

VIRGINIA: AT THE REGULAR MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD MEETING ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 16TH DAY OF MARCH, 2004, AT 12:30 P.M.

PRESENT: DONALD L. HARAWAY –CHAIRMAN ELECTION DISTRICT #2
HARRISON A. MOODY - VICE CHAIR ELECTION DISTRICT #1
ROBERT L. BOWMAN IV ELECTION DISTRICT #3
DORETHA E. MOODY ELECTION DISTRICT #4
MICHAEL W. STONE ELECTION DISTRICT #5

OTHER: DANIEL M. SIEGEL COUNTY ATTORNEY
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Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 12:37 P.M. in the Board Meeting room of the Pamplin Administration Building.

IN RE: CLOSED SESSION

Mr. Moody stated I move to close this meeting in order to discuss matters exempt under section:

§2.2-3711 (A)(1) - Personnel - Appointments;
§2.2-3711 (A) (7) – Consultation with Legal Counsel –
Discussion of Legal Services; Adoption of Criminal Section
of State Code; Virginia Bio Fuel Issues;
§2.2-3711 (A) (30) – Discussion of Award of Public Contract

Mr. Bowman seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 12:37 P.M.

A vote having been made and approved the meeting reconvened into Open Session in the Board Meeting Room at 2:04 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 7 Consultation with Legal Counsel – Discussion of Legal Services; Adoption of Criminal Section of State Code; Virginia Bio Fuel Issues;
§2.2-3711 (A) 30 – Contracts - Discussion of the award of a public contract involving the expenditure of public funds; §2.2-3711 A. 1 Personnel – Appointments;

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Moody, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

IN RE: INVOCATION – PLEDGE OF ALLEGIANCE – AND CALL TO ORDER

Mr. Donald L. Haraway, Chairman, called the regular meeting to order at 2:06 P.M. followed by the Lord's Prayer and the Pledge of Allegiance.

IN RE: AMENDMENTS TO THE AGENDA

The County Administrator requested that the agenda be amended to delete Cad System #1 under Action Items and add the following items under Action Items - #7 (1) Appointments; move Grounds Maintenance Bids from the Consent Agenda to (2) under Action Items; and to continue the Closed Session for §2.2-3711 A. 7 Consultation with Legal Counsel - Discussion of Legal Services; and §2.2-3711 A. 1 - Personnel.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye," the above amendment(s) were approved.

IN RE: MINUTES

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the minutes of the February 25, 2004 Continuation Meeting, March 2, 2004 Continuation Meeting, and the March 2, 2004 Regular Meeting, are approved in their entirety.

IN RE: CLAIMS

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following claims are approved and funds appropriated for same using checks numbered 1038780 through 1038957 (void check(s) numbered 1038476, 1038779, 1037163, 1038700, and 1038871)

Accounts Payable:

(101) General Fund	\$ 221,619.57
(103) Jail Commission	\$
(209) Litter Control	\$
(222) E911 Fund	\$ 2,188.10
(223) Self Insurance Fund	\$
(225) Courthouse Maintenance	\$ 320.00
(226) Law Library	\$
(228) Fire Programs	\$ 1,051.62
(229) Forfeited Asset Sharing	\$
(304) CDBG Grant Fund	\$ 6,270.40
(305) Capital Projects Fund	\$
(401) County Debt Service	\$ 54,898.18
TOTAL	\$ 286,347.87

IN RE: REIMBURSEMENT – DEBORAH M. MARSTON

"To: The Board of Supervisors

From: Glenice N. Townsend
Division of General Services

RE: Reimbursement to Deborah M. Marston

We received by fax on March 9th, the breakdown on the mileage request and the bill for having the curtains cleaned in the Commissioner of the Revenue's Office. These bills were approved by the Board at the December 17,

2003 meeting contingent on the breakdown from Ms. Marston. We have not included this payment in the claims pending your decision. If you decide to approve this payment, we will create a manual check."

The breakdown is as follows:

Mileage	\$ 934.65
Clean curtains	<u>112.85</u>
Total	\$1,047.50

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the above claim is approved.

IN RE: ADOPTION OF APPROPRIATIONS RESOLUTION FY 2003-2004

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following Appropriations Resolution for FY 2003-2004 is adopted.

APPROPRIATIONS RESOLUTION

WHEREAS, the final 2003-2004 budget has been adopted by the Board of Supervisors; and

WHEREAS, in order for the various departments and agencies to make expenditures within this budget, an appropriation of funds must be authorized by the Board of Supervisors;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the General Fund budget in the amount of \$26,449,553 be appropriated beginning July 1, 2003; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the following funds are appropriated beginning July 1, 2003:

Law Library - \$6,500; Fire Programs Fund - \$69,933; Virginia Public Assistance Fund - \$2,572,969; CSA Fund - \$785,812; E911 Fund - \$457,484; Courthouse Maintenance Fees - \$18,000; Forfeited Asset Fund - \$37,027; Meals Tax Fund - \$400,000; VJCCCA/Grants Fund - \$65,136; Jail Phone Commission - \$4,000; County Debt Service - \$1,708,832; Head Start Fund - \$300,000; School Cafeteria Fund - \$1,314,374; School Capital Projects - \$100,000; School Textbook Fund - \$500,000; Recreation Fund - \$17,300; and Litter Control - \$3,313; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the CDBG Fund and IPR Fund, as State funds become available, be appropriated on a monthly basis as claims are presented; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the School Board budget be appropriated by category as follows, and transferred on a monthly basis beginning July 1, 2003:

Instruction	\$24,132,711
Administration, Attendance & Health	1,302,751
Pupil Transportation	2,069,778
Operation & Maintenance	3,459,107
Facilities	9,200
School Debt Service	2,724,824

(includes \$400,000 transfer from Meals Tax); and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the FY 02 CIP fund balance in the amount of \$994,775 and \$1,000,000 from the FY03 undesignated fund balance be reappropriated to the CIP Fund effective July 1, 2003; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that all funding for fiscal year 2003-04 is subject to further action by the Board as dictated by the availability of State or other sources of funds.

IN RE: AUTHORIZATION TO ISSUE ERRONEOUS REFUND PAYMENT

"To: The Board of Supervisors

From: William E. Jones, Treasurer

RE: Authorization to issue an erroneous refund payment

Date: March 11, 2004

58.3981 of the Code of Virginia authorizes the treasurer to "issue any refund up to \$2,500 as a result of an erroneous assessment". There has developed two paid erroneous assessments that exceed the \$2,500 amount, that I would need your authorization to issue such refund. The two are as follows:

1. Vulcan Construction Materials: \$17,285.39
Corrected assessments for the 2001 and 2002 tax years on Personal Property and Machinery & Tool items.
2. Chaparral Steel (Virginia) Inc:
You are more familiar with this one. At the time of drafting this memo, the exact amount is undetermined. Currently there is \$2,242,567.00 in exonerated credits. However, the Commissioner's office is working to supplement proper assessments that will off set some of the credits. The supplemental amount is unknown at this time, but hopefully, the refund amount will be known by your meeting on Tuesday. Indications have it in the 1.9 million range."

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Treasurer is hereby authorized to issue the refunds for the erroneous assessments to Vulcan Construction Materials for the amount of \$17,285.39 and Chaparral (Virginia) in an amount to be determined at a later date but expected to be in the \$1.9 million dollar range.

IN RE: AUTHORIZATION TO PURCHASE TRUCK FOR BUILDING INSPECTIONS OFFICE

"March 11, 2004

TO: Board of Supervisors

FROM: Dwayne Abernathy
Building Official

RE: Purchase of New Truck

The Building Inspections Department seeks your approval to proceed with the purchase of a 2004 ½ ton, 2 wheel drive, regular cab, long bed work truck from Sadler Chevrolet for \$16,318.76.

The funds for this purchase was approved and included in our current 2003-2004 budget.

Wendy Morgan, Purchasing Agent, obtained three bids as listed below and are attached to this request.

Capital GMAC	\$17,621.46
Dominion Chevrolet	16,898.38
Sadler Chevrolet	16,318.76

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the Building Inspector is hereby authorized to purchase the 2004 ½ ton, 2 wheel drive, regular cab, long bed work truck from Sadler Chevrolet in an amount not to exceed \$16,318.76.

IN RE: ADOPTION OF BY- LAWS AND CODE OF ETHICS – FOR MEMBERS OF THE BOARD OF SUPERVISORS

Upon motion of Mr. Bowman, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye", the following By-Laws and Code of Ethics are adopted.

BYLAWS

BOARD OF SUPERVISORS

DINWIDDIE COUNTY

ARTICLE I

OFFICERS AND THEIR SELECTION

- A. The Officers of the Board of Supervisors shall consist of a Chairman and Vice Chairman, each of whom shall serve for a term of one (1) year.
- B. Nomination of Officers shall be made from the Board at the first meeting of each calendar year. Election of Officers shall follow immediately.

ARTICLE II

DUTIES OF OFFICERS

- A. The Chairman shall:

- (1) Preside at all meetings;
- (2) Make committee appointments;
- (3) Work closely with the County Administrator on day to day matters, approve appropriate financial documents, and approve the agenda for all meetings;
- (4) Serve on all standing committees of the Board;
- (5) Carry out such other duties as assigned by the Board.

- B. The Vice-Chairman shall act in the absence or inability of the Chairman to act.

ARTICLE III
AGENDA PREPARATION POLICY

- A. The County Administrator shall prepare an agenda for each regular meeting of the Board of Supervisors. Supervisors, staff, and others may submit to the County Administrator items for the agenda at any time prior to Noon Wednesday preceding the regular meeting to which such item relates. Emergency Items will be added as an amendment to the agenda
- B. Copies of the agenda shall be made available at the office of the County Administrator for each Supervisor and for members of the News Media serving the County and the public not later than close of business on Friday preceding the meeting to which it relates.

ARTICLE IV
MEETINGS

- A. The time and place of Board Meetings shall be set from time to time by resolution of the Board in conformance with State Law. The regular meeting schedule shall be set at the organizational meeting held in January each year.
- B. Minutes from the previous meeting shall be delivered to the Board members with the agenda prior to the next meeting. Unless requested by a Board member, the minutes will not be read and will be approved upon motion and vote of the Board.

C. ORDER OF BUSINESS

- (1) Call to order
- (2) Lord's Prayer and Pledge of Allegiance to the flag
- (3) Roll Call
- (4) Approval of minutes and consent agenda
- (5) Citizens comment period (Third Tuesday meeting)
- (6) Elected official's reports
- (7) Staff reports
- (8) Unfinished business
- (9) New business
- (10) Citizens comment period (First Tuesday meeting)
- (11) Adjourn

Any member has the authority to alter this order of business if he deems it necessary. The Board will go into closed session one and half (1 ½) hours prior to the meeting. Public Hearings will take place at 7:30 p.m. or as immediately thereafter as practicable.

D, QUORUM AND METHOD OF VOTING

A majority of the members of the Board of Supervisors shall constitute a quorum of the Board. All questions submitted to the Board for decision shall be determined by a viva voce vote of a majority of the supervisors voting on any such questions, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded.

E, PROCEDURE FOR ROLL CALL OF BOARD MEMBERS

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis per meeting.

The Chairman/Clerk shall restate all motions before a vote is taken and the result of the vote shall be announced following each vote.

F. GENERAL RULES OF PROCEDURE

- (1) The proceedings of the Board, except as otherwise specifically provided in these bylaws and by applicable State law, shall be governed by Chairman Rules except that no second shall be required on any motion.
- (2) An appeal may be taken by any member from a ruling of the chair. A majority vote of those members present shall determine any appeal.
- (3) The Chairman shall be permitted to vote on all questions.
- (4) When any Board member determines, prior to the calling of any issue before the Board, that he, because of conflict or otherwise, will abstain from voting on such issue, he shall announce such intention at the time the issue comes before the Board and shall not participate in the discussion on such issue or question.
- (5) In the incidence of a tie vote the issue voted upon by the Board is dead and therefore voted down.

G. MEMBER ABSENTING HIMSELF FROM MEETING PRIOR TO ADJOURNMENT

After the name of any member of the Board has been recorded as present at any meeting of the Board, he shall not absent himself previous to adjournment unless by consent of the Board.

H. BOARD TO SIT WITH OPEN DOORS

The Board of Supervisors shall sit with open doors and all persons conducting themselves in an orderly manner may attend the meetings; however, the Board may hold closed sessions as permitted by law and when deemed necessary by a majority vote of the Board.

The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Board as a single item. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda. The Clerk or his/her designee shall provide a brief written summary of each item included in the consent agenda. Upon request of any Board member who wishes to question or discuss an item, that item shall be removed from the Consent Agenda. This item shall be transferred onto the agenda for consideration under new business.

I. CITIZENS COMMENT PERIOD
RULES FOR
CITIZENS' COMMENT PERIOD

To ensure that the affairs of the Board and its committees may be conducted in an orderly manner, to ensure that all persons desiring to address the Board on matters pertinent to it are afforded an opportunity to do so, to permit persons in attendance to observe and hear the proceedings of the Board without distraction, and to permit to the fullest extent the Board to conduct County business with minimal disruption, the following rules are established.

1. Each person desiring to speak must sign up in advance of the opening of the Citizens' Comment period on the agenda.

2. Each speaker shall be limited to a period of three minutes; when two minutes have passed the speaker will be reminded that there is one minute remaining.
3. Speakers who have signed up may use their allotted time only for themselves and may not donate their time to other speakers.
4. Speakers will not be permitted to use audiovisual materials or other visual displays, but may present written and photographic materials to the Board members.
5. Comments must be confined to matters germane to the business of the Board of Supervisors and shall not be cumulative or repetitive.
6. Speakers should address the Board with decorum – loud, boisterous, and disruptive behavior, obscenity, and vulgarity should be avoided as well as other words or acts tending to evoke violence or deemed to be a breach of the peace.
7. The Citizens' Comment period is not intended to be a question and answer period or time for dialogue with County officials. Questions which are raised during a comment period may at the discretion of the Board be responded to by County officials after sufficient time for appropriate investigation.
8. Speakers shall remain at the podium while addressing the Board.
9. Speakers shall not be interrupted by audience comments, calls/whistles, laughter, or other gestures. Individuals in the audience who do not abide by this policy after a warning will be asked to leave the meeting.
10. Expressive activities including, but not limited to, petitioning, picketing, displaying signs and posters, solicitation, demonstrating, pamphlet distribution, and conducting polls shall not be permitted within the Administration Building or at any other building that the Board is meeting.

The time allotted for Citizens' Comment period will be thirty minutes unless the agenda allots a different amount of time. Each speaker will be limited to three (3) minutes at the podium. At the Board's first meeting of each month, the Citizens' Comment period will be placed before County Administrator comments; at the second meeting of the Board the Citizens' Comment period will be placed on the agenda after consent agenda.

These rules do not preclude persons from delivering to the Board or its Clerk written materials including reports, statements, exhibits, letters, or signed petitions or to prohibit persons from presenting oral or written comments on any subject germane to the business of the Board to individual Board members or to the Board through its Clerk outside the context of the public meeting.

J. AGENDA ITEM PROCEDURE

The following guidelines shall be followed for comment addressed to specific agenda items:

- (1) In order to prevent obvious questions from consuming Board Meeting time, the Chairman and/or designated person(s) will give a brief explanation of each agenda item prior to opening the floor for citizens' comments.

ARTICLE V PROCEDURE FOR DEALING WITH ITEMS NOT ON THE AGENDA

A. All matters not on the agenda must be raised during citizens comment period. Any matter not on the agenda shall not be considered unless approved for consideration by the majority of the Board. Any matter not listed on the agenda shall not be acted upon over the objection of any three members present.

B. For any special meeting, the business to be discussed shall be stated in the call for such meeting. The Chairman or Administrator shall prepare a written agenda listing all items to be considered for every special meeting. No other business shall be discussed or acted upon over the objection of any three members present.

ARTICLE VI PUBLIC HEARINGS

A. All public hearings will be advertised to begin at 7:30 p.m. during the regular Board Meeting and will be conducted as soon thereafter as the Board's agenda may allow. Public hearings may be postponed, continued or canceled at the discretion of the Board.

B. In addition to those required by law, the Board at its discretion may hold public hearings when it decides that a hearing will be in the public interest.

C. All public hearings, whether required or not, will be advertised according to State law.

D. The case before the Board shall be summarized by the Chairman or designated person(s). Interested parties wishing to speak must sign the register at the rear of the room prior to the start of the hearing. Each person wishing to speak will be called to the podium by the Chairman/Secretary in the order such person signed the register and must state his or her name and address for the record. Each speaker shall be limited to five (5) or three (3) minutes, unless waived by the Board.

E. Board Members shall limit their comments in public hearings to insure participation by the public without Board interference.

ARTICLE VII APPOINTMENT OF COMMITTEES

A. The Chairman of the Board of Supervisors shall appoint committee members to any permanent or temporary committee established by the Board. The Chairman shall make his committee appointments within thirty (30) days of passage by the Board of Supervisors of a resolution creating a committee.

B. Appointments to other commissions and boards shall be approved by vote of the entire Board. Whenever possible, membership on such bodies shall be proportional by election districts. Vacancies will be filled by persons from the same districts. An individual who moves from a district to another district during his term of office shall remain in office until the expiration of his term. If any board or commission contains an odd number of members, then district under representation shall be on a rotating basis.

C. In accordance with Virginia Code section 44-146.19 (B) (2), the Board will annually appoint a member of the Board of Supervisors or the County Administrator as the Director of Emergency Management. The Director of Emergency Management will appoint a coordinator of emergency management with consent of the governing body.

ARTICLE VIII
PROCEDURES FOR FINANCIAL CONTROL

A. Annual appropriations shall be subject to the following method of internal control:

- (1) The Board of Supervisors may make annual appropriations for the purpose of limiting the normal operating expenditures of the County.
- (2) The County Administrator shall have the authority to transfer appropriations by line item within major categories, except for salary line items. All transfers are to be reported to the Board on a monthly basis.
- (3) The County Administrator will not have the authority to transfer appropriations between major categories.
- (4) The County Administrator will report to the Board in summary form all revenues and expenditures on a monthly basis.
- (5) The County Administrator will report to all County Officers, by line items, expenditures every two months.

B. All normal operating expenditures of the County shall be processed in the following manner:

- (1) All bills or invoices will be approved by the appropriate department head or constitutional officer, and received by the County Administrator.
- (2) Checks and a check register will be prepared by the County Administrator's office.
- (3) All bills, invoices, checks and check register will be reviewed by the County Administrator for approval.
- (4) The County Administrator will review all invoices and submitted expenditures and initial the check register.
- (5) All check registers will be presented to the Board of Supervisors for review and approval.
- (6) The checks and check register will be presented to the Treasurer for review and approval.
- (7) Upon approval, the Treasurer will sign all checks and keep one copy of the check register for the record.
- (9) The checks will be distributed, as appropriate, by the County Administrator's office.

C. The Treasurer will submit a monthly report of financial condition on forms provided by the Board of Supervisors. The Board will consider approval of the report monthly.

ARTICLE IX
DUTIES OF THE COUNTY ADMINISTRATOR

The County Administrator shall:

- A. Prepare the agenda for each meeting for approval in conformance with the agenda preparation procedure outlined in these bylaws.

- B. Keep a written record of all business transacted by the Board.
- C. Administer the financial control procedures of the County as set forth in these bylaws.
- D. Advise and inform the Board on all matters affecting County government.
- E. Execute all formal documents authorized by the Board of Supervisors.
- F. Provide and supervise all staff services directly under the control of the Board of Supervisors.
- G. The County Administrator shall be responsible for all personnel management of the County. Department Directors will be hired and dismissed with the consent of the Board of Supervisors.
- H. Prepare an annual operating budget for the County government in accordance with guidelines established by the State auditor's office for approval by the Board of Supervisors. He shall be responsible for maintaining adequate financial and accounting records on all County business under his control.
- I. Serve as the Board's representative in all circumstances where the Chairman, Vice Chairman, or a majority of the Board Members are not available.
- J. Perform all other duties delegated by the Board as required by law.

ARTICLE X
AMENDMENTS

The Bylaws may be amended by a recorded majority vote of the entire membership of the Board after thirty (30) days prior written notice.

**CODE OF ETHICS AND STANDARDS OF CONDUCT
FOR MEMBERS OF
THE DINWIDDIE COUNTY BOARD OF SUPERVISORS**

CODE OF ETHICS

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 Dinwiddie 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 part 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, and 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 Board of Supervisors 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 Board of Supervisors 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 Board of Supervisors 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 closed 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.

IN RE: CITIZEN COMMENTS

Mr. Haraway asked if there were any citizens signed up to speak or present who wished to address the Board during this portion of the meeting.

1. Michael W. Bratschi – 23500 Cutbank Road, – McKenney, Virginia – thanked Mr. Stone for holding the Town Meeting for District 5 and urged the other Board members to do the same. He requested that the Board set a policy regarding what information could be given out to the public. He had been refused information on a business license from the Commissioner of the Revenue's office. He stated Mr. Dean McCray was in conflict of interest doing business with the County because he serves on the Planning Commission. Mr. Bratschi said

there should be a Grand Jury formed to investigate the incidences, which happened in the Commissioner's Office.

2. Sergeant James Elmore, Virginia State Police, introduced 1st Sergeant Lisa Roakes to the Board. Sergeant Roakes stated she has been assigned to the County and if there was anything she could do to let her know.
3. Anne Scarborough – Boydton Plank Road, - Dinwiddie, Virginia – had the following questions and comments:
 - A. Article in the Monitor – regarding the 19% “Reserve Funds” -
 - a. Why do we include state and federal revenue in the fund?
 - b. Have we always done it this way? If not, what year did Dinwiddie begin this?
 - c. What would the percent be if the State and Federal revenue were excluded?
 - A. She questioned why the bid time for the Grounds Maintenance was so short. Normally the county gives at least 2 weeks these were due back in 9 days, which is not enough time for responses from vendors.
 - B. She requested that the Board members and Staff show the citizens respect by using their microphones so everyone could hear what they are saying.
1. Marjorie Flowers – 14919 Wilkerson Road – remarked that at a former meeting the issue of the State Police investigating the former Commissioner of the Revenue for the destruction of records was brought up and she questioned why the County Attorney had not followed through with the request. She commented that Mr. Harrison Moody had a Conflict of Interest if he took part or voted on issues dealing with biosolids. She asked who is responsible to follow up on the discrepancies in the auditors report for the Commissioner of the Revenue's office?
2. George Whitman –1340 Old Stage Road – Petersburg, Virginia - commented he wanted to inform the Board that the old tax cards the former Commissioner destroyed were historical documents dating back to the early 1950's. They should have been sent to the State Library to be archived instead of being destroyed.

IN RE: REPORTS – VDOT

Mr. Timothy Overton, Assistant Resident Engineer, Virginia Department of Transportation provided the following project update:

1. Route 600 pipes – Work is scheduled to begin this week.
2. Courthouse Road (Route 619) – in final stages agreeing on construction prices.
3. Shady Lane (Rout 670) – final work to begin project on going.
4. Interstate 85 bridges – bids were rejected. Bids will go out again at the end of the month.
5. Route 600 Bridge re-decking project is scheduled for May advertisement.
6. Squirrel Level Road project (Route 613) – Still on track for July 2004 advertisement.
7. Pothole situations - He reported that VDOT could not keep up with the situation but the intent is to begin work on them as soon as weather permits.

Mr. Overton informed the Board that Mr. Richard Caywood, Resident Engineer, would be transferring to another location in the near future.

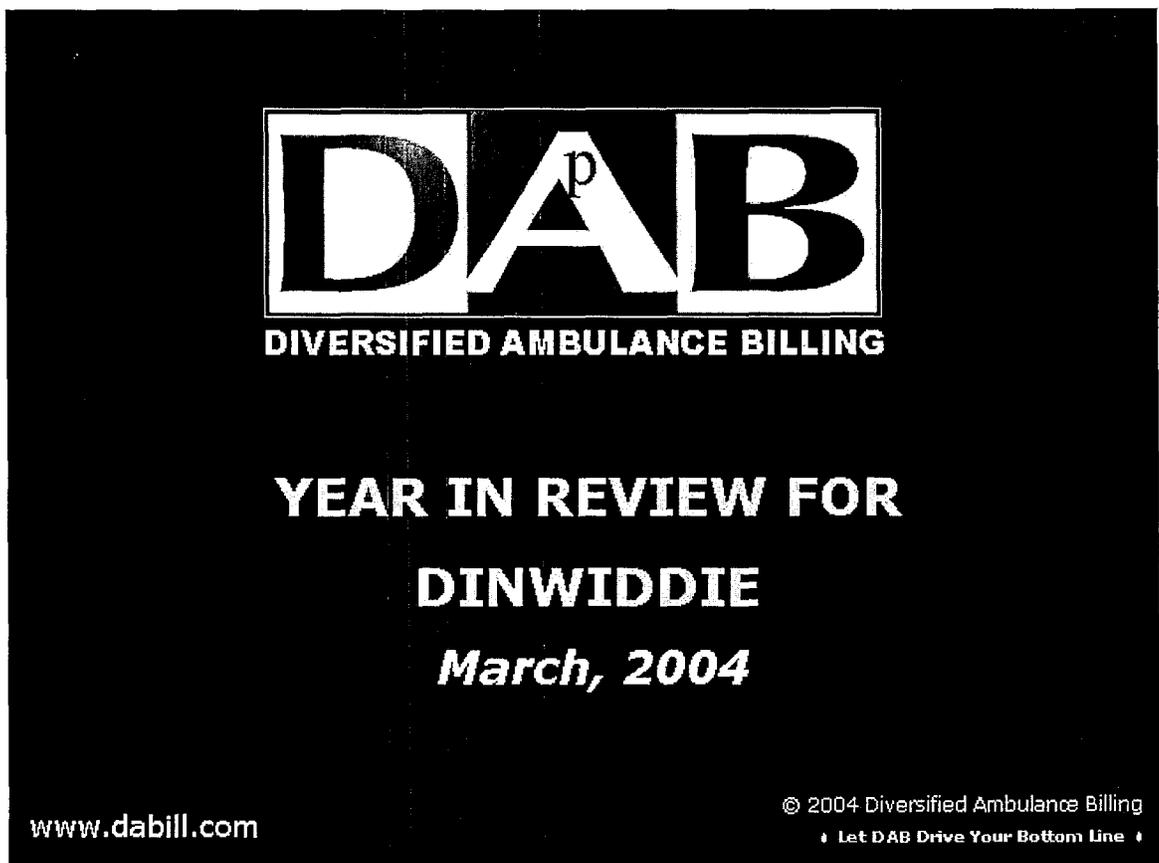
Board Member Request/comments

1. Mr. Bowman – stated there is a large hole at the RR crossing on Butler Branch Road that he had requested VDOT to fix. He also said the RR ties were bad. Mr. Overton stated he would check on it.

IN RE: DIVERSIFIED AMBULANCE BILLING UPDATE ON
REVENUE RECOVERY

Mr. David Jolly, Public Safety Director, introduced Mr. Gary Mathews, Senior Vice-President of Marketing and Ms. Jacqueline M. Herrera, Vice President Reimbursement Services, Diversified Ambulance Billing. He commented they are here today to give the Board an update on revenue recovery.

Ms. Herrera presented the following update to the Board and public:





History of Services for Dinwiddie

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- The County has only billed for those calls that have been run by Dinwiddie Public Safety.
- Dinwiddie Rescue currently working with County on billing.



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OVERVIEW CONTINUED

• Non Transport volume through December 31, 2003 was:

- Assist No Transport 72
- Cancelled Transport 233
- Deceased No Transport 36
- Refusals 445
- Standby 5
- **Total 791 Non Transports**

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History of Services for Dinwiddie

Overview

• Began billing for services on February 1, 2003.

• Transport volume through December 31, 2003 was:

- ALS 789 transports
- BLS 568 transports
- **Total 1357 transports**

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Transport History

Responded to

- Residence 1326
- Scene of Accident 701
- Central State Hospital 113
- Dinwiddie County Jail 4

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Transport History

Transported to

- Southside Regional 1280
- John Randolph Medical 24
- Medical College of VA 11
- Chippenham Medical 5
- Southside Community 5
- Greenville Memorial 5

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Collection Overview



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History of Services for Dinwiddie

Revenue Billed

- ALS \$395,663
- BLS \$271,788
- Total Revenue Billed \$667,451



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REVENUE COLLECTED

Overview

- EMS Subscription Service - 2226 Citizens subscribed to the service
- Subscription Members transported 166
- 1st monies from insurance companies received April, 2003



OVERVIEW OF COLLECTIONS

Cash Receipts

- **Collections for Year 2003 to Date :**
 - Medicare \$ 135,511 48% patients
 - Insurance \$ 112,189 40% patients
 - Medicaid \$ 18,479 6% patients
 - Private Pays \$ 14,228 5% patients
 - **Total Cash Receipts \$ 279,267**



Collection % Year-to-Date on 2003 Transport

Revenue	\$667,450
Minus	
Contractual Allowance	<u>\$154,352</u>
Equal	
Net Collections	\$513,098
Cash Collections	\$279,267
Collection %	54%

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There was a short discussion period regarding how the 54% collections compared to other jurisdictions; how long it is between the billing cycles after the first bill went out; is there any further contact after the 4th bill; whether or not a collection agency is used to collect delinquent accounts. The County Administrator stated the Board chose not to use collection agencies.

Mr. Haraway requested that Diversified send a "hard sample collection letter" to the Board for review.

Mr. Moody asked what the contractual allowance was? Ms. Herrera replied that is governed by the State and she did not know what it was because it is preset in their system. Mr. Haraway asked if she would send the County a copy of the breakdown of the contractual allowances. She commented she would.

IN RE: COUNTY ATTORNEY REPORT

Mr. Daniel Siegel, County Attorney, gave a report on the following issues to the Board:

1. Investigation as to whether or not the county could adopt an ordinance under the "Dillion Rule" to prohibit the selling of illegal drug paraphernalia in the County. He stated unfortunately the County can not adopt that portion of the criminal code due to "Dillion's Rule" without the General Assembly's consent. However, the good news is that the Commonwealth Attorney has the ability to prosecute under State law if persons are caught selling illegal drug paraphernalia.
2. The County Attorney stated some jurisdictions their firm deals with are amending their ordinances to allow a Consumer Utilities Tax on wireless lines. This tax could possibly add \$100,000 to \$500,000, depending on the amount charged, for revenue to the budget, depending on the number of mobile phones in use in the County. If the Board decides to move forward with adopting the tax there is a 120-day lag time after the County adopts it before the County can collect any funds. As the Board considers the Capital Improvement

needs this could help with the funding. The Board requested that the County Attorney research the tax and report back to the Board.

**IN RE: AUTHORIZATION TO ISSUE RFP TO REFINANCE IDA
LEASE REVENUE BONDS, SERIES 1997 A & B**

Mr. Dan Siegel reported as requested by the Board, that Davenport and he had taken a look at refinancing prior bond issues and according to the initial analysis, if the Board moves quickly, there could be significant savings if a refinancing is done on the Industrial Development Authority of Dinwiddie County, Virginia, Lease Revenue Bonds, Series 1997 A & B. With a private placement the savings could be as much as \$850,000 over the next 2 years. He proposed that the Board authorize Davenport and Sands Anderson Marks & Miller to competitively secure bids to refinance the Series 1997 A & B, Lease Revenue Bonds. We would like to underscore to the County that there would be no out-of-pocket cost unless a successful refinancing/restructuring is brought to closure.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Davenport and its Bond Counsel (Sands Anderson Marks & Miller) is authorized to issue an RFP to private lenders for the refinancing of the, Series 1997 A & B, Lease Revenue Bonds at no out-of-pocket cost unless a successful refinancing/restructuring is brought to closure.

**IN RE: BOARD OF ZONING APPEALS RECOMMENDATION FOR
APPOINTMENT- MR. GERALD MASSENGILL**

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that Mr. Gerald Massengill is hereby approved to be recommended to the Circuit Court Judge to be appointed, for a term of five years, on the Dinwiddie County Board of Zoning Appeals, term ending December 31, 2008, for Election District 2.

**IN RE: RESOLUTION URGING HOUSE AND SENATE
CONFEREES TO ADOPT A BIENNIAL BUDGET FOR FY
05 PRIOR TO ADJOURNMENT**

RESOLUTION

WHEREAS, due to the failure of the General Assembly to adopt a biennial budget prior to its scheduled adjournment date, Virginia's counties are now faced with the distinct possibility of being denied necessary State revenues to provide basic, core services often mandated by the State and expected by citizens; and

WHEREAS, this impasse is occurring while local governments are trying to develop their budgets for FY05 and the lack of predictability places localities in the unenviable position of not knowing what kinds of tax and fee increases might be necessary to offset the consequences of the General Assembly's failure to act; and

WHEREAS, the Senate budget clearly provides the revenue that counties need to operate and is also more consistent with VACo's principles on tax restructuring;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of

Dinwiddie County, Virginia strongly urges the House and Senate conferees to adopt the Senate budget and associated revenue plan and further to complete their work as expeditiously as possible to provide a biennial budget that meets the needs and provides the services that all of Virginia's citizens deserve.

Upon motion of Mr. Moody, Seconded by Mr. Stone, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, voting "Aye", Mr. Haraway voting "Nay," the above resolution was adopted.

IN RE: COUNTY ADMINISTRATOR COMMENTS

1. The County Administrator commented at our meeting with the School Board, she was asked to have our financial consultants to prepare a capital fund analysis for Option 1 for the school improvements. She stated staff had met with the financial advisors and asked the Board if they would be agreeable to come in early on March 30, 2004 at 1:00 to meet with them and the School Board to discuss the draft plan. We should be able to finish the County budget at that time also. The County Administrator asked the Board if they would consider inviting the IDA to that meeting so they would be informed as to what is needed. The Board members agreed.

2. The County Administrator asked the Board if a meeting could be scheduled next Tuesday the 23rd for a work session from 3:00 to 5:00 P.M. for a discussion of the County's proposed FY 05 budget. The Board agreed.

IN RE: BOARD MEMBER COMMENTS

Mr. Moody welcomed the students from Government Class from the High School to the meeting. He asked the County Administrator if we were planning any events for "Jamestown 2007"? She replied that the Director of Recreation had been requested to take the lead and work with the Dinwiddie Historical Society.

Mr. Stone distributed minutes and gave a brief report regarding his first Town Hall Meeting held last night for District 5. He also expressed his concern regarding the reimbursement for the former Commissioner of the Revenue for the mileage and cleaning of the curtains. He stated the present Commissioner has brought her concerns regarding her budget to the Board and he felt the former Commissioner should not be paid for those items until everything has been cleared up with the present Commissioner. Mr. Haraway echoed his agreement, citing in the past any travel request had to be broken down from point A to point B, stating the purpose of the mileage, not in a lump sum. Mr. Bowman said he still questioned the conference travel in which Ms. Marston made a copy of her check which had not been cancelled by the bank.

The County Attorney was asked if the Board action taken today on the consent agenda could be rescinded? He commented yes if that was the consensus of the Board.

IN RE: REMOVAL OF THE COMMISSIONER OF THE REVENUE'S (MS. DEBORAH MARSTON) REQUEST FOR REIMBURSEMENTS FROM THE CONSENT AGENDA

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway, voting "Aye", Mr. Moody, voting "Nay", the request for the reimbursements for Ms. Deborah Marston was removed from the consent agenda.

Mr. Moody stated the information might not have been documented the way it is should have been done but the Board voted on December 16, 2003 to reimburse Ms. Marston for her mileage and the curtains when she submitted her documentation.

**IN RE: AUTHORIZATION FOR COMMISSIONER OF REVENUE
TO DEDUCT ITEMIZED BILLS FROM REIMBURSEMENT
FOR MS. DEBORAH MARSTON**

Upon motion of Mr. Stone, Seconded by Mr. Bowman, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Haraway, voting "Aye", Mr. Moody, voting "Nay", Administration is directed to deduct the current Commissioner of the Revenue's itemized invoices incurred by the prior Commissioner from the reimbursements for Ms. Deborah Marston.

Mr. Moody stated we have employees that make mistakes also; are we going to hold the rest of the employees who mistakes to the same standard?

IN RE: CLOSED SESSION

Mr. Bowman stated I move to close this meeting in order to discuss matters exempt under section:

§2.2-3711 (A)(1) - Personnel

§2.2-3711 (A) (7) – Consultation with Legal Counsel – Discussion of Legal Services

Mr. Moody seconded the motion. Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", the Board moved into the Closed Meeting at 3:17 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 4:51 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting under §2.2-3711 A. 7. Consultation with Legal Counsel - Discussion of Legal Services; and §2.2-3711 (A) 1 - Personnel;

And whereas, no member has made a statement that there was a departure from the lawful purpose of such closed meeting or the matters identified in the motion were discussed.

Now be it certified, that only those matters as were identified in the motion were heard, discussed or considered in the meeting.

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye", this Certification Resolution was adopted.

**IN RE: DISCONTINUATION OF RETAINER FOR LEGAL
SERVICES FOR COUNTY ATTORNEY**

Upon motion of Mr. Stone, Seconded by Mr. Moody, Mr. Bowman, Ms. Moody, Mr. Stone, Mr. Moody, Mr. Haraway, voting "Aye",

BE IT RESOLVED by the Board of Supervisors of Dinwiddie County, Virginia that the monthly retainer OF \$3,000 for the County Attorney is hereby discontinued effective April 1, 2004; at that time legal services will be paid on an hourly basis.

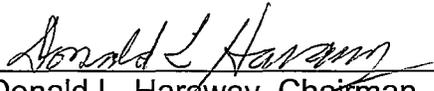
IN RE: INFORMATION IN BOARD PACKET OR DISTRIBUTED

1. Briefing – Sands, Anderson, Marks, & Miller – "Emails do not Constitute a Meeting."

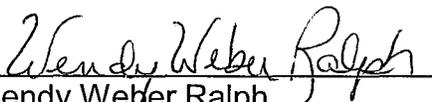
2. Memo from County Administrator to Sheriff/Commonwealth Attorney – regarding the Board’s authority to adopt a section of code to deal with the sale of illegal drug paraphernalia.
3. Report – Appomattox Regional Library.
4. Petersburg National Battlefield New Release – Commemoration of the Battle of Five Forks.
5. Letter from Adelphia regarding emergence from Chapter 11 bankruptcy process.
6. VML’s – Comparison of Tax Plans.
7. VML’s – Comparison of Budget items of interest to localities.
8. VML’s – Effects on local governments of budget impasse.
9. Commonwealth of Virginia Department of Health letter regarding COPN for the development of the sixty-bed nursing home.

RE: ADJOURNMENT

Upon Motion of Ms. Moody, Seconded by Mr. Moody, Mr. Stone, Mrs. Moody, Mr. Bowman, Mr. Moody, Mr. Haraway voting “Aye”, the meeting adjourned at 4:53 P.M. to be continued until 3:00 P.M. on Tuesday, March 23, 2004 for a budget work session in the Multi-Purpose Room of the Pamplin Administration Building.



Donald L. Haraway, Chairman

ATTEST: 
Wendy Weber Ralph
County Administrator

/abr