V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Tuesday, January 23, 1990, at 7:30 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

James P. Litton, Chairman
Maurice H. Parris, Vice Chairman
Thomas Whittaker
Cecil K. Simcox

ABSENT

Kenneth G. Mathews
Aubrey E. Brown
Charles O. Byrd

Robert R. Collins, County Administrator
Joseph L. Howard, Jr., County Attorney
Mark W. Seamon, Director of Accounting
Sandra M. Hatfield, Secretary

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1. Call to Order

The meeting was called to order by Mr. James P. Litton stating that it is a special called meeting.

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1.. Invocation and Pledge of Allegiance

Reverend Jerry Akers gave the Invocation and led in the Pledge of Allegiance.

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2.. Organization of the Board of Supervisors: Election of Chairman, election of Vice Chairman; establish term of office for Chairman; establish salary of Chairman; establish term of office for Vice Chairman; establish salary for Vice Chairman and Board members; adoption of By-laws and Rules of Order of the Board of Supervisors; adoption of Policy and Operational Procedures

The following action was taken on Organization of the Board of Supervisors:

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to nominate James P. Litton as Chairman of the Board of Supervisors for the year 1990.

The vote on this motion was as follows (3-0-1):

Mr. Litton Abstain Mr. Parris Aye Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to nominate Maurice H. Parris as Vice Chairman to the Board of Supervisors for the year 1990.

The vote on this motion was as follows (3-0-1):

Mr. Litton Aye Mr. Parris Abstain Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved that the term of office of Chairman for the Washington County Board of Supervisors be for one year.

The vote on this motion was as follows (4-0):

Mr. Litton Aye Mr. Parris Aye Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved that the term of office for the Vice Chairman be for one year.

The vote on this motion was as follows (4-0):

Mr. Litton Aye Mr. Parris Aye Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Parris it was resolved to retain the salary for the Chairman at $350.00 per month.

The vote on this motion was as follows (4-0):

Mr. Litton Aye Mr. Parris Aye Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to establish the salary of the Vice Chairman and Board Members at $300.00 per month.

The vote on this motion was as follows (4-0):

Mr. Litton Aye Mr. Parris Aye Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Parris, it was resolved to adopt the following policy concerning citizen comments:

POLICY CONCERNING CITIZEN COMMENTS

The purpose of the Citizen Comment portion of the agenda of the Board of Supervisors is to permit citizens to address the Board of Supervisors concerning the services, policies or affairs of the Washington County government. Each citizen is limited to speaking for no more than five (5) minutes during any meeting of the Board of Supervisors.

No citizen shall be allowed to use the Citizen Comment period in order to campaign for public office, engage in personal attacks or political attacks upon individual members of the Board of Supervisors or upon any citizen of the County. Citizens shall not use insulting, abusive or embarrassing language in addressing the Board of Supervisors during the Citizen Comment period.

If any citizen violates the foregoing rule, the Chairman, on his initiative, or at the request of any Supervisors, shall rule the citizen out of order and direct that he cease such political or personal attacks, or the use of abusive, insulting or embarrassing language. In the event any citizen refuses to comply with the directive of the Chairman, the Chairman shall have the citizen removed from the Board meeting room by the representative of the Washington County Sheriff's Department in attendance at the meeting.

It is the intention of this rule that Citizen Comments be limited to those matters of public concern over which the Board of Supervisors has jurisdiction, limited to services, policies or specific affairs of the Washington County government.

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

Mr. Whittaker moved, with no second, to adopt the following By-laws and Rules of Order of the Board of Supervisors establishing the date and time of meetings for the calendar year 1990 as 7:00 p.m. on the second Tuesday of each month and 7:00 p.m. the last Thursday of every month.

Mr. Parris made a substitute motion to adopt the following By-laws and Rules of Order of the Board of Supervisors establishing the date and time of meetings for the calendar year 1990 as 7:00 p.m. on the second Monday of every month and 7:00 p.m. the last Thursday of every month.

PROPOSED BYLAWS, RULES OF PROCEDURE AND GUIDELINES

1. The Board of Supervisors will follow Roberts' Rules of Order (Robert, Henry M.; Rules of Order and Parliamentary Practice). In fol-

lowing these rules of parliamentary procedure, the Board of Supervisors intends that special attention will be given to the following:

a. Protecting the rights of each individual member of the Board of Supervisors.

b. Preserving and ensuring a spirit of harmony and cooperation within the Board of Supervisors, and between individual Board members.

c. Allowing full and free discussion among the members of the Board of Supervisors in order to ensure that all viewpoints are considered prior to taking action on behalf of the County.

2. In accordance with the rules of order and parliamentary practice, the Chairman is to preside at the meeting, and individual Board members are to speak only after having been recognized by the Chairman. Board members are to be polite and courteous in addressing other members of the Board, and all Board members are to refrain from "name calling", derogatory remarks and other forms of personalities at all public meetings.

3. The Board of Supervisors will not take formal action on any subject which is not on the agenda for that meeting, unless a majority of the members present vote to act on the matter because it is deemed to be a situation requiring action prior to the next meeting of the Board of Supervisors. Routine matters of an administrative nature may be referred to various appropriate departments or agencies under the Board Member Reports.

4. No recording device of any nature whatsoever may be used during any executive session or closed meeting of the Washington County Board of Supervisors, unless the majority of the members of the Board present at the meeting vote to allow the recording of the executive session or closed meeting.

5. General procedures and guidelines:

a. A quorum of the Board of Supervisors is a majority of the membership (at least four of the seven members of the Board must be present for an official meeting and in order to take official action).

b. A second to a motion is not necessary or required, but is desirable, in order to discuss and/or vote upon the motion.

c. Any member of the Board may terminate debate and call for a vote on a pending motion by "calling for the question" after being recognized by the Chairman.

d. An abstention is neither an affirmative nor a negative vote and has no effect on the vote, or the status of the quorum.

e. Substitute motions will be voted on prior to the primary motion, in reverse order (i.e. the last substitute motion will be voted on first).

f. Informal discussion of a subject by Board members is permitted while no motion is pending.

g. The Chairman of the Board of Supervisors is authorized to speak in discussions, and can vote on all motions and/or all questions.

h. A tie vote fails. A tie-breaker is not designated by the Board of Supervisors.

6. The Sheriff of Washington County is requested to provide a deputy to attend each meeting of the Board of Supervisors.

7. The Board of Supervisors of Washington County will conduct its regular meetings in the Board of Supervisors Meeting Room in the County Administration Building at 205 Academy Drive during Calendar Year 1990, unless otherwise specified and announced by the Board of Supervisors.

8. The regular meetings of the Washington County Board of Supervisors for Calendar Year 1990 are hereby established as follows:

The second Monday of each month at 7:00 p.m.
The last Thursday of each month at 7:00 p.m.

If the meeting day falls on a legal holiday, the meeting will be held on the next County working day of the month in accordance with State law, unless the Board of Supervisors announces and specifies a different date for holding the meeting.

9. In the absence of the Chairman, the Vice-Chairman is hereby designated the Acting Chairman to preside over meetings of the Board of Supervisors and to perform all such duties as may be performed by the Chairman in accordance with law.

10. In order to provide stability and continuity of County daily business operations, it is the policy of the Board of Supervisors that each member of the Board of Supervisors coordinate and channel requests for documents or information through the County Administrator. The appropriate department head can then be tasked by the County Administrator to respond to the inquiry, so that the necessary information can be provided or the question can be answered as efficiently and effectively as possible.

11. Executive sessions or "closed meetings" will be restricted for those proper purposes enumerated in the Code of Virginia and all executive sessions will be held in strict accordance with Virginia law. The meeting agenda will reflect the category of information that will be discussed in the executive session. Material prepared for an executive session is to be distributed to Board members by the County Administrator during the closed meeting, and is to be collected by the County Administrator prior to the Board returning to open session. No executive session material is to be distributed, and no information discussed in the executive session is to be disseminated to the public unless approved by a majority vote of the Board of Supervisors.

12. The Board of Supervisors has established a citizen comment period as part of its agenda. Citizen comments are restricted to five minutes per citizen and are limited to residents of Washington County or owners of property located within Washington County. The matters on which citizens may address the Board are limited to legitimate matters of County business. No citizen is to engage in political statements, personal attacks upon members of the Board of Supervisors, nor is any person entitled to use abusive language or discuss matters outside the purview of the authority of the Board of Supervisors. Violation of this rule shall enable the Chairman to take appropriate measures to rule the person out of order and to have the person removed from the meeting, if necessary.

The vote on Mr. Parris' motion was as follows (4-0):

Mr. Litton Aye Mr. Parris Aye Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Simcox it was resolved to eliminate the following Paragraph from the Bylaws, Rules of Procedure and Guidelines:

10. In order to provide stability and continuity of County daily business operations, it is the policy of the Board of Supervisors that each member of the Board of Supervisors coordinate and channel requests for documents or information through the County Administrator. The appropriate department head can then be tasked by the County Administrator to respond to the inquiry, so that the necessary information can be provided or the question can be answered as efficiently and effectively as possible.

The vote on this motion was as follows (4-0):

Mr. Litton Aye Mr. Parris Aye Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to eliminate the following from paragraph 11 of the Bylaws, Rules of Procedure and Guidelines:

11. ..... Material prepared for an executive session is to be distributed to Board members by the County Administrator during the closed meeting, and is to be collected by the County Administrator prior to the Board returning to open session. No executive session material is to be distributed, and no information discussed in the executive session is to be disseminated to the public unless approved by a majority vote of the Board of Supervisors.

The vote on this motion was as follows (4-0):

Mr. Litton Aye Mr. Parris Aye Mr. Whittaker Aye

Mr. Simcox Aye

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved that the following be removed from the Policy and Operational Procedures:

"..... Generally, only agenda items should be discussed and acted upon by the board.

"Procedure: Board of Supervisor members should generally discuss agenda items only during the board meeting. A form will be provided at board meetings for members to convey information, questions, and recommendations concerning the operation of the county. A copy of each completed form will be mailed to all board members."

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to remove the following from the General Operational Statements of the Policy and Operational Procedures:

"..... Supporting documents will include the County Administrator's recommendations."

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to delete the following from General Operational Statements of the Policy and Operational Procedures:

"All personnel matters involving an individual's name should be scheduled for executive session."

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to delete the following from General Operational Statements of the Policy and Operational Procedures:

"Request and directions from the Board of Supervisors or individual board member should be addressed to the County Administrator."

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to delete the following from General Operational Statements of the Policy and Operational Procedures:

"Board of Supervisor members should not surprise the County Administrator or staff with non-agenda item request or questions during board meetings."

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

On motion of Mr. Whittaker, second by Mr. Parris, it was resolved to adopt the following Policy and Operational Procedures, as amended:

WASHINGTON COUNTY, VIRGINIA
POLICY AND OPERATIONAL PROCEDURES

Purpose: Board of Supervisor meetings are held to conduct the business of the county government. The general purpose is to act in public upon matters that usually have been researched and considered by board members prior to the meeting.

The County Administrator will answer all questions and respond to all recommendations made by a board member. Those items needing the attention of the board or policy matters will be scheduled for a future board agenda.

General Operational Statements:

Board of Supervisor packets containing an agenda and supporting documents shall be mailed to Supervisors a minimum of three business days in advance of the meeting date.

The Board of Supervisors should not be expected to act on items presented for the first time at a board meeting.

The County Administrator should respond in a timely and professional manner to all requests of the Board of Supervisors or individual board member.

The County Administrator should not surprise Supervisors at board meetings with request for action. The Board of Supervisors should be informed in advance of any unusual action or delegation expected at a board meeting.

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

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On motion of Mr. Whittaker, second by Mr. Parris, it was resolved to take a ten minute recess before executive session.

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

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3. Executive Session for the purpose of discussing matters related to personnel, pursuant to Section 2.1-344(a)(1) of the 1950 Code of Virginia, as amended

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to go into executive session pursuant to Section 2.1-344(a)(1) of the 1950 Code of Virginia, as amended, in order to discuss personnel matters.

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

The Board came out of executive session, proceeded with business in open session, and took the following action:

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to adopt the following resolution:

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

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by the Washington County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

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

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

Mr. Howard advised the Board that Mr. Collins has submitted the following letter to be entered into the record:

"James P. Litton, Chairman
Board of Supervisors
County of Washington
205 Academy Drive
Abingdon, Virginia 24210

"Dear Chairman Litton:

"Over the past twenty months, I have served as County Administrator. I have tried to provide management and administrative services not only to the Board of Supervisors but to the citizens of Washington County. This task was made easier by the services provided from an excellent staff. I have tried to maintain dignity and provide a professionalism to Washington County which Washington County so deeply deserves.

"Given that members of the Board of Supervisors appear to have irreconcilable differences with me as County Administrator and the current management style that Washington County is participating in, I hereby tender my resignation contingent upon the Board's acceptance of a separation agreement which stipulates severance pay equal to four months salary and all accrued vacation to be paid no later than January 24, 1990.

"Wishing the employees and the citizens of Washington County great success in the future.

"Sincerely,
"Robert R. Collins
"County Administrator
"RRC:smh
"Attachment: Separation Agreement"

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to accept the resignation of Mr. Robert Collins and to approve the Separation Agreement attached.

The vote on this motion was as follows (3-1):

Mr. Litton	Aye	Mr. Parris	Abstain	Mr. Whittaker	Aye
Mr. Simcox	Aye				

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4.. Adjournment

Mr. Litton requested a legal opinion on the recessed meeting scheduled for January 30, 1990. Mr. Howard advised that under the schedule adopted by the Supervisors, the next meeting would be set for January 25, 1990, and the Board would meet at that time. He stated the Board can cancel the meeting on January 30, 1990 and commence with the meeting scheduled for the second Monday in February.

Mr. Whittaker inquired if there would be bills to pay.

Mr. Howard asked the Supervisors if they would be taking action to appoint someone to serve in the capacity of County Administrator. Mr. Litton responded that the matter can be discussed at the January 25, 1990 meeting.

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to adjourn the meeting until January 25, 1990.

The vote on this motion was as follows (4-0):

Mr. Litton	Aye	Mr. Parris	Aye	Mr. Whittaker	Aye
Mr. Simcox	Aye				

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James P. Litton, Chairman