

VIRGINIA: At a Regular Meeting of the Board of Supervisors for the County of Accomack held in the Board Chambers in Accomac on the 6th day of January, A.D., 2010.

Members Present: Wanda J. Thornton
Ron S. Wolff
Grayson Chesser
Sandra Hart Mears
John Charles "Jack" Gray
Laura Belle Gordy
Donald L. Hart, Jr.
E. Philip McCaleb

Others Present: Steven B. Miner, County Administrator
Yvonne N. Pennell, Administrative Assistant
Mark B. Taylor, County Attorney

Call to Order

The meeting was called to order by County Administrator Steven Miner and with a prayer by Administrative Assistant Yvonne Pennell, after which the Pledge of Allegiance to the Flag was recited.

Statement of County Administrator

Upon stating that the Board would be electing its Chair and Vice Chair for 2010 and determining the meeting time, date and place, Mr. Miner opened the floor for nominations for the Office of Chair.

Amendments to the Agenda

The County Administrator read the following proposed Amendments to the Agenda.

ADD

Item 11a – Consider a Letter of Support to the Accomack Chapter of the NAACP for a two-day community holiday tribute to the life and legacy of the Rev. Dr. Martin Luther King, Jr.

Item 11b – Consider a Memorandum of Understanding between the Accomack County Board of Supervisors and the Treasurer of Accomack County with respect to the collection of Accomack County Taxes.

Closed Meeting, Pursuant to Section 2.2-3711 of the Code of Virginia of 1950, for the following purposes:

- i. Pursuant to Subsection (A)(1) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment,

promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, as related to:

Accomack-Northampton Transportation District Commission (A-NTDC); and

- ii. Pursuant to Subsection (A)(29) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Mr. Hart made a motion to approve the Agenda as amended. Mrs. Mears seconded the motion. The motion passed unanimously.

Election of Chair

Mr. Hart nominated Mrs. Laura Belle Gordy for the Office of Chair. Mrs. Thornton seconded the nomination.

Mr. McCaleb made a motion that nominations be closed and that a unanimous ballot be cast for the nominee. Mrs. Thornton seconded the motion. The motion passed unanimously.

Mr. Miner presented the Gavel to Mrs. Gordy and as Chair, she thanked the other Board members for their support. She identified open shared communication for all Board members as the main objective for the upcoming year.

Election of Vice Chair

The Chair called for nominations for the Office of Vice-Chair.

Mrs. Thornton nominated Mr. Donald Hart for the Office of Vice-Chair. Mr. Chesser seconded the nomination.

Ayes: Mrs. Thornton; Mr. Chesser; Mrs. Mears; Mr. Gray; Mrs. Gordy; and Mr. Hart. Nays: Mr. Wolff; Mr. Mallette; and Mr. McCaleb.

Mr. Hart thanked the Board members that supported him for the office of Vice Chair.

Date, Place, and Time for Regular Meetings

Mrs. Mears made a motion to keep the Date, Place, and Time for Regular Meetings as beginning at 5:00PM in the Board Chambers in Accomac on the first Wednesday of each month, and beginning at 5:00PM in the Cafetorium at Metompkin Elementary School in Parksley on the third Wednesdays of each month. Mr. Wolff seconded the motion for discussion.

Following discussion and by consensus of the Board, Mrs. Mears and Mr. Wolff withdrew the motion and the second.

Mrs. Mears made a motion that Regular Meetings be held in the Board Chambers in Accomac, beginning at 5:00PM on the third Wednesday of each month, with a dinner break from 7:00PM-7:30PM. Mrs. Thornton seconded the motion. The motion passed unanimously.

Date, Place, and Time for Work Sessions

Mrs. Thornton made a motion that Work Sessions be held quarterly in the Board Chambers in Accomac, beginning at 5:00PM on the first Wednesday of the first month of each quarter, with a dinner break from 7:00PM-7:30PM.. Mrs. Mears seconded the motion. The motion passed unanimously.

Adoption of Code of Ethics for the Board of Supervisors

Mrs. Thornton made a motion to adopt the Code of Ethics for the Board of Supervisors. Mr. McCaleb seconded the motion. The motion passed unanimously.

Code of Ethics for Members of The Accomack County Board of Supervisors

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Accomack County Board of Supervisors should adhere to the following Code of Ethics.

1. Uphold the constitution, laws and regulations of the United States and of all governments therein and never knowingly be a party to their evasion.
2. Put loyalty to the highest moral principles and to the county as a whole above loyalty to individuals, districts, or particular groups.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, sex, age, religion, creed, country of origin or handicapping condition. Avoid adopting policies, supporting programs or engaging in activities that discriminate against or offend individuals because of race, sex, age, religion, creed, country of origin or handicapping condition.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispensing of special favors or unfair privileges to anyone, whether for remuneration or not. A member should never accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the county government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the conflict of interest statutes in the Code of Virginia.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using executive sessions only to deal with sensitive personnel, legal or contractual matters as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the board.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.

Adoption of Rules of Procedure for the Board of Supervisors

Mrs. Thornton made a motion to adopt the Rules of Procedures for the Board of Supervisors as presented, with the changes to the Date, Place, and Time for Regular Meetings and Work Sessions as adopted. Mrs. Mears seconded the motion.

Discussion followed.

By consensus of the Board, Mrs. Thornton and Mrs. Mears withdrew the motion and the second.

Mr. Gray made a motion that the Rules Governing Public Comment be amended to increase the allotted time per speaker from three (3) minutes to four (4) minutes for Public Comment periods during Regular Meetings and the Public Comment periods during Public Hearings; and to abolish the provision to allow speakers to return for additional comments at the conclusion of any Public Comment period. Mrs. Thornton seconded the motion. Ayes: Mrs. Gordy; Mrs. Thornton; Mr. Chesser; Mrs. Mears; Mr. Gray; Mr. Mallette; and Mr. Hart. Nays: Mr. Wolff and Mr. McCaleb. Mr. Wolff stated that his objection was only to the increased time limit during Public Hearings.

ACCOMACK COUNTY BOARD OF SUPERVISORS

RULES OF PROCEDURES

Article I. PURPOSE AND BASIC PRINCIPLES

Section 1.01 Purpose

- (a) To enable County government to transact business expeditiously and efficiently
- (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 pleasure of the Board on any matter.

Section 1.02 Basic Principles

- (a) Only one (1) subject may claim the attention of the Board at one time;
- (b) Each item presented for consideration is entitled to full and free discussion;
- (c) Every member has rights equal to every other member;
- (d) The will of the majority must be carried out, and the rights of the minority must be preserved;
- (e) The personality and desires of each member should be merged into the larger unit — the Accomack County Board of Supervisors; and
- (f) Discussion by members should be directed at the issue before the Board, and not at other members.
- (g) Members shall address the chair when speaking to an issue, avoiding conversations between members.

Section 1.03 Rules of Interpretation

- a) These Rules of Procedure are rules of parliamentary procedure and are for the convenience of its members only. They do not have the force of law.
- (b) Only members of the Board or the County Attorney have standing to raise a point of order or to challenge a ruling of the Chair or other action of the Board on the basis of compliance or non-compliance with these Rules of Procedure or, if the questioned action is not expressly covered by these procedures, by Robert's Rules of Order. In no event may questions over compliance herewith be raised judicially.
- (c) Violations of these Rules of Procedure must be raised prior to a vote on the matter under discussion. If a challenge is raised in a timely manner by a member with standing as provided for herein, the only relief shall be the correction of the error in conformance with the Rules of Procedure. If a challenge is not timely made, the right to challenge a violation is waived. In no event will a violation hereof result in the voiding or overturning of any action of the Board.

Section 1.04 Interaction Between Board and Staff

- (a) *Criticism of any staff member shall be directed to the County Administrator. Under no condition shall criticism of the work or personality of any staff member be voiced in public meeting. If there is a problem and satisfaction cannot be obtained through the County Administrator, the concerned Board member may request that the issue be docketed for discussion at a closed meeting.*

- (b) Requests by Board members for assistance by administrative staff members, including department heads, in major projects requiring substantial amounts of time shall be directed to the County Administrator. Such requests may include, but are not limited to, requests for research, the compilation of information, the preparation of ordinances, resolutions or policies to be presented to the Board of Supervisors, attendance or presentations at meetings other than Board meetings, preparation of documents, etc. It shall be the responsibility of the County Administrator to assure that the project is referred to the appropriate department or departments, that the project is consistent with the administrative staff's work priorities and schedules, and that work approved by the County Administrator is performed in an adequate and timely manner.
- (c) Requests for assistance in legal matters shall be directed to the County Attorney.
- (d) If the County Administrator or the County Attorney feels that a request for assistance from an individual Board member cannot reasonably be accommodated with the existing work load and priorities, the individual Board member shall be so advised, and, if necessary, the matter shall be placed on the next available Board agenda for further guidance.
- (e) Inquiries and requests for information, referral of citizen complaints and concerns, requests for assistance in interactions with citizens, etc., may be directed by individual Board members to the appropriate department head without going through the County Administrator.
- (f) Requests for information or inquiries as to matters pertaining to the Accomack County School Division should be directed by Board members to his or her district representative on the School Board, who shall be responsible for obtaining the requested information and referring it back to the member of the Board of Supervisors.

Article II. Officers

Section 2.01 Duties of Chair, Vice-Chair

- (a) The Chairman shall preside over all meetings of the Board of Supervisors. *The Chair shall preserve proper decorum as required in Robert's Rules of Order, Newly Revised under the section headed Decorum in Debate (p. 386). Should the Chair fail to do so it becomes the responsibility of individual Board members to raise a point of order as provided in Robert's Rules Chapter VIII, S 23. (P.247)*
- (b) The Vice Chairman shall serve as Chairman when the Chairman is unavailable for any reason.
- (c) The Clerk of the Board shall be the County Administrator.

Section 2.02 Procedure for Election of Officers

- (a) The County Administrator shall serve as presiding officer during the election of the Chairman of the Board. Following the election of Chairman, he/she will assume the chair and conduct the election of the Vice Chairman.
- (b) The following procedures shall be followed to elect the Chairman and Vice-Chairman:
 - (i) The presiding officer shall call for nominations from the membership.

- (ii) Any 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.
- (iii) At the close of nominations, the presiding officer shall offer those persons nominated the opportunity to explain, in no more than five minutes, their qualifications for the office to which they are nominated.
- (iv) When all nominations have been made, the presiding officer shall close the nominating process and call for the vote.
- (v) The presiding officer shall call the name of each nominee in the order nominated and tally the respective votes.
- (vi) Each member may cast one vote for any one nominee.
- (vii) A majority of those voting shall be required to elect the officer.

Section 2.03 Term of Office

- (a) Officers shall serve until replaced or the expiration of their terms.
- (b) Terms of office shall be for one year.

Section 2.04 Clerk; Duties

- (a) The Clerk's duties and responsibilities shall be as set out in Sections 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

Section 2.05 County Administrator; Duties

- (a) The County Administrator and the County Attorney report directly to and are supervised by the Board of Supervisors. The Board of Supervisors is responsible for making all decisions pertaining to the hiring, supervision, evaluation, and termination of the County Administrator and the County Attorney.
- (b) All other employees in the County administration report to and are supervised by the County Administrator and the department heads.
- (c) Except for the purpose of inquiry and referrals (as outlined above), Board members shall deal with County officers and employees who are subject to the direction and supervision of the County Administrator, solely through the County Administrator, and neither the Board nor any member thereof shall give orders or direction, either publicly or privately, to any such County officer or employee. The County Administrator shall report to the Board of Supervisors in Executive Session any violation of the Rules by a member of the Board.
- (d) The County Administrator shall cause to be published the Action Agenda of items acted upon seven (7) days following the Board of Supervisors' meeting.

Section 2.06 Vacancies

- (a) (a) When a vacancy on the Board occurs, the remaining members of the Board, within forty-five days of the office becoming vacant, may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy.

Article III. Meetings

Section 3.01 Annual Organizational Meeting

- (a) The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall

be known as the annual meeting. The Organization Meeting shall be held the first *Wednesday* following New Year's Day in the Board of Supervisors Chambers at 5:00 p.m.

- (b) The first order of business shall be the election of Board officers, as outlined above.
- (c) Following the election of Board Officers, the Board shall:
- (d) Establish dates, times and places for the regular meetings;
- (e) Adopt its Rules of Procedure;

Section 3.02 *Regular Meetings*

- (a) The time and place of regular meetings of the Accomack County Board of Supervisors shall be established at the Board's annual organizational meeting. Regular Board meetings shall be held in the Cafeterium of Metomkin Elementary School, located at 24501 Parksley Road, Parksley, VA **Board of Supervisor's meeting room located at the County Administration Building in Accomac, Virginia** on the third (3rd) Wednesday of the month, beginning at 5:00 p.m. A recess for dinner will be held from 7:00 p.m. to 7:30 p.m. Public Hearings will begin at 7:30 p.m. Closed meeting, if needed, will be held at the end of each meeting.
- (b) The Board may, however, prescribe any other meeting place or time in compliance with § 15.2-1416 of the Code of Virginia (1950), as amended.

Section 3.03 *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. Members may call a special meeting of the Board in such a manner as prescribed by the Code of Virginia (1950), as amended. Only matters specified in the notice shall be considered unless all of the members of the Board are present. The notice of the special meeting may be waived if all members of the Board attend the special meeting or sign a written waiver. Where a special meeting has been called the Board shall give to the media and general public such notice of the time, place, and purpose of the meeting as is feasible.

Section 3.04 ~~Work Meetings;~~ *Strategic Planning Meetings*

- (a) **Work sessions will be held quarterly the first Wednesday of the following months: March, June, September and December of each year.** ~~The first meeting of the quarter shall be a work meeting held as regularly scheduled public meeting of the Board, at which votes may be made. However, in order to promote better understanding of issues, the Board shall use the first meeting of the month as a working session for new items, and shall not vote at a working session on a new matter not previously addressed absent the 2/3 majority vote of the Board.~~
- (b) The first meetings of the month shall also serve as the Board's Strategic Plan meetings in the months of March, June, September, and December of each year.

Section 3.05 *Quorum*

- (a) At any meeting, a majority of the Supervisors shall constitute a quorum.

Section 3.06 *Method of Voting*

- (a) Members abstaining shall state for the record their reason for abstaining, if they abstain on account of a conflict of interest as prescribed by state law.
- (b) A tie vote fails, except as provided in §15.2-1420 of the Code of Virginia (1950) (pertaining to appointed Tie-Breakers), as amended.
- (c) All adopted motions of the Board of Supervisors shall be construed as resolutions of the Board. The name of each Board member voting on the motion shall be recorded in the official minutes along with how the member voted.

Article IV. Committees

Section 4.01 *Appointment*

- (a) Accomack County Board members serving on committees should be appointed at the Annual Meeting or thereafter, as soon as practicable. Vacancies shall be filled as they occur.
- (b) Appointments made by Board members shall likewise be appointed at the Annual Meeting or thereafter, as soon as practicable.

Section 4.02 *Citizen Information*

- (a) When citizens are recommended to serve on policy or administrative boards, their nominations shall be accompanied by a résumé of experience and/or qualifications for the prospective

appointee. These boards are the Community Services Board, Library Board, Planning Commission, and Social Services Board.

- (b) Citizen appointments to non-policy or administrative boards shall be initiated as above and shall be accompanied by an abbreviated résumé that includes name, address, phone number and an abbreviated statement of qualifications and/or interest in the appointment.

Section 4.03 Guidelines for Attendance of Board Members at Citizen-initiated Informal Meetings

- (a) It is the policy of the Commonwealth of Virginia to balance the right of citizens to witness the operations of government with the right of free discussion between citizens and their elected officials. The Virginia Supreme Court has determined that whether a gathering is a “meeting” is a factual question to be determined on a case-by-case basis. It is also important to avoid the appearance of an illegal meeting. Therefore, if members are invited to informal meetings initiated by citizens, particularly about topics which may appear on the Board’s agenda or arise in the conduct of the county’s business, it is recommended:
 - (b) Whenever possible, Board members will inform the County Administrator’s office of their planned attendance at meetings.
 - (b) (c) When three or more Board members attend a citizen-initiated informal meeting, Board members will refrain from sitting together or interacting as a group.

Article V. Agenda

Section 5.01 Preparation

- (a) The Clerk shall prepare the preliminary agenda for the Board Chair’s approval for each regular meeting conforming with the order of business approved by the Board. Except as permitted at the discretion of the County Administrator, every item to be placed on the agenda shall be received in the Office of the County Administrator *seven (7) working days* before the close of the work day on the last Friday prior to the date for agenda preparation of any regular meeting of the Board.
- (b) It is recognized that from time to time matters shall arise after the normal cut-off for items to be placed on the agenda. No matters may be added to the preliminary agenda after release of same to the Board members and public, unless the Board approves such addition(s) to the agenda by 2/3 vote of the Board present at such meeting.

Section 5.02 Delivery of Agenda; Public Availability

- (a) The preliminary agenda and related materials for regular Board meetings shall be transmitted to each member of the Board at least by the close of County business on Thursday before the meeting the following week, unless a later time is approved by a majority of the Board.
- (b) The preliminary agenda and related material shall be made available to the public within the County Administrative offices immediately following dissemination to the Board.

Section 5.03 Copies

- (a) The Clerk of the Board shall prepare or cause to be prepared extra copies of the preliminary agenda and accompanying documents, and shall make the same available to the public in the Office of the County Administrator. The Clerk shall also have copies available at each meeting. The Clerk shall post the preliminary agenda in such public places in the County as shall give the public as much notice of the agenda as is feasible.

Section 5.04 Adoption of Agenda

- (b) The preliminary agenda shall be finalized at each meeting of the Board upon the Board’s decision, by vote or apparent consensus, to add or delete items from the agenda, or to proceed with the agenda without alteration.

Article VI. Order of Business and Motions

Section 6.01 – The normal order of business at the second monthly Board of Supervisor meetings shall be:

- (a) Welcome
- (b) Call to order
- (c) Invocation
- (d) Pledge of Allegiance
- (e) Adoption of Agenda

- (f) Public Comment
- (g) Consideration of Minutes
- (i) Highway Matters
- (j) Public Hearings/Public Appearances
- (j) Old Business
- (k) New Business
- (l) Board of Supervisors Comment Period
- (m) Budget and Appropriation Items
- (n) Payables
- (o) Adjourn

Section 6.02 *Consent Agenda*

Section 6.02 *Consent Agenda*

- (a) The Consent Agenda shall consist of a listing of various items to be considered by the Board as a block or one single item and to be approved by one vote rather than specific votes on each item.
- (b) Characteristics of items placed on the Consent Agenda are:
 - (i) Routine items that appear monthly such as departmental reports, requests for refunds, resolutions and motions authorizing the submission of applications for grants that require no local match, or grants for which the Board has previously approved the local match, requests for supplemental appropriations that meet the Board's policy;
 - (ii) Requests to advertise public hearings, advertising for bids and proposals, resolutions of appreciation, proclamations and resolutions of respect and accommodation;
 - (iii) Items of a non-controversial nature that could be classified as housekeeping items of a technical, non-policy nature, end of year department transfers, resolutions dealing with the acceptance of grants from the State or Federal governments requiring no local match or grants for which the Board has previously approved the local match, and items that have received prior unanimous approval of the Board.
- (c) 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.
- (d) Any member may request the by-right removal of a Consent Agenda item for separate discussion.
- (e) Approval of the motion to approve the Consent Agenda shall constitute approval, adoption, or enactment of each motion, resolution ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

Section 6.03 *Highway Matters*

- (a) This time is given to matters pertaining to the County's highways and roads, construction projects, drainage issues and other matters pertaining to the Virginia Department of Transportation, who shall typically have a representative present at the meeting to answer questions and provide information to the Board.

Section 6.04 *Employee Recognition*

- (a) This time is allowed for recognition of employee accomplishments.

Section 6.05 *Resolutions*

- (a) Board resolutions of honor, appreciation, or recognition are adopted at this section of agenda.

Section 6.06 *Report of Public Officials*

- (a) Constitutional officers, the Division School Superintendent, the County Administrator and other public officials may present items of interest or information to the Board at this time.

Section 6.07 *Public Comment*

- (a) The board shall set aside a citizens' comment period. During the citizens' comment period, speakers wishing to address the Board must abide by the rules of conduct outlined herein and shall clearly state their name and address and shall be subject to such time limitations as the Chairman and these rules may impose. The following rules shall apply:
 - (i) Speakers shall be limited to speaking on items included on the current meeting's agenda, not on the public hearing calendar for the day.
 - (ii) No individual citizen shall be permitted to address the Board for more than four (4) minutes.
 - (iii) The chairman shall allocate the time among the speakers in an equitable manner.
 - (iv) Individuals who have previously spoken on a subject at a public hearing shall not be allowed to readdress the Board during the citizens comment period.
 - (v) Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff member.
 - (vi) Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.

Section 6.08 *Public Hearings/Public Appearances*

- (a) Public Hearings/Public Appearance shall serve as time for individuals to come before the Board and be heard on matters scheduled for public hearing by notice in the newspaper or otherwise. All persons at such hearings shall conduct themselves as prescribed in these rules and as the Chair may direct for the orderly conduct of such hearings.

Section 6.09 *Old Business*

- (a) Old business shall be taken up prior to the start of new business and shall include carryover or other items of business which have not be finalized and need additional attention of the Board.

Section 6.10 *New Business*

- (a) New business shall be brought up following the finalization of old business and may be carried over from time to time, as is necessary and expedient.

Section 6.10 *Board of Supervisors Comment Period (Total Limit of 30 Minutes)*

- (a) This time is generally used for individual Board members to share information with other members of the Board and public. Items presented under this heading requiring action will be for a future meeting agenda or to request additional information from staff members. No item presented under this heading shall be acted upon at the meeting. Prior to the agenda being prepared, members of the Board are encouraged to contact the County Administrator and have an item included under this heading. The County Administrator shall prepare a memorandum that will inform other members of the Board of the particulars pertaining to this matter.

Section 6.11 *Budget and Appropriation Items*

- (a) Items requiring adjustments to the budget or requiring appropriation by the Board are gathered and placed on the agenda at this point.

Section 6.12 *Payables*

- (a) Payables are presented to the Board for consideration following Certification by the County Administrator that these bills are appropriately before the Board for its consideration.

Article VII. **Conduct of Business**

Section 7.01 *On any matter before the board, including public hearings, the following rules for the conduct of business shall apply:*

- (a) Staff presentation or briefing;
- (b) Questions from Board members;
- (c) Applicant's presentation (if applicable, for land use matters);
- (d) Comments, statements or presentations from members of the public (if applicable, for public hearings); and
- (e) Board discussion, at which time the Chairman may entertain a motion as to the matter currently before the Board.

- (f) Staff presentation will be brief, concise summaries for the public's information and understanding. When written information has been provided prior to the hearing only summary and/or new information should be presented.
- (g) On land use matters a reasonable and sufficient time will be afforded the applicant to properly and fairly present the subject matter. Ten minutes shall be allocated to the applicant's presentation. The applicant may allocate the time between presentation and rebuttal. If additional time is believed to be necessary, the applicant should contact the County Administrator prior to the Public Hearing. Any Member of the Board may ask the applicant to respond to specific questions.
- (h) Order of speakers will be determined on first to register, first to speak basis.
- (i) Registration will be taken by County staff and will be submitted on the registration form provided, which will include the name, address and election district of the speaker.
- (j) Speakers will be limited to a presentation of their points of view except that the Chairman may entertain questions of clarification.
- (k) Debate is prohibited.
- (l) All comments will be directed to the Board of Supervisors as a body.
- (m) The Board shall have the discretion to act on a matter appearing on a public hearing; or the Board, by majority vote, may defer the matter to the next regular meeting of the Board. It shall be the policy of the Board to leave the record open to receive written comments following a public hearing up until the time that a vote is taken.

Section 7.02 *The Following shall be the Rules for Motions*

- (a) No motion shall be discussed prior to being duly seconded in accordance with these Rules of Procedure. Once the motion is seconded, the person making the motion shall have a reasonable time as determined by the Chair to give his/her reasons in support of the motion prior to the start of debate.
- (b) All motions shall be duly seconded before being submitted to the Board for decision.
- (c) When a question is under discussion, no motion shall be received unless it is one to amend, to commit, to postpone, for the previous question, for a substitute motion, a motion to lay on the table, or a motion to adjourn.
- (d) No member should speak more than twice to the same motion, except in response to questions directed to them and allowed by the Chair.
- (e) No member should speak for the second time on a motion until every member desiring to speak has spoken.
- (f) When a vote upon any motion has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, without the need for a formal motion to reconsider. In the case of a tie vote, neither side shall be considered as having prevailed for the purposes of this rule, and such reconsideration may be initiated by the motion of any member.
- (g) In accordance with the Constitution of the Commonwealth of Virginia, a recorded affirmative vote of a majority of the entire Board shall be required to pass any ordinance or resolution imposing taxes, authorizing the borrowing of money, or appropriating funds.
- (h) All motions to adopt any ordinance may be by voice vote and the clerk shall ensure that the minutes shall reflect the names of the persons voting and how they voted in the permanent record.
- (i) Upon a call for a question, the Chair shall determine whether there exists any objection to ending discussion. If none, the question shall be called. If any person objects, the Chair shall seek a second for the motion to call for the question. A two-thirds (2/3) majority shall be required to end debate.
- (j) Failure of a motion couched in the negative shall not authorize positive action. A motion authorizing action, approval, or disapproval must be adopted prior to an action being authorized or any matter being approved or disapproved.
- (k) A tie vote defeats the question being voted upon.

Article VIII. **Public Hearings**

Section 8.01 *Public Hearings*

- (a) A sign up sheet is to be provided outside the Board chambers for those wishing to address the Board in the public participation section of the agenda. Each speaker addressing the Board

shall step up to the microphone in front of the podium, shall give his name and address in an audible tone of voice for the record. All remarks shall be verbal and addressed to the Board and not to any member thereof.

- (b) Decorum will be maintained. This includes a common courtesy from the audience, the staff, and Board to the speaker and from the speaker to the audience, the Board and the staff. Statements, which are demeaning or inappropriate, shall be ruled out of order.
- (c) In the event of a large number of speakers resulting in the continuation of the hearing, any persons not heard at the initial Public Hearing will be the first to speak at the continued hearing.
- (d) A timer-controlled system will be implemented in full view of the speaker. When the speaker's time is up, an audible signal will indicate that the speaker's time has lapsed. The speaker must relinquish the podium to the next speaker. Staff will notify the Chairman that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the chairman.
- (e) Speakers are requested to leave written statements and/or comments with the County Administrator.
- (f) All persons wishing to speak should sign the register.
- (g) Persons addressing the Board should stand behind the lectern.
- (h) Persons addressing the Board shall be limited to ~~three (3)~~ **four (4)** minutes.
- (i) Persons addressing the Board shall not use inappropriate language or verbally attack any Board member or any member of the public.
- (j) Signs and placards are not allowed inside the meeting room.
- (k) Any person whose behavior is disruptive shall be asked to leave the meeting room.
- (l) Persons may not question individual supervisors or staff members without unanimous consent of the Board.
- (m) Persons addressing the Board shall limit their comments to the issue of the Public Hearing.
- (n) A speaker may reserve their time, but shall not delegate their time to another speaker.
- (o) Attorneys representing clients will be limited to ~~three (3)~~ **four (4)** minutes.

The Chair has the right and duty to maintain proper order in accordance with these rules.

Article IX. Amendments

Section 9.01 Suspending the Rules

- (a) Except for rules herein governed by State law, these rules or some of them, may be temporarily suspended in their effect by a two-thirds (2/3) majority vote of the sitting body, where a lawful quorum is in place.

Section 9.02 Amendments

- (a) These rules may be amended at any regular meeting of the Board by a two-thirds vote, provided the amendment has been submitted in writing at the previous session.

Article X. Parliamentary Authority

Section 10.01 There shall be a person named as Parliamentarian to the Board, who shall sit near the Board during Board meetings and serve as a reference in case of matters arising which pertain to these rules or Robert's Rules of Order, as may be directed by the Chairman, or as required as a result of a point of order raised by any one (1) or more Board members. If the Parliamentarian is unavailable, the County Administrator shall serve as Parliamentarian.

Section 10.02 The Board shall follow Robert's Rules of Order, newly revised.

Suspension of Rules of Procedure for the Board of Supervisors

County Attorney Mark Taylor advised the Board that Section 9 of the Rules of Procedure for the Board of Supervisors required that any amendments not submitted in

writing do not become effective until the subsequent Board Meeting, unless the Rules are suspended under Section 9.01.

Mr. Hart made a motion to suspend the Rules of Procedures for the purpose of now amending the Rules of Procedure to adopt formally the Dates, Times, and Places for Regular Meetings and for Work Sessions, and the one change of Rules to the time allotted for Public Comment during Regular Meetings and Public Hearings. Mr. Wolff seconded the motion. The motion passed unanimously.

Appointments

Mr. Wolff made a motion to reappoint Mr. David Moon to the Accomack County Airport Commission for a three-year term, to begin immediately and end December 31, 2012. Mr. Hart seconded the motion. The motion passed unanimously.

Mrs. Mears made a motion to reappoint Mr. William A. Sprague to the Accomack County Airport Commission for a three-year term, to begin immediately and end December 31, 2012. Mr. Hart seconded the motion. The motion passed unanimously.

Mrs. Mears made a motion to reappoint Mr. Randall Powell to the Accomack County Airport Commission for a three-year term, to begin immediately and end December 31, 2012. Mr. Hart seconded the motion. The motion passed unanimously.

Mrs. Mears made a motion to reappoint Mr. Carter Crabbe to the Accomack County Airport Commission for a three-year term, to begin immediately and end December 31, 2012. Mr. Hart seconded the motion. The motion passed unanimously.

Mrs. Mears made a motion to reappoint Mr. Roy Custis to the Accomack County Airport Commission for a three-year term, to begin immediately and end December 31, 2012. Mr. Hart seconded the motion. The motion passed unanimously.

Budget and Appropriation Items

Mrs. Mears made a motion to approve the following budget and appropriation items. Mr. Hart seconded the motion. The motion passed unanimously.

FISCAL YEAR 2010

| | |
|------------------------------|----------|
| Grants, Etc. | |
| Increase Revenues | |
| From the Federal Government | \$10,970 |
| From the 911 Commission | 8,980 |
| Increase Expenditures | |

| | |
|--|----------|
| E911 | \$19,950 |
| -USDA grant award fro E911 communication equipment | |
| Increase Revenues | |
| From the Commonwealth | \$73,000 |
| Increase Expenditures | |
| Emergency Management | \$73,000 |
| VA Depart of Emergency Management grant award for laptop computers | |
| Increase Revenues | |
| From the Commonwealth | \$ 230 |
| Increase Expenditures | |
| EMS | \$ 230 |
| -VA Dept of Emergency Management grant award for laptop computers | |

| |
|--|
| From Contingencies (\$84,803 remaining in operating contingency 12/21/09) |
| None |

| |
|--------------|
| Other |
|--------------|

| | |
|---|----------|
| Increase Revenues | |
| Miscellaneous Recoveries | \$ 6,094 |
| Increase Expenditures | |
| Garage | \$ 6,094 |
| -Revenue from services rendered | |
| Decrease Fund Balance | |
| Fire Programs Fund | \$ 5,300 |
| Increase Expenditures | |
| Fire Programs | \$ 5,300 |
| -Site improvements funded from fund balance | |

Presentation to the Vice Chair

The Chair read a poem entitled *Ode to Donald* in recognition of the many years of service of Donald L. Hart, Jr.

Letter of Support to the Accomack Chapter of the NAACP

Mrs. Thornton made a motion to send a Letter of Support to the Accomack Chapter of the NAACP for a two-day community holiday tribute to the life and legacy of the Rev. Dr. Martin Luther King, Jr. Mrs. Mears seconded the motion. The motion passed unanimously.

Memorandum of Understanding

The County Administrator reviewed the proposed Memorandum of Understanding between the Accomack County Board of Supervisors and the Treasurer of Accomack County with respect to the collection of Accomack County Taxes, provided a summary of reasons for and purposes of the Memorandum, and responded to questions.

Mr. Mallette made a motion to approve the Memorandum of Understanding between the Accomack County Board of Supervisors and the Treasurer of Accomack County with

respect to the collection of Accomack County Taxes as presented. Mr. Wolff seconded the motion.

Discussion followed, with County Treasurer Dana Bundick, County Director of Finance Michael Mason, and the County Administrator responding to questions.

The motion passed unanimously.

Closed Meeting

Mr. Wolff made a motion that the Board go into closed meeting for the following purposes pursuant to Section 2.2-3711 of the Code of Virginia of 1950, as amended. Mrs. Thornton seconded the motion. The motion passed unanimously.

- i. Pursuant to Subsection (A)(1) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public employee; and
- ii. Pursuant to Subsection (A)(29) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Open Session

The Chair declared the meeting open to the public.

Certification of Closed Meeting

Mr. Wolff made a motion, seconded by Mrs. Mears, to reconvene in Open Meeting and to Certify by roll call vote, pursuant to Section 2.2-3712 (D) of the Code of Virginia, that to the best of each member's knowledge the only matters heard, discussed, or considered during the Closed Meeting were (i) public business matters lawfully exempted from Open Meeting requirements under this chapter and (ii) such public business matters as were identified in the motion by which the Closed Meeting was convened.

| | | | |
|------|---------------|--------------|-------------|
| Aye: | Mrs. Thornton | Mr. Gray | Mrs. Gordy |
| | Mr. Wolff | Mr. Mallette | Mr. Hart |
| | Mr. Chesser | Mrs. Mears | Mr. McCaleb |

Adjournment

Mrs. Thornton made a motion to adjourn to the Joint Public Hearing with the Accomack County Planning Commission on Wednesday January 13, 2010, at Metompin Elementary School. Mrs. Mears seconded the motion. The motion passed unanimously. The meeting adjourned at 7:30PM.