VOLUNTEER FIRE DEPARTMENT

Davis GMC Truck, Inc.	Mirror		85.00
Ellington Energy Service	Propane		221.14
Foster Fuels, Inc.	Propane		196.04
Southside Electric Cooperative	Electric service		266.39
Verizon Wireless	Phone		65.30
Verizon	Phone		138.06

PAMPLIN VOLUNTEER FIRE DEPARTMENT

AT&T	Phone		118.98
Carquest Appomattox	Fuel pump		32.49
J.E. Jamerson Building Supply	Dust mop		28.38



Benjamin H. Johnson, CPA	Accounting service		1,500.00
Pamplin Exxon	Truck repairs	516.57	
	Fuel	228.50	745.07
Verizon	Phone		63.78

MEHERRIN VOLUNTEER FIRE DEPARTMENT

Parker Oil Company, Inc.	Diesel		904.98
US Cellular	Phone		129.83
Verizon	Phone		164.10
Dominion Virginia Power	Electric service		340.93

BUILDING OFFICIAL

Coy Leatherwood	Meeting registration	15.00	
	Meal	7.59	22.59
VBCOA	Dues		35.00

ANIMAL CONTROL

East End Motor Company, Inc.	Inspect / align / rotate		108.01
Dominion Virginia Power	Electric service		415.12
Walmart	Ink cartridges	28.97	
	Dog food	166.47	
	Cleaning supplies	17.84	213.28

MEDICAL EXAMINER

Treasurer of Virginia	Coroner		20.00
-----------------------	---------	--	-------

BIOSOLIDS MONITORING

East End Motor Company, Inc.	Tires		294.78
------------------------------	-------	--	--------

REFUSE DISPOSAL

Farmville Wholesale Electric	Light bulbs / heater element		79.77
Moore Scale Service - Western Virginia	Scale repairs		1,084.00
Cavalier Equipment Corporation	Compactor tarps	54.29	
	Truck tarps	708.20	762.49
Grainger	Push button switch		340.20
Lowe's	Hitch lock		28.48
Arena Trucking Company	Trash collection		564.00
Wright's Excavating, LLC	Landfill operation		48,093.75
Emanuel Tire of Virginia	Tire recycling		1,401.90
STEPS, Inc.	Recycling fee		1,838.99
Synergy Recycling, LLC	Electronic recycling		2,804.58
Southside Electric Cooperative	DH site		108.13
Dominion Virginia Power	Virso site	156.99	
	Leachate pump	78.31	
	Scalehouse	159.70	
	Cell C Pump Station	13.32	
	Green Bay site	103.49	
	Worsham site	122.11	
	Prospect site	128.91	
	Landfill site	51.72	814.55

AT&T	Phone	267.34
CenturyLink	Phone	181.02
Verizon	Phone	122.56
O. O. Stiff, Inc.	Monthly service	662.50
Prince Edward County Public Schools	Diesel	1,409.54

GENERAL PROPERTIES

McQuay International	Chiller maintenance contract	2,680.00
OK Termite & Pest Control	Exterminating service	150.00
Thyssenkrupp Elevator	Service contract - Jan-Mar	2,445.35
East End Motor Company, Inc.	Inspection	16.00
	Trailer tire	82.84      98.84
Southside Electric Cooperative	SRR lights	29.86
Dominion Virginia Power	Roy Clark monument	35.79
	Shop	38.26
	Sheriff Department shed	5.66
	Worsham Clerk Office	59.50
	Lights at Rice	111.21      250.42
Ellington Energy Service	Fuel oil	11,480.00
Town of Farmville	Water & sewer	135.51
CenturyLink	Phone	77.10
O. O. Stiff, Inc.	Monthly service	100.00
Aramark Uniform Services	Janitorial supplies	483.70
Diamond Paper Company	Janitorial supplies	1,218.67
Lowe's	Cleaning supplies	43.35
	Data jacks / electric tst	24.61
	Switch cover	8.80
	Knife / batteries	18.91
	Yard stick	2.83
	Pipe elbow	12.24      110.74
Wilco, Inc.	Trash bags	756.50
Diamond Springs	Equipment rental	8.95
Farmville Wholesale Electric	Switch / overload htr	24.75
	Light bulbs	185.24      209.99
Price Supply Company, Inc.	Safety glasses / flapper	7.81
	Flapper valve	3.67
	Air filters	45.24
	Seal & bolts	5.85      62.57
Cintas Corporation #524	Uniform rental	276.09
Prince Edward County Public Schools	Diesel	172.73

CANNERY

Lowe's	Damp-Rid	12.41
Price Supply Company, Inc.	PVC	23.43
Southside Electric Cooperative	Electronic recycling	219.61
Walmart	Office supplies	27.07
	Cleaning supplies	78.88
	Mixer	19.94      125.89

<u>HEALTH DEPARTMENT</u>		
Prince Edward Health Department	2nd Quarter Support	44,441.00
<u>COMPREHENSIVE SERVICES ACT</u>		
Bear Creek Academy	Professional services	6,045.00
Grafton School, Inc.	Professional services	18,690.00
North Spring Behavioral	Professional services	2,325.00
The Hughes Center	Professional services	1,936.00
Treasurer of Bedford	Professional services	6,138.00
Don Wilhelm, L.C.S.W.	Professional services	520.00
<u>PLANNING</u>		
Key Office Supply	Office supplies	69.98
<u>ECONOMIC DEVELOPMENT</u>		
Key Office Supply	Copy paper / binder clips	36.25
	Ink cartridges	199.38
		235.63
<u>TOURISM</u>		
Dominion Virginia Power	Electric service	288.68
Town of Farmville	Water & sewer	50.73
CenturyLink	Phone	296.53
Business Data of Virginia, Inc.	Norton Anti-virus	26.96
Key Office Supply	Calendars	14.98
<u>COOPERATIVE EXTENSION OFFICE</u>		
CenturyLink	Phone	102.46
<u>GENERAL EXPENSE</u>		
Lumos Networks	Phone	2,754.42
Anthem BCBS	Cobra insurance	560.00
<u>CAPITAL PROJECTS</u>		
Business Data of Virginia, Inc.	Norton Anti-virus	26.91
<u>RETIREMENT BENEFIT FUND</u>		
Vicki K. Johns	Retiree benefit	1,018.07
<u>PIEDMONT COURT SERVICES</u>		
Dominion Virginia Power	Electric service	281.89
Pitney Bowes Financial Service	Postage meter lease	202.00
	Postal services	10.78
CenturyLink	Phone	62.68
Lumos Networks	Phone	315.04
Kinex Networking Solutions	Remote backup	10.00
<u>PCS SUPERVISION FEES EXPENDITURES</u>		
Julianna Ferrell	Mileage	88.79
Sandy Fox	Mileage	27.74
Sheena Franklin	Mileage	79.92

Sharon Gray	Mileage	85.45
Connie Stimpson	Mileage	11.97
Renee T. Maxey	Meals	146.55
Dayna Stanley	Mileage	88.80
<u>PCS DRUG TESTING FEES</u>		
Alere Toxicology Services, Inc.	Drug testing	38.96

In Re: Highway Matters

There were no new issues to be reported to VDOT.

In Re: High Bridge Trail State Park Update

Mr. Eric Houglund, Park Manager, High Bridge Trail State Park, reported on the happenings and tourist activity during 2012. He stated approximately 188,467 visitors attended the High Bridge Trail State Park in 2012; the Park saw approximately 86,000 visitors in 2011.

In Re: School Board Appointments

Chairman Fore stated the terms of the following School Board members expire June 30, 2013:

- District 401 – Osa Sue Dowdy (Supervisor Charles McKay)
- District 701 – Ellery Sedgwick (Supervisor Jim Wilck)

Supervisor McKay and Supervisor Wilck will appoint Citizen Committees to be announced at the February Board meeting.

In Re: Planning Commission – Corridor Overlay District

Mr. Bartlett stated that the Prince Edward County Planning Commission has advertised a Public Hearing for Tuesday, January 22, 2013 at 7:30 p.m. to gather citizen input prior to considering an amendment to the Zoning Ordinance. The amendment is the addition of a Corridor Overlay District which is intended to provide principles for well-planned commercial development along the primary entrance corridors of the County. The amendment includes standards to protect the County’s scenic beauty and viewsheds, enhance levels of transportation service along the major access roads and increase property

values; with specific attention given to access management, multimodal transportation, landscaping, and site design. For the purposes of this district, the proposed planning overlay applies to a width of 1,000 feet from the public right-of-way on both sides of the following highway segments designated as corridors:

- Route 15 from Farmville Town Limits north to the Appomattox River (as US 15 Business and US 15); and from Farmville Town Limits south to State Route 665 at Worsham;
- Route 460 Highway Corridor for a distance of one mile in each direction from the centers of the following villages: Pamplin (Hwy 460 Business from Prince Edward County line), Prospect, Tuggle (measured from intersection with State Route 695), Rice;
- Route 360 Corridor for a distance of one mile in each direction from the centers of the following villages: Green Bay, Meherrin;
- Route 786 “Granite Falls Boulevard” from intersection with Route 15 to the intersection with State Route 628 “Zion Hill Road”.

Buildings associated with permitted agricultural use types or residential use types are exempt.

Mr. Bartlett stated that action would be premature at this time, pending the receipt of a recommendation from the Planning Commission.

Discussion followed. Chairman Fore requested the Board members read and become familiar with this document.

#### In Re: County Administrator’s Report

Route 786 Update – Mr. Bartlett stated County staff, VDOT, Haymes Brothers, and Hurt & Proffitt met on January 4, 2013 to review the punchlist. Some of the items on the punchlist have already been resolved or will be soon. The contract with Haymes Brothers requires them to be complete by March 11, 2013. A meeting has been tentatively scheduled for January 25 for a walk-through. Once the punchlist is completed, VDOT will expedite acceptance of Route 786 into the VDOT System.

Supervisor Wilck questioned if the items on the punchlist are the responsibility of the contractor. Mr. Bartlett stated all items are in the contract; there is still several hundred thousand dollars in addition to the retainer which is about \$160,000. The County still has more than one-half million dollars that has not been paid to the contractor.

Discussion followed on specific items on the punchlist that need to be addressed.

In Re: Personnel Committee Report

Mr. Bartlett stated the Personnel Committee met on January 2, 2013. The Committee comprises Supervisor Simpson, Chair; Supervisor Campbell and Supervisor Wilck. Also present were Mrs. Beverly Booth, Commission of Revenue, and himself, the County Administrator.

Mr. Bartlett stated Donna Nunnally's election as Treasurer created an open position in the Commissioner's office, and Mrs. Booth requested to transfer an existing employee to the position vacated by Mrs. Nunnally, and increase that employee's salary to the level previously paid to Mrs. Nunnally. This would result in a salary increase of \$759 annually and a total increase to include benefits of \$920. There would be no impact on the County's current budget because the higher dollar amounts are contained in the existing budget.

Mrs. Booth also requested she be allowed to fill the position that will be vacated by the internal transfer of the employee and be allowed to offer the new employee the same salary as the existing employee (\$29,529). Once again there would be no impact on the County's current budget because that salary amount is contained in the existing budget.

The Committee voted 3-0 to approve the request from the Commissioner of Revenue.

After some discussion, Supervisor Cooper-Jones made a motion to approve the recommendations of the Personnel Committee; the motion carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
------	--	-----------

In Re: Appropriations – Landfill Scale Replacement

Mr. Bartlett advised the Board that the undercarriage of the scale at the landfill has rusted to such an extent that the underpinnings holding the scale in place have broken. This is causing the scale to slide back and forth in the landing piers. This will cause the scale to lose its calibration and eventually break the scale. Current regulations require a 70-foot scale to replace the existing 35-foot scale. The cost to replace the current scale is estimated to be \$70,000.

Supervisor Simpson made a motion to approve the budget amendment and appropriate the funds as follows:

		<u>Debit</u>	<u>Credit</u>
4-331-93000-0331	To Landfill Fund Balance		\$70,000
4-331-94000-8001	Capital Projects / Equipment	\$70,000	

The motion carried unanimously:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

In Re: Animal Warden's Report

Mr. Ray Foster, Animal Warden, submitted a report for the month of December 2012, which was reviewed and ordered to be filed with the Board papers.

In Re: Building Official's Report

Mr. Coy Leatherwood, Building Inspector, submitted reports for the month of December 2012, which was reviewed and ordered to be filed with the Board papers.

In Re: PERT Ridership Report

The Board reviewed the December 2012 ridership report from PERT and ordered them to be filed with the Board papers.

In Re: Prince Edward County Public Schools

Mr. K. David Smith, School Superintendent, submitted a financial summary report for the month of December 2012, which was reviewed and ordered to be filed with the Board papers.

In Re: Tourism and Visitor Center Report

Mrs. Magi Van Eps, Tourism & Visitor Center Coordinator, submitted a report for the month of December 2012, which was reviewed and ordered to be filed with the Board papers.

On motion of Supervisor Simpson and adopted by the following vote:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

the meeting was adjourned at 8:07 p.m.