

*Public Display*

**BOARD PACKET**  
**BOARD OF SUPERVISORS**  
**REGULAR MEETING**

**MAY 2, 2016**







**CONSENT AGENDA**

- 6. (a) Minutes – April 4, 2016 – Regular Meeting *Pages: 12-37*  
April 19, 2016 – Adjourned Meeting *Pages: 38-62*
- (b) Bill List – April 2016 (*Online*)
- (c) Proclamation - Guillain-Barre Syndrome/Chronic Inflammatory Demyelinating Polyneuropathy (GBS/CIDP) Awareness Month; May 2016 *Pages: 63-64*
- (d) Revised Section 125 Flexible Benefit Plan Adoption Agreement *Pages: 65-99*
- (e) Proclamation – National Police Week: May 15-21, 2016 *Pages: 100-101*
- (f) Proclamation – National Teacher Appreciation Week; May 2-6, 2016 *Pages: 102-103*
- (g) Resolution of Recognition – Edward Blount *Pages: 104-105*

*Motion: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*  
*Second: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*

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**UNFINISHED BUSINESS**

- 7. Expenditure Refunds – March 2016 *At the April 19, 2016 Adjourned Meeting, a motion was made by Mr. Warren, seconded by Mr. Blackstock that required a 10-Day Layover that has now been met. Roll Call Vote required. Pages: 107-110*

**Roll Call Vote**

	Y	N	A	Comments: _____
Barber				
Hagerman				_____
Blackstock				_____
Scearce				
Davis				
Warren				
Barksdale				

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- 8. Appropriation for Professional Services and Approval of Scope of Work– Springsted, Inc. **Roll Call Vote required. Pages: 111-112**

**Roll Call Vote**

	Y	N	A	Comments: _____
Barber				
Hagerman				_____
Blackstock				_____
Scearce				
Davis				
Warren				
Barksdale				

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**NEW BUSINESS**

9. Recommendations from Legislative Committee and Request to Set Public Hearing– *The Legislative Committee met on Thursday, April 21, 2016 and recommendations from that meeting will be presented to the full Board of Supervisors. Pages: 114-129*

*Motion: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*

*Second: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*

*Comments: \_\_\_\_\_*

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*Motion: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*

*Second: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*

*Comments: \_\_\_\_\_*

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*Motion: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*

*Second: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*

*Comments: \_\_\_\_\_*

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10. Revised County Employee Personnel Plan *Pages: 130-203*

**Roll Call Vote**

Y N A

*Comments: \_\_\_\_\_*

Barber  
Hagerman  
Blackstock  
Scearce  
Davis  
Warren  
Barksdale

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11. Donation of Surplus Vehicles to Piedmont Training Academy - **Roll Call Vote required.**

*Pages: 204-205*

**Roll Call Vote**

Y N A

*Comments: \_\_\_\_\_*

Barber  
Hagerman  
Blackstock  
Scearce  
Davis  
Warren  
Barksdale

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12. Community Foundation Grant Appropriation - **Roll Call Vote required.** *Pages: 206-207*  
**Roll Call Vote**

	Y	N	A	Comments: _____
Barber				
Hagerman				_____
Blackstock				
Scearce				_____
Davis				
Warren				
Barksdale				

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13. Georges Lane Road Abandonment *Pages: 208-213*  
**Roll Call Vote**

	Y	N	A	Comments: _____
Barber				
Hagerman				_____
Blackstock				
Scearce				_____
Davis				
Warren				
Barksdale				

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14. Banister River Extension –*Virginia Treasures* Designation Sign *Pages: 214-221*

*Motion: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*  
*Second: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*  
*Comments: \_\_\_\_\_*

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**BOARD ANNOUNCEMENTS**

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**REPORTS FROM LEGAL COUNSEL**

**REPORTS FROM COUNTY ADMINISTRATOR**

1. Buildings/Grounds April 2016 Reports: *Pages: 225-226*
2. Animal Control April 2016 Reports: *Pages: 227-228*
3. Update on Mountain Valley Pipeline Project: *Pages: 229-230*
4. Code Compliance April 2016 Report: *Page: 231*

**ADJOURNMENT**

*Motion: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*  
*Second: Barber Hagerman Blackstock Davis Scearce Warren Barksdale*  
*Time: \_\_\_\_\_*

**TO BE ADDED**

PITTSYLVANIA COUNTY

EXECUTIVE SUMMARY

<u><b>AGENDA TITLE:</b></u> Fire & Rescue Apparatus Appropriation – Request from Fire & Rescue Association	<u><b>AGENDA DATE:</b></u> 05-02-2016	<u><b>ITEM NUMBER:</b></u> 5(a)
<u><b>SUBJECT/PROPOSAL/REQUEST:</b></u> Fire & Rescue Apparatus Appropriation – Request from Fire & Rescue Association	<u><b>ACTION:</b></u> Yes	<u><b>INFORMATION:</b></u>
<u><b>STAFF CONTACT(S):</b></u> Mr. Monday	<u><b>CONSENT AGENDA:</b></u> <u><b>ACTION:</b></u>	
	<u><b>INFORMATION:</b></u>	
	<u><b>ATTACHMENTS:</b></u> 1) Letter from Dean Fowler, Fire & Rescue Association President	
	<u><b>REVIEWED BY:</b></u> 	

**BACKGROUND:**

Currently the Fire & Rescue Association owns a 1994 Chevrolet Step Van with high mileage that was bought used by the Association. The truck was used for a breathing air refill unit and a rehab unit for fire operations. This truck has been out of service for approximately 18 months due to a blown engine. Mr. Fowler, President of the Fire & Rescue Association, has had Diesel Engine and Repair appraise the repair work needed and the repair shop recommended the vehicle be replaced as the cost of the repairs would exceed the value of the truck in running condition.

**DISCUSSION:**

The Fire & Rescue Association, during the Board’s budget process, had requested last year’s carryover of \$124,178.80 to be designated for replacing this vehicle. The Fire & Rescue Association did a needs assessment, as had the Fire & Rescue Study Committee from the State, and both agreed this vehicle be replaced with a rescue truck that would serve multiple functions, included but not limited to special operations team equipment, the air refill system, and other technical rescue and rehab equipment for personnel at large scale incidents. This vehicle would be housed at Blairs Fire Department as the previous truck.

The Fire & Rescue Association has located a prospective truck in Lancaster, Pennsylvania that the Association feels will meet its needs. The truck is a 2003 Pierce Rescue truck with 59,000 miles and the asking prices is \$195,000. The Fire & Rescue Association is requesting additional funding of \$75,000 to purchase this vehicle.

**RECOMMENDATION:**

Staff submits this to the Board of Supervisors for their review, consideration and approval. **A 10-Day Layover is required.**

# PITTSYLVANIA COUNTY FIRE AND RESCUE ASSOCIATION

“SO THAT OTHERS CAN LIVE”

Background ; Currently the county fire and rescue association owns a 1994 Chevrolet Step van (that was previously a Lance cracker delivery truck) with high mileage. The truck was used for a breathing air refill unit and a rehab unit for fire operations. This truck has been out of service for approximately 18 months with an engine that is blown up. I have had Diesel Engine and Repair take a look at the vehicle and they gave me a recommendation of replacing rather than fixing because the repairs would exceed the value of the truck in running condition.

Discussion ; All that being considered Fire and Rescue requested the boards authorization last year carryover \$ 124,178.80 to be designated for replacing this vehicle. The fire and rescue done a needs assessment as did the fire and rescue study committee from the state and it is the recommendation from both parties that we replace this vehicle with a rescue truck that would serve multiple functions. In reviewing this project we have decided to try to put a vehicle in place that will carry the special operations team equipment, the air refill system, other technical rescue equipment and rehab equipment for personnel at large scale incidents. This vehicle will be housed at Blairs Fire Department as was the previous truck.

The fire and Rescue Association has found a perspective truck in Landcaster Pennsylvania that we feel will fill the void. The truck is a 2003 Pierce Rescue truck with 59000 miles on it. The asking price is \$ 195,000.00. We would like to request funding in the amount of \$ 75,000.00 additional funding to purchase this vehicle.

Your attention to this matter is greatly appreciated,

Dean Fowler,  
Fire and Rescue Association President

# HEARING OF CITIZENS

# **CONSENT AGENDA**



- (b) Bill List – March 2016 (*Online*)
- (c) Proclamation – National County Government Month: April 2016
- (d) Proclamation – National Animal Control Appreciation Week : April 10-16, 2016
- (e) Proclamation – National Public Safety Telecommunications Week: April 10-16, 2016
- (f) Proclamation – National Child Abuse Prevention Month : April 2016
- (g) Resolution – VDOT Rural Rustic Road: Cooksburg Road; *Information Revision to Resolution 2013-08-04*
- (h) Proclamation – County Day of Recognition of National Service – April 5, 2016

Mr. Blackstock’s motion was unanimously approved by the Board.

## Pittsylvania County Board of Supervisors Proclamation

### NATIONAL COUNTY GOVERNMENT MONTH *April 2016* “*Safe and Secure Counties*”

*Whereas, the nation’s 3,069 counties serving more than 300 million Americans provide essential services to create healthy, safe, vibrant and economically resilient communities; and*

*Whereas, Pittsylvania County and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and*

*Whereas, through National Association of Counties (NACo) President Sallie Clark’s “Safe and Secure Counties” initiative, NACo is encouraging counties to focus on strengthening the safety and security of their communities; and*

*Whereas, in order to remain healthy, vibrant, safe and economically competitive, America’s counties provide public health, justice, emergency management and economic services that play a key role in everything from resident’s daily lives to disaster response; and*

*Whereas, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve; and*

*Whereas, Pittsylvania County has invested in creating healthy, vibrant and economically resilient communities for its citizens in providing public health, justice, emergency management and economic services; then*

*Now, Therefore, Be It Resolved, that the Pittsylvania County Board of Supervisors do hereby proclaim April 2016 as National County Government Month and encourage all county officials, employees, schools and residents to participate in county government celebration activities.*

## Pittsylvania County Board of Supervisors Proclamation

### **NATIONAL ANIMAL CONTROL APPRECIATION WEEK**

**April 10<sup>th</sup> – April 16<sup>th</sup>, 2016**

*Whereas, the National Animal Control Association has designated the second week in April each year as Animal Control Appreciation Week; and*

*Whereas, the various Federal, State, and Local Government Officials throughout the Country take this time to recognize, thank, and commend all Animal Control Officers for the dedicated service they provide to the Citizens, various Public Safety, Public Service Agencies and Departments throughout the Country; and*

*Whereas, the Pittsylvania County Board of Supervisors would like to express its sincere thanks and appreciation for the outstanding service the Pittsylvania County Animal Control Department who risk their lives and spend huge amounts of personnel resources including time away from family and friends while serving the public like all other public safety and law enforcement agencies involved and empowered with the same duties; and*

*Whereas, the Pittsylvania County Board of Supervisors recognizes and commends the Animal Control Officers for the many dedicated and long hours of service they perform in serving this community, and for fulfilling their commitment to providing the highest and most efficient level of service; and*

*Whereas, the Pittsylvania County Board of Supervisors wishes to commend each and every Animal Control Officer for their service, which is in keeping with the long and distinguished tradition of the Animal Control Profession; then*

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Pittsylvania County Board of Supervisors officially recognize and proclaim **the week of April 10<sup>th</sup> through 16<sup>th</sup>, 2016 as National Animal Control Appreciation Week** and respectfully asks all Citizens, Public Safety, Health, and Public Service Personnel alike to join in expressing their sincere thanks, gratitude and appreciation for the many long hours of outstanding service and quality performance these outstanding individuals provide throughout the year to assure the safety and welfare of all.

# Pittsylvania County Board of Supervisors Proclamation

## ***NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK April 10<sup>th</sup> – 16<sup>th</sup>, 2016***

*Whereas, emergencies can occur anytime that require police, fire or emergency medical services; and*

*Whereas, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and*

*Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Pittsylvania County E-911 Communications Center; and*

*Whereas, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and*

*Whereas, Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and*

*Whereas, Dispatchers in Pittsylvania County Emergency Management have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and*

*Whereas, each dispatcher, the unseen individual providing a calm voice when emergencies arise, has exhibited compassion, empathy, and professionalism, keeping our county and citizens safe, and providing moral support to citizens in distress; and*

*Whereas, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year; then*

***THEREFORE, BE IT HEREBY PROCLAIMED*** that the Pittsylvania County Board of Supervisors proclaims the week of April 10<sup>th</sup> through 16<sup>th</sup>, 2016 to be National Telecommunications Week in Pittsylvania County, Virginia, in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

# Pittsylvania County Board of Supervisors Proclamation

## *NATIONAL CHILD ABUSE PREVENTION MONTH*

*April, 2016*

*Whereas, regardless of who they are or the circumstances of their birth, every child deserves care and to be kept safe from harm; and*

*Whereas, April is Child Abuse Prevention Month; and*

*Whereas, during Child Abuse Prevention Month, Virginians are reminded of the courage it takes to raise a child and that fundamental human rights means living free from violence and abuse; and*

*Whereas, child abuse is considered to be one of our nation's most serious public health problems, with scientific studies documenting the link between the abuse and neglect of children and a wide range of medical, emotional, psychological, and behavioral disorders; and*

*Whereas, child abuse can disrupt early brain development, and serious chronic stress can impair the development of nervous and immune systems; and*

*Whereas, keeping children safe from abuse means playing an active role in their life, having check-ins, and teaching them the warning signs of abuse and how to protect themselves; and*

*Whereas, empowering our children and providing them with safe places to live, learn, and play is vital to keeping them safe from harm; and*

*Whereas, Pittsylvania County remains committed to sustaining safe, nurturing, and supportive environments within its communities for families raising children; and*

*Whereas, effective child abuse prevention programs succeed because of partnerships between families, social services agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and*

*Whereas, displaying a pinwheel during the month of April will serve as a positive reminder that together we can prevent child abuse and neglect and in doing so keep children safe; then*

***NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Pittsylvania County Board of Supervisors does hereby recognize April, 2016 as National Child Abuse Prevention Month in Pittsylvania County.***

# Pittsylvania County Board of Supervisors

## RESOLUTION 2016-04-02

**VIRGINIA:** At the regular meeting of the Pittsylvania County Board of Supervisors held in the General District Courtroom of the Edwin R. Shields Courthouse Addition in Chatham, Virginia on Monday, April 4, 2016, the following resolution was presented and adopted:

**WHEREAS,** Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

**WHEREAS,** any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

**WHEREAS,** the Board of Supervisors of Pittsylvania County, Virginia (“Board”) desires to consider whether Route 644 (Cooksburg Road), From: Oxford Road/State Route 750 to a point 2.29 miles west of Route 750 at the end of existing pavement, a distance of 2.29 miles; should be designated a Rural Rustic Road; and

**WHEREAS,** the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS,** the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS,** this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED,** the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

## Pittsylvania County Board of Supervisors Proclamation

### COUNTY DAY OF RECOGNITION FOR NATIONAL SERVICE *April 5, 2016*

*Whereas, service to others is a hallmark of the American character, and central to how we meet our challenges; and*

*Whereas, the nation's counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet county needs; and*

*Whereas, participants in AmeriCorps and Senior Corps address the most pressing challenges facing our cities, towns, and counties, from educating students for jobs of the 21<sup>st</sup> century and supporting veterans and military families to providing health services, and helping communities recover from natural disasters; and*

*Whereas, national service expands economic opportunity by creating more sustainable resilient communities and providing education, career skills, and leadership abilities for those who serve; and*

*Whereas, national participants of all ages and backgrounds serve in Pittsylvania County, providing vital support to county residents and improving the quality of life in our county, and bolstering the civic, neighborhood, and faith-based organizations that are so vital to our county's economic and social well-being; then*

*Now, Therefore, Be It Resolved, that the Pittsylvania County Board of Supervisors do hereby proclaim April 5, 2016 as County Day of Recognition for National Service, and encourage all citizens to recognize the positive impact of national service in our county, and thank those who serve; and to find ways to give back to their communities.*

#### **Unfinished Business**

At the March 7, 2016 meeting a motion was made by Mr. Barber, seconded by Mr. Hagerman, for a reappropriation of \$41,184.32 as follows: \$200.00 to Clerk of Court-Copier Lease (100-4-021600-60051), \$538.50 to Sheriff-Printing (100-4-031200-3500), \$74.63 to Sheriff-Postage (100-4-031200-5210), \$43.74 to Sheriff-Office Supplies (100-4-031200-6001), \$4,700.00 to Sheriff-Rental (100-4-031200-6005), \$240.49 to Sheriff-Fuel, \$697.80 to Sheriff-Parts (100-4-031200-6030), \$380.00 to Sheriff-Labor (100-4-031200-6031), \$33.23 to VFD-United Way Contribution (100-4-032200-5667), \$418.10 to Extradition (100-4-033100-5550), \$106.90 to Jail-Food Supplies (100-4-033100-6002), \$10,542.54 to E911-Telephone (100-4-035500-5230), \$507.00 to B&G-Boiler Insurance (100-4-043100-5301), \$3,933.00 to B&G-Fire Insurance (100-4-043100-302), \$250.00 to CSA-Training & Education (100-4-053500-5540), \$260.00 Library-Postage (100-4-073100-5210), \$797.00 to Library-Office Supplies (100-4-073100-6001), \$11.08 to Library-Furniture & Fixtures (100-4-073100-6003), \$500.00 to Library-Books & Subscriptions (100-4-073100-6012), \$14,429.42 to WIA-Rent (251-4-353853-6014), \$2,500.00 to WIA-Other Operating (251-4-353878-6014),

Adjourned Meeting  
April 4, 2016

\$20.89 to SW Disposal-Telephone (520-4-042400-5230). This motion required a 10-Day Layover that had now been met. The following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scearce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Barber's motion was unanimously approved by the Board.

At the March 7, 2016 meeting a motion was made by Mr. Blackstock, seconded by Mr. Barber, to appropriate \$37,934 from unappropriated funds to line item 520-4-042400-603400 for the purpose of repairing the 836G Caterpillar Compactor used as a backup machine to achieve the compaction rates and provide daily cover of the landfill required by the DEQ. This motion required a 10-Day Layover that had now been met and the following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scearce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Blackstock's motion was unanimously approved by the Board.

### **New Business**

Mr. Monday explained the Pittsylvania County Board of Supervisors held a public hearing for citizen input on the school's budget. A public hearing was held on Monday, March 21, 2016 to allow citizens to comment on the proposed FY 2016/17 Pittsylvania County Public Schools Budget with a proposed total of \$91,489,633. This public hearing was advertised in the Chatham Star Tribune on March 9, 2016, which met the requirement of State Code §15.2-2506 concerning publication and notice. The required 7 days had passed and the budget could be voted on at this time, should that be the Board's desire. Motion was made by Mr. Blackstock, seconded by Mr. Barber, to approve the school budget as presented:

## 2016-2017 Proposed Budget

	2014-2015 Total Budget	2015-2016 Original Budget	2015-2016 ***Budget Adjustments	2015-2016 Total Budget	Proposed Budget 2015-2016	Increase/ Decrease in 2015-2016 Budget	Percentage Increase/ Decrease
<b>REVENUES</b>							
From Sales Tax Funds	9,278,215	9,638,784	-	9,638,784	10,185,738	546,954	5.7%
From State Funds	48,416,834	48,056,835	-	48,056,835	50,189,397	2,132,562	4.4%
From Federal Funds	8,827,194	8,195,423	82,832	8,278,255	7,866,361	(411,894)	-5.0%
From Local Funds*	16,482,595	16,910,298	-	16,910,298	16,736,709	(173,589)	-1.0%
From Other Funds	4,922,270	1,697,663	904,011	2,601,674	1,445,024	(1,156,650)	-44.5%
<b>TOTAL</b>	<b>87,927,109</b>	<b>84,499,003</b>	<b>986,843</b>	<b>85,485,846</b>	<b>86,423,229</b>	<b>937,383</b>	<b>1.1%</b>
<b>EXPENDITURES</b>							
Instruction	62,988,328	61,238,430	591,627	61,830,057	62,216,811	386,754	0.6%
General Support	3,201,258	3,219,621	17,069	3,236,690	3,370,527	133,838	4.1%
Pupil Transportation Services	7,020,773	6,123,227	130,249	6,253,476	6,634,246	380,770	6.1%
Operation & Maintenance	8,555,806	7,980,840	201,066	8,181,906	7,964,335	(217,571)	-2.7%
Non-Instructional Operations	3,373,583	3,256,106	34,832	3,290,938	3,412,865	121,926	3.7%
Facilities	-	-	-	-	-	-	100.0%
Technology	2,787,361	2,680,779	12,000	2,692,779	2,824,445	131,666	4.9%
<b>TOTAL</b>	<b>87,927,109</b>	<b>84,499,003</b>	<b>986,843</b>	<b>85,485,846</b>	<b>86,423,229</b>	<b>937,383</b>	<b>1.1%</b>

\*\*\*Budget Adjustments include a carryover of \$1,184,156.49 (\$12,501.28 for PBIS All Grant, \$185,579.24 for DRF Grant for STEM Academy, \$747,713.06 for Textbooks, \$37,297.14 for Virginia Pre-School Program, and \$201,065.78 for maintenance projects), \$34,832.49 for Federal FFV grant, \$48,000 for federal SPED and Title 1.1 Grants, (\$331,000.00) DRF Grant for STEM and \$50,854.02 for miscellaneous grant, donations and refund adjustments.

\*Local request for 2016-2017 includes a cut of \$349,992.00 from the request per BOS.

The following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Blackstock's motion was unanimously approved by the Board.

Mr. Monday explained that on March 21, 2016, the Board of Supervisors had held a duly advertised public hearing for citizen input on the proposed FY 2016/17 Pittsylvania County Budget. Pittsylvania County Budget with a proposed total budget of \$175,800,032. This public hearing was advertised in the Chatham Star Tribune on March 9, 2016, which met the requirement of State Code §15.2-2506 concerning publication and notice. The required 7 days had passed and the budget could be voted on at this time, should that be the Board's desire. Mr. Monday continued explaining that the total budget was \$175,800,032. This budget included a new compactor site in Keeling; the initial expenses of reassessment; the 1% VRS Mandate; a 2% COLA for full-time County employees and Constitutional employees; the tourism project with the Danville-Pittsylvania Chamber of Commerce and the City of Danville; and the principal plus interest payment to start paying down the remaining \$15 million (to be paid over a 15-year period) of High School Construction capital costs. The County Budget, which includes the School Budget in the amount of \$91,489,633, provides the schools with a local appropriation of \$16,736,709. It also authorizes up to \$349,992 in carryover funds from FY16 to the FY17 School Operating Budget, contingent upon such savings in the current fiscal year's School Operating Budget. This would provide level local funds for education to accompany additional funding included in the State Budget. Other important budget items include: the authorization for Fire & Rescue to carryover up to \$160,000 of unexpended funds from FY16 to FY17 to be used for training and communications, and the cost of a second ambulance; \$25,000 for an updated jail study; and the balloon payment of \$1,864,300 for the final payment of the 2009 Refinance of School/Landfill Bonds.

Motion was made by Mr. Blackstock, seconded by Mr. Davis, to approve the budget as presented. Mr. Scarce stated that he had been elected as a fiscal conservative and didn't believe the budget had any fiscal constraints, and thus would be voting in opposition to the budget. Mr. Barber stated that there were some things he liked about the budget, such as paying down the school debt, adding funding for Fire & Rescue, and the employee raises, but he felt the budget relied too much on the General Fund to be a true balanced budget. Mr. Hagerman agreed with both Mr. Scarce and Mr. Barber. Mr. Blackstock stated that he did not feel the budget as presented would adversely affect the financial status of the County; felt that by the end of the FY 2016/17 year unspent department funds would balance out, if all the previous years were indications, much of the amount presently coming from the General Funds to balance the budget; and if there had not been the \$1,864,300 balloon payment for the final payment of the 2009 Refinance of the School/Landfill Bonds, and the elimination of the Solid Waste Fee that created a \$1.6 million deficit, the budget would have been balanced without using any money from the General Fund. The following Roll Call Vote was recorded: Mr. Barber-No; Mr. Hagerman-No; Mr. Blackstock-Yes; Mr. Scarce-No; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Blackstock's motion passed by a majority 4 to 3 vote of the Board, with Mr. Barber, Mr. Hagerman, and Mr. Scarce opposing.

Presented: April 4, 2016  
Adopted: April 4, 2016

**RESOLUTION 2016-04-01**

**VIRGINIA:** At a regular meeting of the Pittsylvania County Board of Supervisors on Monday, April 4, 2016 in the General District Courtroom in the Edwin R. Shields Courthouse Addition in Chatham, Virginia, the following resolution on the annual budget for Fiscal Year 2017 was presented and adopted.

**WHEREAS,** the laws of the Commonwealth of Virginia require the governing body to prepare and approve a budget for fiscal and planning purposes, notwithstanding additional requirements for the schools, including revenues and expenditures for the ensuing year by May 1, 2016; and

**WHEREAS,** the laws of the Commonwealth of Virginia control the distribution of funds by appropriations giving the Board of Supervisors authority to set such appropriations at such periodic basis as outlined in Section 15.2-2506 of the Code of Virginia, being further identified in this Resolution with Exhibit A and Exhibit B; and

**WHEREAS,** a public hearing has been properly advertised and held on March 21, 2016, in accordance with state statute as shown by the affidavit of the publisher; then,

**BE IT HEREBY RESOLVED,** by the Board of Supervisors of the County of Pittsylvania, that there be hereby adopted and appropriated a budget for Fiscal Year 2017, the full and complete budget is contained in the document entitled:

**"PITTSYLVANIA COUNTY ADOPTED BUDGET"  
FISCAL YEAR 2017  
JULY 1, 2016 - JUNE 30, 2017  
TOTALING: \$ 175,800,032**

**BE IT FURTHER RESOLVED,** that the estimated budget total of \$175,800,032 includes \$16,736,709 total local effort for the Pittsylvania County Schools, and \$1,646,045 in reallocated carryovers for Industrial Development Local. Included in this budget is an approval of supplements for employees of all five (5) Constitutional Offices. These offices include the Sheriff, Treasurer, Commissioner of Revenue, Clerk of Courts and Commonwealth's Attorney. Personnel costs for these offices, which include an appropriation of local funding and compensation board funding cannot be overspent.

**BE IT STILL FURTHER RESOLVED,** that the funds of the School Budget, the Library Board, and the Welfare Board shall be expended only by order and approval of those respective boards and that no money shall be paid out for such contemplated expenditures unless and until there has first been made an appropriation for such contemplated expenditures by the Board of Supervisors; and,

**BE IT STILL FURTHER RESOLVED** that the School Budget estimate for FY 2016-2017 be set at \$91,489,633 with the local funds provided by the Board of Supervisors set at \$16,736,709 to be funded by classification as allowed by the Code of Virginia, 1950 as amended, and the school board to report back in amounts requested to be funded in each classification if different than shown in the approved budget.

The local funds include the following:

General Fund Local \$16,736,709 (Includes \$45,000 Solid Waste)

**BE IT STILL FURTHER RESOLVED**, that the Board of Supervisors shall receive quarterly revenue and expenditure reports comparing receipts and expenditures to the approved budget from the Office of the County Administrator as well as a list of transfers approved by the County Administrator and,

**BE IT STILL FURTHER RESOLVED**, that the unit tax levy for the year commencing January 1, 2016 shall be as follows:

Real Property:	\$ .59 per \$100 of assessed value, 100% market value
Mobile Homes and Barns:	\$ .59 per \$100 of assessed value, 100% market value
Machinery and Tools:	\$ 4.50 per \$100 of assessed value at 10% of original cost
Contract Carrier:	\$4.50 per \$100 of assessed value at fair market value
Personal Property:	\$8.75 per \$100 of assessed value, 30% of market value.

In accordance with the requirements set forth in Section 58.1-3524 (C) (2) and Section 58.1-3912 (E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle situated within the county commencing January 1, 2016, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 52% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 52% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor home, etc.) will not be eligible for any of tax relief under this program.

Generating Equipment:	\$ .59 per \$100 of assessed value, 100% of market value
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Capital Merchant Tax: \$ 2.75 per \$100 of assessed value, 30% of inventory value

Consumer Utility Tax: 20% of the first \$15.00 monthly for residential users and 20% of the first \$100.00 monthly for commercial or industrial users, except as required for Gas and Electricity, as defined by Chapter 6 Section 13 of the Pittsylvania County Code 1975 as amended

**AND BE IT FURTHER RESOLVED** that the following fees will also be collected by Pittsylvania County for tax year beginning January 1, 2016 and for the fiscal year beginning on July 1, 2016:

Motor Vehicle Fee: \$38.75 per vehicle, except as specified by ordinance

Building Inspection Fees: These fees included in Exhibit C

Fire Prevention Fees: These fees included in Exhibit D

**AND BE IT FURTHER RESOLVED** by the Pittsylvania County Board of Supervisors that, for the fiscal year beginning on July 1, 2016, and ending on June 30, 2017, the following sections are hereby adopted.

Section 1. The cost center shown on the attached table labeled Appropriations Resolution, Exhibit A, are hereby appropriated from the designated estimated revenues as shown on the attached table labeled Appropriations Resolution, Exhibit A. This appropriation does include the unappropriated surplus. Funds may be appropriated by the Board of Supervisors as needed during FY 2017 subject to the Board's by-laws for appropriations.

Section 2. Appropriations, in addition to those contained in this general Appropriations Resolution, may be made by the Board of Supervisors only if there is available in the fund unencumbered or unappropriated sums sufficient to meet such appropriations.

Section 3. All appropriations herein authorized shall be on the basis of cost centers for all departments and agencies excluding schools. The regular school fund is specifically appropriated by category as listed on Exhibit A.

Section 4. The School Board and the Social Services Board are separately granted authority for implementation of the appropriated funds for their respective operations. By this resolution the School Board and the Social Services Board

are authorized to approve the transfer of any unencumbered balance or portion thereof from one line item of expenditure to another within the same classification in their respective funds in any amount. Transfers between classification or funds require approval of the Board of Supervisors.

Section 5. The County Administrator is authorized to make intra-departmental transfers. This allows for the transfer of any unencumbered balance or portion thereof from one line item of expenditure to another within the same cost center for the efficient operation of government. The County Administrator is also authorized to make inter-departmental transfers up to \$25,000. This type of transfer allows for the transfer of any unencumbered balance or portion thereof from one department to another. Inter-departmental transfers in excess of \$25,000 require the approval of the Board of Supervisors.

Section 6. All outstanding encumbrances, both operating and capital, at June 30, 2016 shall be reappropriated to the FY 2017 fiscal year to the same cost center and account for which they are encumbered in the previous year. A report of which shall be submitted to the Board.

Section 7. At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than the School Cafeteria Receipts Fund 209, the State Restricted Seizure Fund - Sheriff 241, the Federal Restricted Seizure Fund 242, the State Restricted Seizure Fund – Commonwealth’s Attorney 243, the Federal Restricted Seizure Fund – Commonwealth’s Attorney 244, the Animal Friendly Plates Fund 245, the Grants Fund 250, the Work Force Investment Act Fund 251, Law Library Fund 260, the Library Memorial Gift Fund 265, Cash Bonds Fund 305, the County Capital Improvements Fund 310, the Jail Inmate Management Fund 311, the Courthouse Maintenance Fund 312, the Courthouse Security Fund 314, the Jail Processing Fund 315, the Rural Roads Fund 320, the Industrial Development Local Fund 325, the Industrial Development Cyclical Fund 330, the School Bond Fund 410, the Landfill Bond Fund 415, the E911 Bond Fund 416, the Social Services Bond Fund 420, the Debt Service Reserve Fund 425, the Bond Fund-Schools 435, the Rescue Billing Fund 530, the Special Welfare Fund 733 and the Pittsylvania County Employees Health Plan 734. Thus, all cancelled cash balances shall revert back to the General Fund.

Section 8. Appropriations designated for capital projects will not lapse at the end of the fiscal year but shall remain appropriated until the completion of the project or until the Board of Supervisors, by appropriate ordinance or resolution, changes or eliminates the appropriation. Upon completion of a capital project, the County Administrator is hereby authorized to close out the project and transfer to the funding source any remaining balances. This section applies to all existing appropriations for capital projects at June 30, 2016 and appropriations in the FY 2017 Budget. The County Administrator is hereby authorized to approve construction change orders to contracts up to \$50,000.00 and approve all change order for reduction of contracts.

- Section 9. The approval of the Board of Supervisors of any grant of funds to the County shall constitute the appropriation of both the revenue to be received from the grant and the County's expenditure required by the terms of the grant, if any. The appropriation of grant funds will not lapse at the end of the fiscal year but shall remain appropriated until completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation. The County Administrator may increase or reduce any grant appropriation to the level approved by the granting agency during the fiscal year. The County Administrator may approve necessary accounting transfers between cost centers and funds to enable the grant to be accounted for in the correct manner. Upon completion of a grant project, the County Administrator is authorized to close out the grant and transfer back to the funding source any remaining balance. This section applies to appropriations for grants outstanding at June 30, 2016 and appropriations in the FY 2017 Budget.
- Section 10. The County Administrator may reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the Federal Government to the level approved by the responsible state or federal agency.
- Section 11. The County Administrator is authorized to make transfers to the various funds for which there are transfers budgeted. The County Administrator shall transfer funds only as needed up to amounts budgeted or in accordance with any existing bond resolutions that specify the matter in which transfers are to be made.
- Section 12. The Treasurer may advance monies to and from the various funds of the County to allow maximum cash flow efficiency. The advances must not violate County bond covenants or other legal restrictions that would prohibit an advance.
- Section 13. All purchases with funds appropriated herein shall be made in accordance with the County purchasing ordinance and applicable state statutes.
- Section 14. It is the intent of this resolution that funds be expended for the purposes indicated in the budget; therefore, budgeted funds may not be transferred from operating expenditures to capital projects or from capital projects to operating expenses without the prior approval from the Board of Supervisors. Also, funds may not be transferred from one capital project to another without the prior approval of the Board of Supervisors.
- Section 15. The County Administrator is authorized, pursuant to state statute, to issue orders and warrants for payments where funds have been budgeted, appropriated, and where sufficient funds are available. A warrant register shall be presented to the Board of Supervisors not less frequently than monthly.

- Section 16. Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional and proportionate appropriations – the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all the appropriations in full. Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.
- Section 17. All revenue received by any agency under the control of the Board of Supervisors or by the School Board or by the Social Services Board not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by said agency under the control of the Board of Supervisors or by the School Board or by the Social Services Board without the consent of the Board of Supervisors being first obtained. Nor may any of these agencies or boards make expenditures, which will exceed a specific item of an appropriation.
- Section 18. Allowances out of any of the appropriations made in this resolution by any or all county departments, bureaus or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the same rate as that established by the Internal Revenue Service and shall be subject to change from time to time to maintain like rates.
- Section 19. The County Administrator is directed to maintain eight (8) petty cash accounts and establish any other petty cash accounts authorized by the Board of Supervisors. The current petty cash accounts are located in central purchasing, the landfill, building inspections, zoning and recreation. These petty cash accounts are maintained in accordance with Section 15.2-1229 of the Code of Virginia as amended, 1950 with management plans as directed by the County Auditor.
- Section 20. All previous appropriation ordinances or resolutions to the extent that they are inconsistent with the provisions of this resolution shall be and the same are hereby repealed.
- Section 21. This resolution shall be effective on July 1, 2016.

**PITTSYLVANIA COUNTY BOARD OF SUPERVISORS  
APPROPRIATIONS RESOLUTION, EXHIBIT B  
REVENUES BY FUND  
FOR FY 2017**

<b><u>REVENUES</u></b>	<b><u>Total Adopted Budget</u></b>
Local Funds	48,307,107
State Funds	84,548,740
Federal Funds	18,272,794
CIP Carryover	2,526,564
Carryovers	239,700
Fund Balance	3,252,707
Transfers	18,652,420
<b>GRAND TOTAL ALL REVENUES</b>	<b>\$175,800,032</b>

**BUILDING PERMIT FEE SCHEDULE  
 RESIDENTIAL - 1 & 2 FAMILY DWELLING**

**NEW CONSTRUCTION - STRUCTURAL ONLY (INCLUDES MODULAR HOMES)**

<b>MINIMUM FEE</b>	<b>\$ 31.25</b>
<b>LIVING AREA</b>	<b>.10/SQ. FT.</b>
<b>GARAGE OR CARPORT</b>	<b>.025/SQ. FT.</b>
<b>PORCH, DECKS &amp; PATIOS</b>	<b>.025/SQ. FT.</b>
<b>BASEMENTS (UNFINISHED)</b>	<b>.025/SQ. FT.</b>

**ADDITIONS - STRUCTURAL ONLY**

<b>MINIMUM FEE</b>	<b>\$ 31.25</b>
<b>LIVING AREA</b>	<b>.10/SQ FT</b>
<b>GARAGE /CARPORT</b>	<b>.05/SQ FT</b>
<b>PORCH, DECK, PATIO</b>	<b>.05/SQ. FT.</b>

**REPAIRS & REMODELING - STRUCTURAL ONLY**

<b>MINIMUM FEE (\$5,000.00 OR LESS)</b>	<b>\$ 31.25</b>
<b>EACH \$1,000 OR FRACTION THEREOF OVER \$5000.</b>	<b>\$ 5.00</b>
<b>CLOSE IN PORCH,PATIO,CARPORT,DECK</b>	<b>\$ 31.25</b>

<b>RELOCATION OF HOME</b>	<b>\$ 31.25</b>
<b>SEPARATE FEES FOR ELEC., HVAC &amp; PLB.</b>	

<b>DEMOLITION</b>	<b>\$ 31.25</b>
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**RESIDENTIAL - 1 & 2 FAMILY DWELLING**

**ELECTRICAL**

<b>NEW SERVICE/ SERVICE CHANGE</b>	<b>\$ 18.75</b>
<b>RELOCATION OR REPLACEMENT OF METER</b>	
<b>BASE, PANEL BOX OR ENTRANCE WIRE</b>	<b>\$ 18.75</b>
<b>EXTEND WIRING</b>	<b>\$ 18.75</b>

**PLUMBING**

<b>BASE FEE</b>	<b>\$ 18.75</b>
<b>EACH PLUMBING FIXTURE AN ADDITIONAL</b>	<b>\$ 1.25</b>

MECHANICAL

<u>HEATING SYSTEM</u>	<u>\$</u>	<u>18.75</u>
<u>COOLING SYSTEM</u>	<u>\$</u>	<u>18.75</u>

<u>MISCELLANEOUS - NOT COVERED BY OTHER PERMITS</u>	<u>\$</u>	<u>31.25</u>
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<u>CHIMNEY OR STEM</u>	<u>\$</u>	<u>18.75</u>
<u>SWIMMING POOL (PRIVATE: INCLUDES WIRING &amp; PLUMBING)</u>	<u>\$</u>	<u>62.50</u>

FARM STRUCTURES

EXEMPT FROM USBC REQUIREMENTS. HOWEVER, WHEN A WIRING, PLUMBING OR MECHANICAL SYSTEM FOR A FARM STRUCTURE IS AN EXTENSION OF A RESIDENTIAL SYSTEM, A PERMIT IS REQUIRED PER THE FOLLOWING SCHEDULE:
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<u>WIRING</u>	<u>\$</u>	<u>18.75</u>
<u>PLUMBING</u>	<u>\$</u>	<u>18.75</u>
<u>MECHANICAL</u>	<u>\$</u>	<u>18.75</u>
<u>BULK BARN</u>	<u>\$</u>	<u>18.75</u>

BUILDING PERMIT FEE SCHEDULE

RESIDENTIAL MULTI-FAMILY (INCLUDING MOTELS)

NEW CONSTRUCTION AND ADDITIONS - STRUCTURAL ONLY

<u>MINIMUM FEE</u>	<u>\$</u>	<u>50.00</u>
<u>PER SQUARE FOOT</u>	<u>\$</u>	<u>0.10</u>

REPAIR & REMODELING - STRUCTURAL ONLY

<u>MINIMUM FEE (\$10,000.00 OR LESS)</u>	<u>\$</u>	<u>50.00</u>
<u>EACH \$1,000 OR FRACTION THEREOF OVER \$10,000.00</u>	<u>\$</u>	<u>5.00</u>

ELECTRICAL

<u>ELECTRICAL (PER DWELLING UNIT)</u>	<u>\$</u>	<u>18.75</u>
<u>SERVICE CHANGE</u>	<u>\$</u>	<u>18.75</u>
<u>RELOCATION OR REPLACEMENT: METER BASE, PANEL BOX, ENTRANCE WIRE</u>	<u>\$</u>	<u>18.75</u>

PLUMBING

<u>PLUMBING (PER DWELLING UNIT)</u>	<u>\$</u>	<u>18.75</u>
<u>EACH PLUMBING FIXTURE AN ADDITIONAL</u>	<u>\$</u>	<u>1.25</u>

MECHANICAL

<u>HEATING (PER DWELLING UNIT)</u>	<u>\$</u>	<u>18.75</u>
<u>COOLING (PER DWELLING UNIT)</u>	<u>\$</u>	<u>18.75</u>

BUILDING PERMIT FEE SCHEDULE

MOBILE HOMES BEARING HUD LABEL & MOBILE HOME PARKS

MANUFACTURED HOMES WITH HUD LABEL (INCLUDES PORCHES UP TO 24 SQ. FT.)

<u>MH'S (PER SQ. FT.)</u>	<u>\$</u>	<u>0.10</u>
<u>PLUS: ELECTRICAL</u>	<u>\$</u>	<u>12.50</u>
<u>PLUMBING</u>	<u>\$</u>	<u>12.50</u>
<u>HEATING</u>	<u>\$</u>	<u>12.50</u>
<u>COOLING</u>	<u>\$</u>	<u>12.50</u>

**PORCH, DECK, CARPORT, PATIO & ADDITIONS COST THE SAME AS  
RESIDENTIAL 1 & 2 FAMILY DWELLINGS - STRUCTURAL ONLY**

RELOCATION OR REPLACEMENT:

<u>METER BASE, PANEL BOX, ENTRANCE WIRE</u>	<u>\$</u>	<u>18.75</u>
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MOBILE HOME PARKS

<u>EACH SITE</u>	<u>\$</u>	<u>25.00</u>
<u>SERVICE CHANGE</u>	<u>\$</u>	<u>18.75</u>
<u>RELOCATION OR REPLACEMENT</u>		
<u>METER BASE, PANEL BOX, ENTRANCE WIRE</u>	<u>\$</u>	<u>18.75</u>
<u>MAXIMUM FEE</u>	<u>\$</u>	<u>2,500.00</u>

BUILDING PERMIT FEE SCHEDULE

COMMERCIAL, BUSINESS & INDUSTRIAL

NEW CONSTRUCTION, ADDITIONS & TEMPORARY MOBILE OFFICES  
NEW TOWERS AND ANTENNA, STRUCTURAL ONLY

<u>MINIMUM FEE</u>	<u>\$ 50.00</u>
<u>STRUCTURE</u>	<u>.05/SQ. FT.</u>
<u>MAXIMUM FEE</u>	<u>\$ 2,500.00</u>

STRUCTURAL ONLY - REPAIR, REMODELING, RELOCATING, RE-ROOFING  
 AND REPLACEMENT / MENT OR NEW ANTENNA

<u>MINIMUM FEE (\$10,000.00 OR LESS)</u>	<u>\$ 50.00</u>
<u>EACH \$1,000.00 OR FRACTION THEREOF OVER</u>	
<u>\$10,000.00</u>	<u>\$ 5.00</u>
<u>MAXIMUM FEE</u>	<u>\$ 2,500.00</u>

DEMOLITION

<u>MINIMUM FEE (\$2,000.00 OR LESS)</u>	<u>\$ 31.25</u>
<u>EACH \$1,000.00 OR FRACTION THEREOF OVER</u>	
<u>\$2,000.00</u>	<u>\$ 5.00</u>

ELECTRICAL

<u>NEW SERVICE (UNDER \$2,000.00)</u>	<u>\$ 25.00</u>
<u>EACH \$1,000 OR FRACTION THEREOF ABOVE \$2,000</u>	<u>\$ 5.00</u>
<u>SERVICE CHANGE</u>	<u>\$ 25.00</u>
<u>RELOCATION OR REPLACEMENT:</u>	
<u>METER BASE, PANEL BOX, ENTRANCE WIRE</u>	<u>\$ 18.75</u>
<u>MAXIMUM FEE</u>	<u>\$ 2,500.00</u>

BUILDING PERMIT FEE SCHEDULE

COMMERCIAL, BUSINESS & INDUSTRIAL (CONTINUED)

PLUMBING

<u>MINIMUM FEE (\$2,000.00 OR LESS)</u>	<u>\$ 31.25</u>
<u>EACH PLUMBING FIXTURE AN ADDITIONAL</u>	<u>\$ 1.25</u>
<u>EACH \$1,000.00 OR FRACTION THEREOF</u>	
<u>OVER \$2,000.00</u>	<u>\$ 5.00</u>
<u>MAXIMUM FEE</u>	<u>\$ 2,500.00</u>

MECHANICAL

<u>ELEVATOR</u>	<u>\$ 31.25</u>
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HEATING

<u>MINIMUM FEE (\$2,000.00 OR LESS)</u>	<u>\$ 31.25</u>
<u>EACH \$1,000.00 OR FRACTION THEREOF</u>	
<u>OVER \$2,000.00</u>	<u>\$ 5.00</u>

<u>MAXIMUM FEE</u>	<u>\$ 2,500.00</u>
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COOLING

<u>MINIMUM FEE (\$2,000.00 OR LESS)</u>	<u>\$ 31.25</u>
<u>EACH \$1,000.00 OR FRACTION THEREOF OVER</u>	
<u>\$2,000.00</u>	<u>\$ 5.00</u>
<u>MAXIMUM FEE</u>	<u>\$ 2,500.00</u>

SWIMMING POOL

<u>PUBLIC OR SEMI-PUBLIC</u>	
<u>(INCLUDES WIRING &amp; PLUMBING)</u>	<u>\$ 156.25</u>

BUILDING PERMIT FEE SCHEDULE  
COMMERCIAL , BUSINESS & INDUSTRIAL (CONTINUED)

SIGNS - STRUCTURAL ONLY

<u>ESTIMATED COST: \$1.00 TO \$1,000</u>	<u>\$ 31.25</u>
<u>EACH \$1,000.00 OR FRACTION THEREOF</u>	
<u>OVER \$1,000.00 (INCLUDES ELEC. IF NEEDED)</u>	<u>\$ 5.00</u>

NEW TANKS:

<u>AST AND UST INSTALLATION (PER TANK) 1 INSPECTION</u>	<u>\$100.00</u>
<u>AST AND UST REMOVAL (PER TANK) 1 INSPECTION</u>	<u>\$100.00</u>

AMUSEMENTS: RIDES\*, SHOWS, CONCESSIONS

<u>CONCESSION (PERMIT)</u>	<u>\$ 12.50</u>
<u>MOBILE UNITS (PER UNIT)</u>	<u>\$ 12.50</u>
<u>BOOTH (PER UNIT)</u>	<u>\$ 12.50</u>
<u>TENT (PER UNIT)</u>	<u>\$ 12.50</u>
<u>MAJOR RIDE **</u>	<u>\$ 55.00</u>
<u>KIDDIE RIDE **</u>	<u>\$ 35.00</u>
<u>SPECTACULAR RIDE **</u>	<u>\$ 75.00</u>

\* FEE SCHEDULES ASSOCIATED WITH RIDES SHALL BE REDUCED BY 75%, IF PRIVATE INSPECTORS ARE UTILIZED BY THE OWNER OR LESSEE.

\*\* RIDE CLASSIFICATION IS DEFINED BY VA. DEPT. OF HOUSING & COMMUNITY DEVELOPMENT

**BUILDING PERMIT FEE SCHEDULE  
 COMMERCIAL OR BUSINESS (CONTINUED)**

<b>MISCELLANEOUS - NOT COVERED BY OTHER PERMITS</b>	<b>\$ 31.25</b>
	<b>\$25.00 + \$5.00 PER ACRE</b>
<b>LAND DISTURBING PERMIT FEES (COMMERCIAL)</b>	
<b>LAND DISTURBING PERMIT FEES (SINGLE-FAMILY RESIDENTIAL)</b>	<b>\$ 10.00</b>
<b>REINSPECTION FEES:</b>	<b>\$25.00</b>
<b>ALL REINSPECTION FEES SHALL BE PAID PRIOR TO ISSUANCE TO CERTIFICATE OF OCCUPANCY</b>	

Appendix D

Permit Fee Schedule for Pittsylvania County Fire Marshal's Office pursuant to Virginia Code § 27-97 & Virginia Statewide Fire Prevention Code §§ 107.12 & 107.15

**Routine Fire Prevention Inspection:**  
 Original inspection and first follow-up: No Charge  
 Each additional re-inspection: \$25.00

**Child day centers, assisted living facilities and adult day care centers:**  
 (Inspection required by any Virginia Regulatory Agency)

Licensed capacity as follows:

- 1. 1-8 \$50
- 2. 9-20 \$75
- 3. 21-50 \$100
- 4. 51-100 \$200
- 5. 101 or more \$400

**Hospitals, nursing homes, mental hospitals, detoxification facilities** \$100

**Blasting, Explosives, Fireworks:**

An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 33 of the Virginia Statewide Fire Prevention Code.

- Blasting: 1-30 days \$75
- Blasting: 31 days or more \$90
- Explosives, Blasting Agents and Fireworks: Annual Storage Permit (per Magazine) \$40
- Fireworks: Retail Sales of Permissible Fireworks, Outside Stand (60 Day Permit) \$25
- Fireworks: Retail Sales of Permissible Fireworks, Mercantile Occupancy (60 Day Permit) \$25
- Fireworks: Outdoor Fireworks Display (Aerial/Proximate Audience (One Day Permit) \$35
- Pyrotechnics: Indoor Pyrotechnic Display & Special Effects (One Day Permit) \$35

**Hazardous Materials:**

An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.

Annual Hazardous Material Permit: \$100

**Combustible Fiber**

- Loose 100 cubic feet
- Baled 1000 cubic feet

**Flammable Gas**

- Gaseous 1000 cubic feet

Liquefied (except propane) 30 gallons

LP Gas: Storage and use inside or outside of any building.

**Exception:**

- 1. Individual containers with 500 gallons water capacity or less serving occupancies in Use group R-3.
- 2. Operation of cargo tankers that transport LP gas.

**Flammable Liquid**

- Class IA 30 gallons
- Class IB and IC 120 gallons

**Combustible Liquid**

- Class II 120 gallons
- Class IIIA 330 gallons
- Class IIIB 13,200 gallons

**Flammable Solid**

- Flammable Solid 125 pounds

**Pyrophoric Material**

- Solid 4 pounds
- Liquid 4 pounds

Gas	50 cubic feet		
<b>Water Reactive – Solid or Liquid</b>			
Class 3	5 pounds		
Class 2	50 pounds		
Class 1	No permit required		
<b>Unstable (reactive) Material – Solid or Liquid</b>		<b>Unstable (reactive) Material - Gas</b>	
Class 4	1 pounds	Class 4	10 cubic feet
Class 3	5 pounds	Class 3	50 cubic feet
Class 2	50 pounds	Class 2	250 cubic feet
Class 1	No permit required	Class 1	No permit required
<b>Oxidizer - Solid or Liquid</b>			
Class 4	1 pound		
Class 3	10 pounds		
Class 2	250 pounds		
Class 1	4000 pounds		
<b>Oxidizing Gas</b>			
Gaseous	1500 cubic feet		
Liquefied	15 gallons		
<b>Organic Peroxide - Solid or Liquid</b>			
Class UD	1 pound		
Class I	5 pounds		
Class II	50 pounds		
Class III	125 pounds		
Class IV	No permit required		
Class V	No permit required		
<b>Toxic Material</b>			
Solid	500 pounds		
Liquid	500 pounds		
Gas	810 cubic feet		
<b>Highly Toxic Material</b>			
Solid	10 pounds		
Liquid	10 pounds		
Gas	20 cubic feet		
<b>Corrosive Material</b>			
Solid	5000 pounds		
Liquid	500 gallons		
Gas	810 cubic feet		
<b>Cryogenic - Liquid</b>			
Cryogenic (Flammable)	45 gallons		
Cryogenic (Oxidizing)	45 gallons		

Motion was made by Mr. Blackstock, seconded by Mr. Davis, to award a proposal for reassessment appraisal services to Wingate Appraisal Services for a cost proposal of \$12.95 per parcel, which was \$9.05 less than the closest competitor, noting that after the initial assessment was complete, Wingate would complete any new constructions for 2 years, 2019 and 2020; and that the cost of reassessment, spread over two fiscal years, would be \$644,133, not including new construction after the reassessment is complete. The Board of Supervisors unanimously approved Mr. Blackstock's motion.

Motion was made by Mr. Warren, seconded by Mr. Barber, to approve a proclamation declaring the month of April as the Annual Countywide Spring Cleanup Month in Pittsylvania County, and to approve waiving tipping fees for citizens bringing their trash to the landfill from 7:30am until 3:30pm on Friday, April 22, 2016 and from 10:00am until 2:00pm on Saturday, April 23, 2016. The following Roll Call Vote was recorded: Mr. Barber-Yes; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Warren's motion was unanimously approved by the Board.

## Pittsylvania County Board of Supervisors Proclamation

### COUNTYWIDE SPRING CLEANUP April 2016

**VIRGINIA:** AT THE REGULAR MEETING OF THE PITTSYLVANIA COUNTY BOARD OF SUPERVISORS IN THE GENERAL DISTRICT COURTROOM IN CHATHAM, VIRGINIA ON MONDAY, APRIL 4, 2016, THE FOLLOWING PROCLAMATION WAS PRESENTED AND ADOPTED:

*Whereas, Pittsylvania County is rich in beauty and natural resources; and*

*Whereas, the Board of Supervisors of Pittsylvania County and the Pittsylvania County Beautification Committee strive to improve the quality of life in our community through enhanced community awareness, education, and public/private partnerships working together on projects that keep our environment clean and free of debris, beautify our neighborhoods and public spaces, and instill pride and a sense of ownership in our community; and*

*Whereas, Pittsylvania County Citizens realize a cleanup effort is needed to display pride in our community for ourselves, our visitors, and for industrial prospects; and*

*Whereas, all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth; and*

*Whereas, all residents of Pittsylvania County have a citizenship responsibility to protect and care for the beauty and natural resources of Pittsylvania County, and a countywide cleanup campaign will encourage individuals to participate in the improvement of their community's environment through the three main focus areas of litter prevention, waste reductions and recycling, and beautification; and*

*Whereas, the Pittsylvania County Board of Supervisors will sponsor a "Take Your Trash to the Landfill On Us" from 7:30am until 3:30pm on Friday, April 22, 2016 AND from 10:00am until 2:00pm on Saturday, April 23, 2016, waiving tipping fees for citizens bringing their trash to the landfill on that day; then*

*Now, Therefore, Be It Proclaimed, that the Pittsylvania County Board of Supervisors proclaims April 2016 as Countywide Spring Cleanup Month in Pittsylvania County, Virginia, and encourages all communities, civic and professional groups, businesses, churches, schools, families and individual citizens to take an active role in making the communities in Pittsylvania County a more beautiful place to live, work and play.*

#### **Board Announcements**

Mr. Barksdale stated there would be: an Agribusiness Conference in South Boston on April 5/6, 2016; Danville-Pittsylvania County Community Services would have a ribbon cutting for a new group home in the Mt. Hermon area on April 6, 2016 at 3:30pm; on April 7, 2016 at 8:30 am

Adjourned Meeting  
April 4, 2016

Congressman Robert Hurt would be holding an appreciation breakfast for LEO (Local Elected Officials); and on April 7, 2016 there would be a community Job Fair at the Institute for Advanced Learning and Research.

**Adjournment**

Motion was made by Mr. Barber, seconded by Mr. Hagerman, to adjourn the meeting, which was unanimously approved by the Board. The meeting ended at 7:45 pm.

**Pittsylvania County Board of Supervisors  
Tuesday, April 19, 2016  
Adjourned Regular Meeting**

**VIRGINIA:** The Adjourned Meeting of the Pittsylvania County Board of Supervisors was held on Tuesday, April 19, 2016 in the General District Courtroom of the Edwin R. Shields Addition in Chatham, Virginia. Jessie L. Barksdale, Chair, called the meeting to order at 7:00 p.m. The following members were present:

Jessie L. Barksdale	Banister District
Elton W. Blackstock	Staunton River District
Ronald S. Scearce	Westover District
Jerry A. Hagerman	Callands-Gretna District
Robert W. Warren	Chatham-Blairs District
Joe B. Davis	Dan River District

Mr. Tim R. Barber, Tunstall District, was absent from the meeting.

Mr. Clarence C. Monday, County Administrator, Mr. J. Vaden Hunt, County Attorney, Mr. Greg L. Sides, Assistant County Administrator for Planning and Development, Mr. Matt Rowe, Director for Economic Development, Mr. Fred Wydner, Director for Agribusiness, Ms. Kim Van Der Hyde, Director of Finance, Mr. Odie H. Shelton, Jr., Director of Code Compliance, and Ms. Rebecca Flippen, Deputy Clerk to the Board were also present.

Mr. Barksdale led the Moment of Silence, and then the Pledge of Allegiance.

Mr. Barksdale recognized the Honorable Vincent Shorter, Treasurer, and the Honorable Mike Taylor, Sheriff, in attendance.

**Approval of Agenda**

Motion was made by Mr. Warren, seconded by Mr. Hagerman, to approve the agenda, which was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

**Hearing of the Citizens**

John Merricks, owner of a RV Dealership in Ringgold, stated the Commissioner of the Revenues Office, during one of several audits the offices has been performing on several businesses throughout the County, had assessed him for \$3,412,661 additional value for an additional tax levy owed of \$93,848.18. Mr. Merricks stated he was not trying to get out of paying taxes that is appears he unknowingly owed, but that he would like the Board of afford him a payment plan, or an extension to the deadline approaching in three days that he had to pay the bill by or face penalty fines.

Richard Shumate of the Westover District offered a word of prayer.

This concluded the Hearing of the Citizens.

**Consent Agenda**

There were no items on the Consent Agenda.

## **Public Hearings**

### **Rezoning Cases**

#### **Case 1: Hutson Farms, LLC – Chatham/Blairs Election District: R-16-006**

*R-1, Residential Suburban Subdivision District to B-2, Business District, General*

Mr. Barksdale opened the public hearing at 7:09pm. Mr. Shelton explained Hutson Farms, LLC, had petitioned to rezone 2.00 acres, located on SR 718/Dry Fork Road, in the Chatham-Blairs Election District from R-1, Residential Suburban Subdivision District to B-2, Business District, General. Mr. Shelton stated that once the property was rezoned to B-2, all uses listed under Section 35-365 were a permitted use. The Planning Commission, with no opposition, recommended granting the petitioner's request. Linda Hutson Green was present to represent the petition. No one signed up to speak and Mr. Barksdale closed the hearing at 7:11pm. Motion was made by Mr. Warren, seconded by Mr. Blackstock, to approve granting the petitioner's request of rezoning Case R-16-006 from R-1 to B-2 and the following Roll Call Vote was recorded: Mr. Barber: Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scearce: Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Warren's motion to rezone Case R-16-006 from R-1 to B-2 was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

#### **Case 2: Curtis Wade Arthur, Sr. – Staunton River Election District: R-16-007**

*R-1, Residential Suburban Subdivision District to A-1, Agricultural District*

Mr. Barksdale opened the public hearing at 7:12pm. Mr. Shelton explained Curtis Wade Arthur, Sr., had petitioned to rezone 63.89 acres, located off State Road 642/Shula Drive (on C W Lane), in the Staunton River Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Once the property is rezoned to A-1, all uses listed under Section 35-178 are a permitted use. The Planning Commission, with opposition, recommended granting the petitioner's request. Harold Arthur was there to represent the petition. Mr. Arthur stated he and his brother, Curtis only wished to keep the property for farmland, as that is what it was currently being used for. Rusty Giles, who lives across from the property in Case R-16-007, stated that initially he was concerned about mobile homes being set up on the property once it was rezoned, but after talking with Harold and Curtis Arthur, he was now supported rezoning the property. No one else signed up to speak and Mr. Barksdale closed the hearing at 7:18pm. Motion was made by Mr. Blackstock, seconded by Mr. Warren, to approve granting the petitioners' request to rezone Case R-16-007 from R-1 to A-1 and the following Roll Call Vote was recorded: Mr. Barber: Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scearce: Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Blackstock's motion to rezone Case R-16-007 from R-1 to A-1 was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

#### **Case 3: Cristofer G. Nauta & Lizbeth H. Nauta – Callands/Gretna Election District: R-16-008**

*R-1, Residential Suburban Subdivision District to A-1, Agricultural District*

Mr. Barksdale opened the public hearing at 7:20pm. Mr. Shelton explained Cristofer and Lizbeth Nauta had petitioned to rezone a total of 17.95 acres, two (2) parcels of land, located on State Road 649/Anderson Mill Road, in the Callands-Gretna Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Once the properties are rezoned to A-1, all uses listed under Section 35-178 are a permitted use. The Planning Commission, with no opposition, recommended granting the petitioners' request. Lizbeth Nauta

was there to represent the petition. No one signed up to speak and Mr. Barksdale closed the hearing at 7:21pm. Motion was made by Mr. Hagerman, seconded by Mr. Blackstock, to approve granting the petitioners' request to rezone Case R-16-008 from R-1 to A-1 and the following Roll Call Vote was recorded: Mr. Barber: Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scearce: Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Hagerman's motion to rezone Case R-16-008 from R-1 to A-1 was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

**Case 4: Harold Ramsey Arthur – Staunton River Election District: R-16-009**

*R-1, Residential Suburban Subdivision District to A-1, Agricultural District*

Mr. Barksdale opened the public hearing at 7:22pm. Mr. Shelton explained that Harold Ramsey Arthur had petitioned to rezone 84.25 acres, located on State Road 642/Shula Drive, in the Staunton River Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Once the property is rezoned to A-1, all uses listed under Section 35-178 are a permitted use. The Planning Commission, with opposition, recommended granting the petitioner's request. Harold Arthur was there to represent the petition. Mr. Arthur stated the intent of rezoning this property was the same as in Case R-16-007; to combine all the parcels being used for farming and rezone them to A-1. No one signed up to speak and Mr. Barksdale closed the hearing at 7:24pm. Motion was made by Mr. Blackstock, seconded by Mr. Warren, to approve granting the petitioners' request to rezone Case R-16-009 from R-1 to A-1 and the following Roll Call Vote was recorded: Mr. Barber: Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scearce: Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Blackstock's motion to rezone Case R-16-009 from R-1 to A-1 was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

**Case 5: C&H Properties – Staunton River Election District: R-16-010**

*R-1, Residential Suburban Subdivision District to A-1, Agricultural District*

Mr. Barksdale opened the public hearing at 7:25pm. Mr. Shelton explained C & H Properties had petitioned to rezone a total of 90.94 acres, seven (7) parcels of land, located on and off State Road 655/Rockford School Road, in the Staunton River Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District. Once the properties are rezoned to A-1, all uses listed under Section 35-178 are a permitted use. The Planning Commission, with opposition, recommended granting the petitioner's request. Harold Arthur was there to represent the petition. Mr. Arthur stated C&H Properties was owned by him and his brother, Curtis Arthur. And as in the previous two cases involving them, this property would be combined with those properties, and continue to be used for farming purposes. No one signed up to speak and Mr. Barksdale closed the hearing at 7:27pm. Motion was by Mr. Blackstock, seconded by Mr. Warren, to approve granting the petitioners' request to rezone Case R-16-010 from R-1 to A-1 and the following Roll Call Vote was recorded: Mr. Barber: Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scearce: Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Blackstock's motion to rezone Case R-16-010 from R-1 to A-1 was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

This concluded the Public Hearings.

## **Presentations**

Dr. Julie Brown, Melanie Davis, and Joyce Wright, members of the Institute for Advance Learning and Research (IALR) Board of Trustees were present to give the Board an update on the activities that were occurring at the institute. Some of the activities they discussed were the mobile STEM center; the Care Choices Youth Expo, the Capstone Project involving the Precision Machine Program with the Pittsylvania County Public School, Danville Community College and the IALR, and various advanced scientific research being performed here in Pittsylvania County by a scientist team involving agricultural breakthroughs with vegetables, the latter including but not limited to using developing 100 new plant varieties that will grow well in this region.

The Honorable Mike Taylor, Sheriff, spoke to the Board about Crime Prevention Through Environmental Design (CPTED). Sheriff Taylor said CPTED is based on the principle that proper design and effective use of buildings and public spaces can lead to a reduction in the fear and incidence of crime, and an improvement in the quality of life for citizens. Learning how to assess conditions in of public spaces and applying practical access control (doors, fences), surveillance (lighting, windows, landscaping), territorial reinforcement (signs, sidewalks, ordinances), and maintenance (code enforcement, community clean ups) to improve your community, your neighborhood, public buildings such as the Courthouse facility and/or homes. The project the Sheriff's office, Judge Moreau, and County Administration have being working on to increase the Courthouse security was based upon CPTED.

Kay Crane, CEO for PATHS, spoke to the Board concerning her request that the Board consider partnering with PATHS by allowing PATHS to have access to the National Guard Armory in order to expand its cope of care. PATHS current facility will not allow for any additions and there is a need to expand services and capacity to see more patients. The Chatham PATHS office feels there is a current need to add a medical provider to see adults. Ms. Crane, along with Ms. Sherry Flanagan, Director for the Pittsylvania County Social Services office, concluded by voicing the need also for a Women's Health Center; noting all these additions would not only benefit the community on a health level, but the expansions would create jobs.

Fred Wydner, Director of Agribusiness, stated as local food systems have gained popularity, there has been public inquiry into expanding the county's resources for food processing, packaging, and distribution. The Board of Supervisors had determined this to be a reasonable request and directed the Office of Agribusiness Development to initiate this research and to develop a potential feasibility study to assess the community needs. While researching potential organizations to perform a study of this magnitude, Mr. Wydner said the Health Collaborative of the Dan River Region was formalized under the auspice of the Danville Regional Foundation. The Health Collaborative was established to determine the community health needs of our citizenry and has been divided into 5 focus areas. One of those focus areas is entitled Healthy Eating. While working with this initiative, the group has determined the need for the same information for the region as was requested by the BOS. During the initial research performed by the Office of Agribusiness Development, it was determined that a study of this caliber would cost an estimated \$30,000.00 of which an AFID grant was to be utilized to offset half of these expenses. However, as The Health Collaborative has identified the same needs, project funds from the Danville Regional Foundation have been provided to cover the entire cost of this study, thereby saving the taxpayers of the county these study dollars.

Mr. Wydner said the first phase of the study will last 5 months and will determine the need for these processing, packaging and distribution avenues for Pittsylvania County, Danville, and Caswell County. This will be delivered during the Health Summit to be held in September. Phase 2, will then be initiated, IF there is a determination that an enhanced local food system is necessary. Phase 2 will include building design, and potential site location and is slated to be finished five months from the completion of Phase 1. As this research has been identified by multiple agencies, and there are funds available to offset the cost of this study, staff recommends the continued allowance of the Director of Agribusiness Development to work with The Health Collaborative on this region wide project which will benefit the citizens of Pittsylvania County and to offer commendation to the Danville Regional Foundation for their willingness to cover all expenses associated with this research process and study.

Motion was made by Mr. Warren, seconded by Mr. Davis, to authorize the Director of Agribusiness to work with The Health Collaborative on this region wide project, which was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

### **New Business**

The Personnel Committee met at 5:30 PM on April 19, 2016. Mr. Warren, Chair for the Personnel Committee submitted the Committee's following motions for action to the Board of Supervisors:

1) To hire Springsted, Inc., a professional executive recruiting firm, to coordinate the search

for a County Administrator The specific scope of work is flexible to meet the exact needs of the Board and is defined in the near future. Negotiated fees equal \$21,100. Standard services include the following Scope of Work:

- Developing position profile specific for the County
- Advertising
- Receiving Applications
- Reviewing applications and comparing credentials/experience to position profile
- Recommending slate for consideration by Board of Supervisors and providing full report of candidates
- Assisting Board of Supervisors in narrowing candidates
- Scheduling interviews
- Conducting background check
- Assisting during interviews as directed by the Board of Supervisors
- Negotiating terms and contract

2) Direct staff to seek financial support for the above services.

The Board of Supervisors unanimously approved both motions from the Personnel Committee with the exception of Mr. Barber, who was absent.

Mr. Monday explained Pittsylvania County originally issued Series 2008A Notes during the renovation of the 4 county high schools in the amount of \$20,000,000. Short-term construction notes were issued at that time in hopes that the County would be able to utilize the State's Literary Loan Program to permanently finance these notes at 2% interest. These notes have been refinanced twice since this time in 2010 and again in 2012. The Board of Supervisors

voted at their regular meeting, September 8, 2016 to pay down principal on these notes in the amount of \$4.9 million, leaving a balance to refinance of \$15 million. The County has been advised that it would be in its best interest to permanently finance the remainder of these notes at this time since it is highly unlikely that the County will be able to utilize literary fund monies in the near future and since the market at this time has favorable interest rates. Mr. Monday said that before the Board was Resolution 2016-04-03 which provides for the issuance and sale of general obligation school refunding bonds, Series 2016 in an aggregate principal amount not to exceed \$15,000,000.

Motion was made by Mr. Blackstock, seconded by Mr. Scarce, to approve Resolution 2016-04-03 and authorize the County Administrator to sign all necessary documentation. The following Roll Call Vote was recorded: Mr. Barber: Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce: Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Blackstock's motion was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

### **Resolution 2016-04-03**

#### **RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL REFUNDING BONDS, SERIES 2016, OF PITTSYLVANIA COUNTY, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000, PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF SUCH BONDS, AND PROVIDING FOR THE REFUNDING OF THE COUNTY'S GENERAL OBLIGATION SCHOOL REFUNDING NOTES, SERIES 2012**

**WHEREAS**, Pittsylvania County, Virginia (the "County") is a political subdivision of the Commonwealth of Virginia, and pursuant to, and subject to the provisions of, the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), the Board of Supervisors of the County (the "Board") is authorized to contract debts on behalf of the County and to issue, as evidence thereof, bonds, notes or other obligations payable from pledges of the full faith and credit of the County;

**WHEREAS**, the County has previously issued its \$19,945,000 General Obligation School Refunding Notes, Series 2012 (the "Series 2012 Notes"), which refunded the County's \$20,090,000 General Obligation School Refunding Notes, Series 2010A, which refunded the County's \$20,000,000 General Obligation School Notes, Series 2008A (the "Series 2008A Notes"), the proceeds of which financed certain school capital improvements;

**WHEREAS**, the issuance of the Series 2008A Notes was approved by a referendum held by the County on November 6, 2007;

**WHEREAS**, the County has determined that it is advisable to issue general obligation school refunding bonds (the "Bonds") to refund the Series 2012 Notes, currently outstanding in the principal amount of \$15,000,000 (the "Refunded Bonds"); and

**WHEREAS**, the County's administration and a representative of Public Financial Management, Inc., the County's financial advisor (the "Financial Advisor"), have recommended to the Board that the County issue and sell the Bonds through a competitive public offering;

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PITTSYLVANIA COUNTY, VIRGINIA:**

**Issuance of Bonds.** The Board finds and determines that it is in the best interest of the County to provide for the issuance and sale of a series of Bonds, heretofore authorized, in an aggregate principal amount not to exceed \$15,000,000 and to use the proceeds thereof, together with other funds as may be available, to refund the Refunded Bonds and to pay costs incurred in connection with issuing such bonds and refunding the Refunded Bonds.

**Bond Details.** The Bonds shall be designated "General Obligation School Refunding Bonds, Series 2016," or such other designation as may be determined by the County Administrator (which term shall include the Assistant County Administrator). The Bonds shall be in registered form, shall be dated such date as may be determined by the County Administrator, shall be in denominations of \$5,000 and integral multiples thereof and shall be numbered R-1 upward, or such other designation as appropriate. Subject to Section 8, the issuance and sale of the Bonds are authorized on terms as shall be satisfactory to the County Administrator; provided, however, that the Bonds of such series (a) shall have a "true" or "Canadian" interest cost not to exceed 3.5% (taking into account any original issue discount or premium), (b) shall be sold to the purchaser thereof at a price not less than 98% of the principal amount thereof (excluding any original issue discount) and (c) shall mature or be subject to mandatory sinking fund redemption in annual installments ending no later than December 31, 2031.

Principal of the Bonds shall be payable annually on dates determined by the County Administrator. Each Bond shall bear interest from its date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the County Administrator. Principal and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on a date prior to each interest payment date that shall be determined by the County Administrator (the "Record Date"); provided, however, that at the request of the registered owner of the Bonds, payment may be made by wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The County has heretofore entered into a Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the County discharges the Securities Depository of its responsibilities with respect to the Bonds, or (b) the County in its sole discretion determines (i) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (ii) to select a new Securities Depository, then the Finance Director of the County shall, at the direction of the County, attempt to locate another qualified securities depository to serve as

Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee or to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 5; provided, however, that such form shall provide for interest on the Bonds to be payable (1) from the date of the Bonds if they are authenticated prior to the first interest payment date or (2) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the Finance Director of the County shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 7.

So long as there is a Securities Depository for the Bonds, (1) it or its nominee shall be the registered owner of the Bonds; (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository; (3) the Registrar and the County shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants; (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds; and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

**Redemption Provisions.** The Bonds may be subject to redemption prior to maturity at the option of the County on or after dates, if any, determined by the County Administrator, in whole or in part at any time, at a redemption price equal to the principal amount of the Bonds, together with any interest accrued to the redemption date, plus a redemption premium not to exceed 1% of the principal amount of the Bonds, such redemption premium to be determined by the County Administrator.

Any term bonds may be subject to mandatory sinking fund redemption upon terms determined by the County Administrator.

If less than all of the Bonds are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the Finance Director of the County in such manner as such officer may determine to be in the best interest of the County. If less than all the Bonds of any maturity are called for redemption, the Bonds within such maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof, and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The County shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by

facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the Bonds. The County shall not be responsible for giving notice of redemption to anyone other than DTC or another qualified securities depository then serving or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

In the case of an optional redemption, the notice may state that (a) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the redemption date or (b) the County retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The County shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the County to make funds available on or before the redemption date shall not constitute an event of default, and the County shall give immediate notice to all organizations registered with the Securities and Exchange Commission (the "SEC") as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

**Execution and Authentication.** The Bonds shall be signed by the manual or facsimile signature of the Chairperson or Vice Chairperson, the County's seal shall be affixed thereto or a facsimile thereof printed thereon and shall be attested by the manual or facsimile signature of the Clerk of the Board; provided, however, that no Bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

**Bond Form.** The Bonds shall be in substantially the form of Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds.

**Pledge of Full Faith and Credit.** The full faith and credit of the County are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Board shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

**Registration, Transfer and Owners of Bonds.** The County Administrator is hereby authorized and directed to appoint a qualified bank or trust company as paying agent and registrar for the Bonds (the "Registrar"). The Registrar shall maintain registration books for the

registration of the Bonds and transfers thereof. Upon presentation and surrender of any Bonds to the corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or the owner's duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate, if required by Section 4, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in the name(s) as requested by the then registered owner or the owner's duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

**Sale of Bonds.** The Board approves the following terms of the sale of the Bonds. The Bonds shall be sold by competitive bid in a principal amount to be determined by the County Administrator, in collaboration with the Financial Advisor, and subject to the limitations set forth in Section 1. The County Administrator shall also determine (a) the interest rates of the Bonds, maturity schedule of the Bonds and the price to be paid for the Bonds, subject to the limitations set forth in Section 2, (b) the redemption provisions of the Bonds, subject to the limitations set forth in Section 3 and (c) the dated date, the principal and interest payment dates and the Record Date of the Bonds, all as the County Administrator determines to be in the best interest of the County.

The County Administrator shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in Section 2. Following the sale of the Bonds, the County Administrator shall file a certificate with the Board setting forth the final terms of the Bonds. The actions of the County Administrator in selling the Bonds shall be conclusive, and no further action shall be necessary on the part of the Board.

**Notice of Sale.** The County Administrator, in collaboration with the Financial Advisor, is authorized and directed to take all proper steps to advertise the Bonds for sale substantially in accordance with the form of Notice of Sale (attached to the Preliminary Official Statement referenced below), which is hereby approved; provided that the County Administrator, in collaboration with the Financial Advisor, may make such changes in the Notice of Sale not inconsistent with this Resolution as he may consider to be in the best interest of the County.

**Official Statement.** The draft Preliminary Official Statement describing the Bonds, copies of which have been made available prior to this meeting, is hereby approved as the Preliminary Official Statement by which the Bonds will be offered for sale to the public; provided that the County Administrator, in collaboration with the Financial Advisor, may make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as the County Administrator may consider to be in the best interest of the County. After the Bonds have been sold, the County Administrator, in

collaboration with the Financial Advisor, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement. The County shall arrange for the delivery to the purchaser of the Bonds of a reasonable number of printed copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the purchaser initially sells Bonds.

**Official Statement Deemed Final.** The County Administrator is authorized, on behalf of the County, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the "Rule") of the SEC, except for the omission in the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the execution and delivery of the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the County, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

**Preparation and Delivery of Bonds.** After the Bonds have been awarded, the officers of the County are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the purchaser thereof upon payment therefor.

**Redemption of Refunded Bonds.** The Board hereby authorizes the optional redemption of the Refunded Bonds. The County Administrator or his designee shall provide for a notice of redemption to be given to the registered owners of the Refunded Bonds in accordance with the resolution providing for the issuance of the Refunded Bonds.

**Escrow Deposit Agreement.** The County Administrator is authorized to determine if an escrow deposit agreement (the "Escrow Agreement") is required for the refunding of the Refunded Bonds. If the County Administrator determines that an Escrow Agreement is necessary, the County Administrator is authorized and directed to execute the Escrow Agreement between the County and an escrow agent to be appointed by the County Administrator (the "Escrow Agent") with respect to the Refunded Bonds. The Escrow Agreement shall be in the form approved by the County Administrator, in collaboration with the County Attorney and the County's bond counsel, and shall provide for the deposit and investment of a portion of the Bond proceeds for the defeasance of the Refunded Bonds. The execution of the Escrow Agreement by the County Administrator shall constitute conclusive evidence of such official's approval of the Escrow Agreement. The Escrow Agreement shall provide for the irrevocable deposit of a portion of the Bond proceeds (the "Refunding Portion") in an escrow fund that shall be sufficient, when invested in noncallable, direct obligations of the United States Government (the "Government Obligations"), to provide for payment of principal of, premium, if any, and interest on the Refunded Bonds; provided, however, that such Refunding Portion shall be invested in such manner that none of the Bonds will be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"). The Escrow Agent is authorized and directed to execute initial and final subscription forms for the purchase of the Government Obligations and such other contracts and agreements

necessary to provide for the defeasance of the Refunded Bonds as are approved by the County Administrator, in collaboration with the County Attorney and the County's bond counsel.

**Deposit of Bond Proceeds.** The County Treasurer is authorized and directed (a) to provide for the delivery of the Refunding Portion to the Escrow Agent for deposit in the escrow fund established by the Escrow Agreement, in an amount that shall be sufficient, together with any other funds deposited with the Escrow Agent and the interest thereon when invested as provided in the Escrow Agreement, (i) to pay when due the interest on the Refunded Bonds to the first respective dates on which they may be redeemed at the option of the County and (ii) to pay upon the earlier of maturity or redemption the principal of the Refunded Bonds and (b) to provide for the deposit of the remaining proceeds of the Bonds in a special account to be used to pay the costs incurred in refunding the Refunded Bonds and the costs of issuing the Bonds. The County Treasurer is further authorized and directed to take all such further action as may be necessary or desirable in connection with the payment and refunding of the Refunded Bonds.

**Arbitrage Covenants.** ○ The County represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bonds within the meaning of Treasury Regulations Section 1.150-1(c).

The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

**Non-Arbitrage Certificate and Elections.** Such officers of the County as may be requested by the County's bond counsel are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with the County's bond counsel, and such elections shall be made after consultation with bond counsel.

**Limitation on Private Use.** The County covenants that it shall not permit the proceeds of the Bonds or the facilities refinanced with the proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities refinanced with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities refinanced with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or

more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

**Continuing Disclosure Agreement.** The Chairperson, Vice Chairperson and the County Administrator, any of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement (the "Continuing Disclosure Agreement") setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary to assist the purchaser of the Bonds in complying with the provisions of the Rule promulgated by the SEC. The Continuing Disclosure Agreement shall be substantially in the form of the County's prior Continuing Disclosure Agreements, which is hereby approved for purposes of the Bonds; provided that the County Administrator, in collaboration with the Financial Advisor, may make such changes in the Continuing Disclosure Agreement not inconsistent with this Resolution as the County Administrator may consider to be in the best interest of the County. The execution thereof by such officers shall constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

**Other Actions.** All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby ratified, approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

**Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are repealed.

**Effective Date.** This Resolution shall take effect immediately.

[FORM OF BOND]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED

REGISTERED

No. R-\_\_\_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

PITTSYLVANIA COUNTY

General Obligation School Refunding Bond

Series 2016

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____ %	[July 15], _____	_____, 2016	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

DOLLARS

Pittsylvania County, Virginia (the “County”), for value received, promises to pay, upon surrender hereof to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon from its date semiannually on each [January 15] and [July 15], beginning [July 15, 2016], at the annual rate stated above, calculated on the basis of a 360-day year of twelve 30-day months. Principal, premium, if any, and interest are payable in lawful money of the United States of America by Wilmington Trust, N.A., who has been appointed paying agent and registrar for the bonds (the “Registrar”).

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company (“DTC”), and the payment of principal, premium, if any, and interest, the providing of notices and other matters shall be made as described in the County’s Letter of Representations to DTC.

This bond is one of an issue of \$\_\_\_\_\_ General Obligation School Refunding Bonds, Series 2016, of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991.

The bonds refund the County's General Obligation School Refunding Notes, Series 2012 (the "Series 2012 Notes"), which refunded the County's \$20,090,000 General Obligation School Refunding Notes, Series 2010A, which refunded the County's \$20,000,000 General Obligation School Notes, Series 2008A, which were approved by the qualified voters of the County at an election on November 6, 2007. The bonds were authorized by a resolution adopted by the Board of Supervisors of Pittsylvania County, Virginia on \_\_\_\_\_, 2016, to refund the Series 2012 Notes.

Bonds maturing on or before [July 15, 20\_\_], are not subject to redemption prior to maturity. Bonds maturing on or after [July 15, 20\_\_], are subject to redemption prior to maturity at the option of the County on or after [July 15, 20\_\_], in whole or in part (in any multiple of \$5,000) at any time, upon payment of the following redemption prices (expressed as a percentage of principal amount of bonds to be redeemed) plus interest accrued and unpaid to the date fixed for redemption:

<b>Period During Which Redeemed (Both Dates Inclusive)</b>	<b>Redemption Price</b>
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[Bonds maturing on [July 15, 20\_\_], are required to be redeemed in part before maturity by the County on [July 15] in the years and amounts set forth below, at a redemption price equal to the principal amount of the bonds to be redeemed, plus accrued interest to the redemption date:

<b><u>Year</u></b>	<b><u>Amount</u></b>	<b><u>Year</u></b>	<b><u>Amount]</u></b>
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If less than all of the bonds are called for redemption, the bonds to be redeemed shall be selected by the Finance Director of the County in such manner as such officer may determine to be in the best interest of the County. If less than all of the bonds of any maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor securities depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting bonds for redemption, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. The County shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner hereof. If a portion of this bond is called for redemption, a new bond in principal amount of the unredeemed portion hereof will be issued to the registered owner upon surrender hereof.

The County may give notice of redemption prior to a deposit of redemption moneys if such notice states that the redemption is to be funded with the proceeds of a refunding bond issue and is conditioned on the deposit of such proceeds. Provided that moneys are deposited on or before the redemption date, such notice shall be effective when given. If such proceeds are not available on the redemption date, such bonds will continue to bear interest until paid at the same rate they would have borne had they not been called for redemption. On presentation and surrender of the bonds called for redemption at the place or places of payment, such bonds shall be paid and redeemed.

The full faith and credit of the County are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Board of Supervisors shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all taxable property within the County sufficient to pay when due the principal of and premium, if any, and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and premium, if any, and interest on this bond and the exercise of all others rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the [first day of the month in which each interest payment date occurs].

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[Remainder of page intentionally left blank.]

Adjourned Meeting  
April 19, 2016

**IN WITNESS WHEREOF**, Pittsylvania County, Virginia, has caused this bond to be to be signed by the Chairperson or Vice Chairperson of the Board, its seal to be affixed hereto and attested by the Clerk of the Board of Supervisors, and this bond to be dated the date first above written.

(SEAL)

\_\_\_\_\_  
Chairperson, Board of Supervisors of  
Pittsylvania County, Virginia

(ATTEST)

\_\_\_\_\_  
Clerk, Board of Supervisors of  
Pittsylvania County, Virginia

**ASSIGNMENT**

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto \_\_\_\_\_ (Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF TRANSFEREE:

\_\_\_\_\_  
: :  
: :  
: :

the within bond and all rights thereunder, hereby irrevocably constituting and appointing \_\_\_\_\_, Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union or Savings Association who is a member of a medallion program approved by The Securities Transfer Association, Inc.

\_\_\_\_\_  
(Signature of Registered Owner)

NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

Mr. Monday explained Chapter 822 of the 2012 Acts of Assembly (SB497) discusses the member contribution requirements necessary for employees to begin paying the employee portion of the Virginia Retirement Rate, which equates to 5%. Pittsylvania County started the VRS employee contribution phase-in process on July 1, 2012. During the budget process for FY 2017, a 1% increase was included in VRS covered salaries in order to enable employees to pay the additional 1% employee contribution required. Employees will be responsible for paying 5% of the employee contribution beginning July 1, 2016. This is the last year of the VRS employee contribution process. All employees hired by Pittsylvania County after July 1, 2012 automatically pay the 5% member contribution upon commencement of employment. It is not an option to phase these individuals in.

Motion was made by Mr. Warren, seconded by Mr. Blackstock, to approve the attached resolution (Resolution 2016-04-04) to elect the member contribution schedule effective July 1, 2016 with the Virginia Retirement System. The following Roll Call Vote was recorded: Mr. Barber: Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce: Yes; Mr. Davis-Yes; Mr. Warren-

Yes; and Mr. Barksdale-Yes. Mr. Warren's motion was unanimously approved by the Board with the exception of Mr. Barber, who was absent

NOTE: The language in this resolution has been approved by VRS Benefits Counsel and is not subject to modification.



Virginia  
Retirement  
System

Resolution 2016-04-04

VIRGINIA RETIREMENT SYSTEM  
P.O. Box 2500  
Richmond, VA 23218-2500

Member Contributions by Salary Reduction for Counties, Cities,  
Towns and Other Political Subdivisions  
(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB 497))

**Resolution**

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) requires that, effective July 1, 2016, all employees of a political subdivision who are VRS members shall contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis; and

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) permitted a political subdivision to phase in the mandatory five percent member contribution until all employees paid five percent of creditable compensation effective July 1, 2016; and

WHEREAS, the *Code of Virginia* § 51.1-144(F)(3) permitted a political subdivision to pick up a portion of the member contributions only until the completion of the phase-in period on July 1, 2016; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB 497) requires an increase in total creditable compensation, effective July 1, 2016, to each such employee in service on June 30, 2016, to offset the cost of the member contributions, equal to the percentage increase of the member contribution paid by such pursuant to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the [insert political subdivision name] Pittsylvania County Board of Supervisors (the "Political Subdivision"), [insert employer code] 55171, does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB 497), codified as *Code of Virginia* § 51.1-144(F)(3), for the fiscal year beginning July 1, 2016, and that Plan 1 and Plan 2 employees shall pay the full five percent member contribution by salary reduction on a pre-tax basis; and

BE IT FURTHER RESOLVED, that no salary increases provided solely to offset the cost of required member contributions to the Virginia Retirement System under the second enactment clause of Chapter 822 of the 2012 Acts of Assembly will be used to certify that any salary increases required by the Appropriation Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the Political Subdivision to carry out the provisions of this resolution, and said officers are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Political Subdivision for this purpose.

\_\_\_\_\_  
Governing Body Chairman



**CERTIFICATE**

I, [insert name] Clarence C. Monday, [insert title]  
Clerk of the Board of Supervisors of the Political Subdivision, certify that the foregoing is a true and correct  
copy of a resolution passed at a lawfully organized meeting of the Political Subdivision held at [insert  
county/city/town] Chatham, Virginia at [insert time] 7 o'clock pm on [insert date]  
April 19, 2016. Given under my hand and seal of the Political Subdivision this 19 day  
of April, 2016.

\_\_\_\_\_  
(signature)

**This resolution must be passed on or before July 1, 2016 and  
mailed to VRS postmarked no later than July 5, 2016.**

Motion was made by Mr. Warren, seconded by Mr. Blackstock, for the reappropriation of \$97,085.84 as follows: \$8,078.68 to County Fleet-Parts (100-4-012520-6030), \$2,423.35 to County Fleet-Labor, \$200.00 to Clerk of Court-Copier Lease (100-4-021600-60051), \$500.00 to Sheriff-Project Lifesaver (100-4-031200-5882), \$108.20 to Sheriff-Police Supplies (100-4-031200-6010), \$2,953.55 to Sheriff-Parts (100-4-031200-6030), \$1,089.60 to Sheriff-Labor (100-4-031200-6031), \$250.00 to Fire Marshall-Training (100-4-031700-5540), \$41.00 to Jail-Food Supplies (100-4-033100-6002), \$190.00 to Recreation-Recreation Supplies (100-4-071100-6014), \$1,800.00 Library-Office Supplies (100-4-073100-6001), \$79,451.46 to WIA-Rent (251-4-353853-6014). This motion required a 10-Day Layover.

Mr. Monday explained The estimated cost for the Middle School Park Project totals \$625,000.00. Mr. Moore has been successful in partnering with 8 different community and business organizations to completely fund the middle school park project. Six of these grants are listed below along with the amounts pledged for this project. The remainder of the funds needed includes \$150,000 from the Board of Supervisors (already appropriated), \$100,000 J.T. Minnie Maude Trust (already appropriated) and \$99,035 from Game Time (matching grant-allowance for playground equipment). These funds need to be appropriated in the 2016 budget so that construction may begin on these parks.

Danville Regional Foundation	\$150,000.00
Centra Lynchburg General Hospital	\$100,000.00
Danville Regional Medical Center	\$ 14,465.00
Revitalization for a Greater Gretna	\$ 8,000.00
Mecklenburg Electric Cooperative	\$ 3,000.00
Southside Electric Cooperative	\$ 500.00
TOTAL	\$275,965.00

Motion was made by Mr. Warren, seconded by Mr. Scarce, to appropriate a total of \$275,965 to the Grants Fund (Fund 250) for the Middle School Park Project. The following Roll Call Vote was recorded: Mr. Barber: Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce: Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Barksdale-Yes. Mr. Warren's motion was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

Ms. Kim Van Der Hyde, Director of Finance, submitted the 3<sup>rd</sup> Quarter Financial Report to the Board.

General Fund Revenues

Real Estate Revenues: At March 31, 2016, the County had collected a total of 44.34% of Real Estate Revenues. This compares favorably with the rate collected at March 31, 2015 when the total collected at that time was 43.59%. The amount prepaid in June for the 2<sup>nd</sup> billing totaled \$2,434,671.02. If this amount is considered with the amount collected thus far in 2016, the County collection rate would stand at 55%.

Mobile Homes: At March 31, 2016, the County had collected a total of 49.97% of Mobile Home Revenues. Compared with 1 year ago, the rate collected stood at 44.49%.

Personal Property: At March 31, 2016, the County had collected a total of 45.97% of Personal Property Revenues. The rate collected at this same time last year was 44.16%.

Machinery & Tools: At March 31, 2016, the County had collected a total of 44.67% of Machinery & Tools Revenues compared with 71.35% in 2015. Timing of these payments skews the percentages.

Merchants Capital: At March 31, 2016, the County had collected a total of 60.43% of Merchants Capital Revenues compared with 61.91% in 2015.

Public Service Corporations: At March 31, 2016, the County had collected a total of 60% of Public Service Corps. Revenues compared with 56%.

Ms. Van Der Hyde stated that just as the report showed in December, the collection rate of every major category increased over the prior year, with the exception of Machinery & Tools and Merchants Capital. This has attributed to the increase in the General Fund Revenues.

General Fund Expenditures

General Fund Expenditures: General Fund expenditures through March 31, 2016 totaled \$54,477,072.56, which is 78.40% of the appropriated budget. The appropriated budget has increased from the original budget by \$8,218,916.93 (See attached appropriations). General Fund expenditures through March 31, 2015 totaled \$44,930,406.59, which was 73.67% of the appropriated budget. The appropriated budget increased by \$2,021,379.82 during the same time frame last year (July 2014 – March 2015).

Enterprise Fund

Landfill Revenues

Solid Waste Household Fee: At March 31, the County had collected a total of 53.08% of the Solid Waste Household Fee compared with 44.75% at the same time last year.

Solid Waste Fees: At March 31, the County had collected a total of 76.23% of budgeted Solid Waste Fees. This collection rate is up from last year when the rate was 63.21%. This revenue line item records the amount received by Pittsylvania County Landfill to receive trash into the landfill. These funds are received daily and landfill accounts are billed monthly. This amount can fluctuate based on the tons that are received and billed for the Pittsylvania County Landfill.

Landfill Expenditures

Landfill Expenditures: Landfill expenditures through March 31, 2016 totaled \$2,741,419.33, which is 72.27% of the appropriated budget. The appropriated budget has increased from the original budget by \$603,282.06. Landfill expenditures through March 31, 2015 totaled \$2,267,833.63, which was 72.27% of the appropriated budget. The appropriated budget increased by \$346,526.16 during the same time frame last year (July 2014– March 2015).

Summary

Pittsylvania County continues to maintain a stable financial position. As in December 2015, expense and revenue trends closely resemble the trends from 1 year ago. The quarter ending March 31 is somewhat of a quiet quarter since it falls between the two billing cycles for the Treasurer's Office.

Deputy Chris Brown with the Pittsylvania County Sheriff's Office stated in 2015, the Pittsylvania County Sheriff's Department participated in the *Virginia Rules* Camp Grant Program and the department is requesting approval to submit an application to participate in the 2016 camp grant program. Sponsored by the Virginia Attorney General's Office, *Virginia Rules* is an educational program especially designed to help instructors, parents and students understand the law as it applies to teens in their everyday lives. The Pittsylvania County Sheriff's Office participates in this program. One aspect of the program is a training camp for officers participating in the program. Motion was made by Mr. Warren, seconded by Mr. Blackstock, to approve the Sheriff Department's request to submit the *Virginia Rules* Camp Grant Program Application and authorize the Sheriff and/or County Administrator to sign all necessary documentation. Mr. Warren's motion was unanimously approved by the Board with the exception of Mr. Barber who was absent.

Mr. Monday explained the Board of Supervisors approved Resolution #2015-12-05 at their adjourned meeting, 12-15-16 to allow the Pittsylvania County School Board to obtain financing for their School Energy Project. The closing for this project occurred on January 20, 2016. The proceeds received for this project totaled \$3,313,595. It is a requirement that the transactions for the School Energy Project be recorded on the County's books since Pittsylvania County is the borrower. Now that the County has received proceeds and the project is underway, it is necessary for the Board of Supervisors to appropriate the funds for this project. Since the amount of the project exceeds one percent of the total expenditures included in the 2016 budget, § 15.2-2507 of the Code of Virginia,

1950 as amended, requires that a public hearing be held prior to the approval of such appropriation. Motion was made by Mr. Blackstock, seconded by Mr. Warren, to authorize the advertisement of a public hearing to be held at their adjourned meeting, May 17, 2016 to hear citizen input on the appropriation of \$3,313,595 for the School Energy Project, which was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

Mr. Matt Rowe, Director of Economic Development, explained one of the key strategies for the County in its economic development program, is to find cost effective methods of improving wireless broadband services in rural areas. The approach of collocating equipment on existing County towers is the first step to addressing this strategy. Mr. Rowe stated he had elicited and received 3 verbal quotes regarding professional services for developing a RFP in expanding wireless internet throughout the County. The first phase of this process is to utilize existing County-owned towers by collocating Wireless Internet Service Providers' (WISPs) equipment on the structures. To accomplish this phase, the County will draft and advertise a RFP in early summer, requesting that interested WISPs submit proposals of providing reliable and affordable internet service to residents via the existing County-owned towers. The County will review WISP submittals, and will award the rights of its vertical assets (towers) to the Company that will best meet the goals of this project: the provision and proliferation of reliable and affordable internet throughout the County (likely late summer/early fall). The selected Company's actions and performance will be measured against an executed performance agreement. Funds generated from monthly tower(s) lease payments may be dedicated to future telecommunications infrastructure improvements to continue the proliferation of rural broadband internet to under or non-served areas. Based upon its successful track record in working with other rural Virginia locales to provide wireless broadband to citizens, I recommend selecting the firm DesignNine, Inc. to assist the County with the first phase of this project. DesignNine is familiar with this area, having been involved within Danville (which established Danville having the first municipal open access network in the U.S.) and the Wired Road (a 1,000 sq. mi. project located in rural Southwest Virginia). Mr. Rowe state the Department of Economic Development has budgeted for associated fees.

Motion was made by Mr. Blackstock, seconded by Mr. Hagerman, to select DesignNine, Inc. to provide professional services in developing an RFP to expand service to its citizens via the use of its existing towers, which was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

### **Closed Session**

Motion was made by Mr. Warren seconded by Mr. Davis to enter into Closed Session and to include Mr. Hunt, Mr. Sides ,Mr. Rowe , and Mr. Wydner in Closed Session for discussion of the following:

Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community

- a) Legal Authority: Virginia Code Section 2.2-3711(A)(5)
- Subject: Project Lignum
- Purpose: Status Update/Discussion of Potential Economic Development
- Incentives

- b) Legal Authority: Virginia Code Section 2.2-3711(A)(5)  
Subject: Project 950  
Purpose: Status Update/Discussion of Potential Economic Development  
Incentives
- c) Legal Authority: Virginia Code Section 2.2-3711(A)(5)  
Subject: Project Sorter  
Purpose: Status Update/Discussion of Potential Economic Development  
Incentives
- d) Legal Authority: Virginia Code Section 2.2-3711(A)(5)  
Subject: Project Solution  
Purpose: Status Update/Discussion of Potential Economic Development  
Incentives
- e) Legal Authority: Virginia Code Section 2.2-3711(A)(5)  
Subject: Project Oscar  
Purpose: Status Update/Discussion of Potential Economic Development  
Incentives
- f) Legal Authority: Virginia Code Section 2.2-3711(A)(5)  
Subject: Project SVIP  
Purpose: Status Update/Discussion of Potential Economic Development  
Incentives
- g) Legal Authority: Virginia Code Section 2.2-3711(A)(5)  
Subject: Project Optimization  
Purpose: Status Update/Discussion of Potential Economic Development  
Incentives

The following Roll Call Vote was recorded: Mr. Barber-Absent; Mr. Hagerman-Yes; Mr. Blackstock-Yes; Mr. Scarce-Yes; Mr. Davis-Yes; Mr. Warren-Yes; and Mr. Blackstock-Yes. Mr. Warren's motion was unanimously approved by the Board.

The Board entered into Closed Session at 8:55 PM.

Motion was made by Mr. Blackstock, seconded by Mr. Warren, to re-enter into Open Session.

**PITTSYLVANIA COUNTY BOARD OF SUPERVISORS  
CERTIFY CLOSED MEETING**

**BE IT RESOLVED** that at the Meeting of the Pittsylvania County Board of Supervisors on April 19, 2016, the Committee hereby certifies by a recorded vote that to the best of each board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. If any member believes

Adjourned Meeting  
April 19, 2016

that there was a departure from the requirements of the Code, he shall so state prior to the vote indicating the substance of the departure. The statement shall be recorded in the minutes of the Board.

	<u>Vote</u>
Tim R. Barber	Absent
Jerry A. Hagerman	Yes
Elton W. Blackstock	Yes
Joe B. Davis	Yes
Ronald S. Searce	Yes
Robert W. Warren	Yes
Jessie L. Barksdale	Yes

The Board re-entered into Open Session at 8:29 PM.

Motion was made by Mr. Davis, seconded by Mr. Warren, pursuant to Virginia Code Section 2.2-3711(b), to execute the Non-Disclosure Agreement with the manufacturing entity in Project Optimization, which was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

**Adjournment**

Motion was made by Mr. Warren, seconded by Mr. Blackstock, to adjourn the meeting, which was unanimously approved by the Board with the exception of Mr. Barber, who was absent.

The meeting ended at 9:20 PM.

PITTSYLVANIA COUNTY

EXECUTIVE SUMMARY

<b><u>AGENDA TITLE:</u></b> Proclamation – Guillain-Barre Syndrome/Chronic Inflammatory Demyelinating Polyneuropathy (GBS/CIDP) Awareness Month: May 2016	<b><u>AGENDA DATE:</u></b> 05-02-2016	<b><u>ITEM NUMBER:</u></b> 6(c)
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Proclamation	<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> Mr. Monday	<b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b> Yes	
	<b><u>INFORMATION:</u></b>	
	<b><u>ATTACHMENTS:</u></b> (1) Proclamation	
	<b><u>REVIEWED BY:</u></b> 	

**BACKGROUND:**

May 2016 has been designated as “GBS/CIDP Awareness Month” to educate the public and focus attention on Guillain-Barre Syndrome (GBS) and Chronic Inflammatory Demyelinating Polyneuropathy (CIDP); rare, paralyzing and potentially catastrophic disorders of the peripheral nerves. Within the surrounding area there are approximately 432 people that are afflicted with one of these syndromes or variants of GBS/CIDP.

**DISCUSSION:**

Attached hereto, you will find a proclamation for Pittsylvania County proclaiming May 2016 as GBS/CIDP Awareness Month in Pittsylvania County.

**RECOMMENDATION:**

Staff recommends the Board of Supervisors approve the proclamation and authorize the County Administrator to forward a copy to local media.

# Pittsylvania County Board of Supervisors Proclamation

## GBS/CIDP AWARENESS MONTH

**VIRGINIA:** At the regular meeting of the Pittsylvania County Board of Supervisors held on Monday, May 2, 2016, the following proclamation was adopted, proclaiming March 2016 as Guillain-Barre Syndrome/Chronic Inflammatory Demyelinating Polyneuropathy (GBS/CIDP) Awareness Month.

**WHEREAS,** the month of May has been designated as “GBS/ CIDP Awareness Month” to educate the public and to focus attention on Guillain-Barre Syndrome (GBS) and Chronic Inflammatory Demyelinating Polyneuropathy (CIDP); rare, paralyzing and potentially catastrophic disorders of the peripheral nerves; and

**WHEREAS,** the cause of GBS and CIDP is unknown and the length of the illness is unpredictable. It is characterized by rapid onset of weakness and often, paralysis of the legs, arms, breathing muscles and face. Usually months of hospital care are required with patients and their families facing an uncertain future, not knowing if and when recovery will occur. Some may face long-term disabilities of varying degrees. GBS OR CIDP can develop in any person at any age, regardless of gender or ethnic background; and

**WHEREAS,** in 1980, the Guillain-Barre Foundation International (now the GBS/CIDP Foundation International), was founded to provide a support network to patients and their families through the national office headquartered in Philadelphia and its 174 chapters with more than 30,000 members throughout the United States, Canada, Asia, Europe, Australia, South America, and South Africa; and

**WHEREAS,** the local area chapter of the Guillain-Barre Foundation serves as the link between patients, physicians, nurses, and families; providing educational materials and newsletters, as well as funding medical research and conducting symposia; and

**WHEREAS,** the Guillain-Barre Foundation’s Medial Advisory Board includes prominent neurologists active in GBS and CIDP research, leading physicians in rehabilitation medicine, and physicians who, themselves, have had the disorder; then

**NOW, THEREFORE, BE IT RESOLVED** that the Pittsylvania County Board of Supervisors proclaim May 2016 as **GBS/CIDP Awareness Month** in Pittsylvania County and encourages all citizens to recognize the importance of raising awareness of Guillain-Barre Syndrome (GBS) and Chronic Inflammatory Demyelinating Polyneuropathy (CIDP); and

**BE IT FURTHER RESOLVED** that a copy of this proclamation be forward to the local news media.

*Given under my hand this 2<sup>nd</sup> day of May, 2016.*

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Jessie L. Barksdale, Chair  
Pittsylvania County Board of Supervisors

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Clarence C. Monday, Clerk  
Pittsylvania County Board of Supervisors

**PITTSYLVANIA COUNTY**  
**Board of Supervisors**

**EXECUTIVE SUMMARY**

<b><u>AGENDA TITLE:</u></b> Revised Section 125 Flexible Benefit Plan Adoption Agreement compliant with the Affordable Care Act.  <b><u>SUBJECT/PROPOSAL/REQUEST:</u></b>     <b><u>STAFF CONTACT(S):</u></b> Mr. Monday; Ms. Jordan	<b><u>AGENDA DATE:</u></b> 05-02-2016	<b><u>ITEM NUMBER:</u></b> 6(d)
	<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>
	<b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>
	<b><u>ATTACHMENTS:</u></b> Section 125 Flexible Benefit Plan Adoption Agreement. <b><u>REVIEWED BY:</u></b> <i>GB</i>	

**BACKGROUND:**

Each year the entity must approve the Section 125 Flexible Benefit Adoption Agreement which is submitted to Pittsylvania County for ratification.

**DISCUSSION:**

Pittsylvania County's Section 125 Plan document provider, American Fidelity, reviewed the County's current document for compliance against changes as required by the Affordable Care Act. The minimum hours of service requirement has been updated from 40 hours of service to 30 hours. Employees meeting the new 30 hour service requirement will be eligible to participate in elective contributions through salary reduction not to exceed net salary amount.

Attached hereto the current benefit plan year that begins October 1, 2015 and ends on September 30, 2016.

**RECOMMENDATION:**

Staff recommends the Board of Supervisors approve revised Section 125 Plan Document, and authorize the County Administrator to sign any necessary documentation.

**SAMPLE PLAN DOCUMENT  
SECTION 125  
FLEXIBLE BENEFIT PLAN**

**Version 10/14 of the Sample Plan Document includes the following changes:**

**Added 4.02(h) – Cancellation due to reduction in hours of service**

**Added 4.02(i) – Cancellation due to enrollment in a Qualified Health Plan**

*The attached plan document and adoption agreement are being provided for illustrative purposes only. Because of differences in facts, circumstances, and the laws of the various states, interested parties should consult their own attorneys. This document is intended as a guide only, for use by local counsel.*



**SECTION 125 FLEXIBLE BENEFIT PLAN  
ADOPTION AGREEMENT**

*The undersigned Employer hereby adopts the Section 125 Flexible Benefit Plan for those Employees who shall qualify as Participants hereunder. The Employer hereby selects the following Plan specifications:*

**A. EMPLOYER INFORMATION**

<b>Name of Employer:</b>	Pittsylvania County Board of Supervisors
<b>Address:</b>	PO Box 426 Chatham, VA 24531
<b>Employer Identification Number:</b>	54-6001508
<b>Nature of Business:</b>	County Government
<b>Name of Plan:</b>	Pittsylvania County Board of Supervisors Flexible Benefit Plan All Employees
<b>Plan Number:</b>	501

**B. EFFECTIVE DATE**

<b>Original effective date of the Plan:</b>	July 1, 1993
<b>If Amendment to existing plan, effective date of amendment:</b>	October 1, 2015

**C. ELIGIBILITY REQUIREMENTS FOR PARTICIPATION**

Eligibility requirements for each component plan under this Section 125 document will be applicable and, if different, will be listed in Item F.

<b>Length of Service:</b>	First day of the month following 30 days of service
<b>Retiree Wording:</b>	N/A
<b>Minimum Hours:</b>	All employees with 30 hours of service or more each week. An hour of service is each hour for which an employee receives, or is entitled to receive, payment for performance of duties for the Employer.
<b>Age:</b>	Minimum age of 0 years.

**D. PLAN YEAR**

The current plan year will begin on October 1, 2015 and end on September 30, 2016. Each subsequent plan year will begin on October 1 and end on September 30.

**E. EMPLOYER CONTRIBUTIONS**

**Non-Elective Contributions:**

The maximum amount available to each Participant for the purchase of elected benefits with non-elective contributions will be:

Employer pays \$6,138.12 per year for Medical Insurance. \$144.00 per year for Dental Insurance.

The Employer may at its sole discretion provide a non-elective contribution to provide benefits for each Participant under the Plan. This amount will be set by the Employer each Plan Year in a uniform and non-discriminatory manner. If this non-elective contribution amount exceeds the cost of benefits elected by the Participant, excess amounts will not be paid to the Participant as taxable cash.

**Elective Contributions  
(Salary Reduction):**

The maximum amount available to each Participant for the purchase of elected benefits through salary reduction will be:

100% of compensation per entire plan year.

Each Participant may authorize the Employer to reduce his or her compensation by the amount needed for the purchase of benefits elected, less the amount of non-elective contributions. An election for salary reduction will be made on the benefit election form.

F. **AVAILABLE BENEFITS:** Each of the following components should be considered a plan that comprises this Plan.

1. **Group Medical Insurance** -- The terms, conditions, and limitations for the Group Medical Insurance will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)

**Anthem Blue Cross/Blue Shield  
Group #41302-001**

**American Fidelity Assurance Company  
Accident**

Eligibility Requirements for Participation, if different than Item C.

2. **Disability Income Insurance** -- The terms, conditions, and limitations for the Disability Income Insurance will be as set forth in the insurance policy or policies described below: (See Section VI of the Plan Document)

**Aflac  
6 month, 12 month or 18 month short term disability**

**American Fidelity Assurance Company  
017 Kind Series**

**Colonial  
Comp Accident - N Series**

Eligibility Requirements for Participation, if different than Item C.

3. **Cancer Coverage** -- The terms, conditions, and limitations for the Cancer Coverage will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)

**American Fidelity Assurance Company  
C-6 and all subsequent plans**

**Aflac  
Group #51000, #52000, #53000, #54000 and #55000**

**Colonial  
Cancer Response**

Eligibility Requirements for Participation, if different than Item C.

4. **Dental/Vision Insurance** -- The terms, conditions, and limitations for the Dental/Vision Insurance will be as set forth in the insurance policy or policies described below: (See Section V of the Plan Document)

**Delta Dental  
Dental**

**Anthem  
Vision**

Eligibility Requirements for Participation, if different than Item C.

5. **Group Life Insurance** which will be comprised of Group term life insurance and Individual term life insurance under Section 79 of the Code.

The terms, conditions, and limitations for the Group Life Insurance will be as set forth in the insurance policy or policies described below: (See Section VII of the Plan Document)

Individual life coverage under Section 79 is available as a benefit, and the face amount when combined with the group-term life, if any, may not exceed \$50,000.

**American Fidelity Assurance Company  
5 Year Term**

Eligibility Requirements for Participation, if different than Item C.

6. **Dependent Care Assistance Plan** -- The terms, conditions, and limitations for the Dependent Care Assistance Plan will be as set forth in Section IX of the Plan Document and described below:

Minimum Contribution - \$300.00 per Plan Year

Maximum Contribution - \$5000.00 per Plan Year

Recordkeeper: American Fidelity Assurance Company

Eligibility Requirements for Participation, if different than Item C.

N/A

7. **Medical Expense Reimbursement Plan** -- The terms, conditions, and limitations for the Medical Expense Reimbursement Plan will be as set forth in Section VIII of the Plan Document and described below:

Minimum Coverage - \$300.00 per Plan Year or a Prorated Amount for a Short Plan Year

Maximum Coverage - \$2400.00 per Plan Year or a Prorated

Amount for a Short Plan Year

Recordkeeper: American Fidelity Assurance Company

Restrictions: As outlined in Policy G-905/R1.

**Grace Period: The Provisions in Section 8.06 of the Plan to permit a Grace Period of 70 days with respect to the Medical Expense Reimbursement Plan are not elected.**

**Carryover: The Provisions in Section 8.07 of the Plan to permit a Carryover with respect to the Medical Expense Reimbursement Plan are elected.**

Eligibility Requirements for Participation, if different than Item C.

8. **Health Savings Accounts** – The Plan permits contributions to be made to a Health Savings Account on a pretax basis in accordance with Section X of the Plan and the following provisions:

HSA Trustee – N/A

Maximum Contribution – N/A

Limitation on Eligible Medical Expenses – For purposes of the Medical Reimbursement Plan, Eligible Medical Expenses of a Participant that is eligible for and elects to participate in a Health Savings Account shall be limited to expenses for:

N/A

Eligibility Requirements for Participation, if different than Item C.

- a. An Employee must complete a Certification of Health Savings Account Eligibility which confirms that the Participant is an eligible individual who is entitled to establish a Health Savings Account in accordance with Code Section 223(c)(1).
- b. Eligibility for the Health Savings Account shall begin on the later of (i) first day of the month coinciding with or next following the Employee's commencement of coverage under the High Deductible Health Plan, or (ii) the first day following the end of a Grace Period available to the Employee with respect to the Medical Reimbursement Accounts that are not limited to vision and dental expenses (unless the participant has a \$0.00 balance on the last day of the plan year).
- c. An Employee's eligibility for the Health Savings Account shall be determined monthly.

The Plan shall be construed, enforced, administered, and the validity determined in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974, (as amended) if applicable, the Internal Revenue Code of 1986 (as amended), and the laws of the State of Virginia. Should any provision be determined to be void, invalid, or unenforceable by any court of competent jurisdiction, the Plan will continue to operate, and for purposes of the jurisdiction of the court only, will be deemed not to include the provision determined to be void.

This Plan is hereby adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Pittsylvania County Board of Supervisors - 501  
(Name of Employer)

Witness: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

#### APPENDIX A

#### Related Employers that have adopted this Plan

Name(s):

**THIS DOCUMENT IS NOT COMPLETE WITHOUT SECTIONS I THROUGH XIII**  
PD – 10/14 Document ID # 83882 MCP #58122 Effective Date: 4/4/16 2:49 PM

## SECTION 125 FLEXIBLE BENEFIT PLAN

### SECTION I

#### PURPOSE

The Employer is establishing this Flexible Benefit Plan in order to make a broader range of benefits available to its Employees and their Beneficiaries. This Plan allows Employees to choose among different types of benefits and select the combination best suited to their individual goals, desires, and needs. These choices include an option to receive certain benefits in lieu of taxable compensation.

In establishing this Plan, the Employer desires to attract, reward, and retain highly qualified, competent Employees, and believes this Plan will help achieve that goal.

It is the intent of the Employer to establish this Plan in conformity with Section 125 of the Internal Revenue Code of 1986, as amended, and in compliance with applicable rules and regulations issued by the Internal Revenue Service. This Plan will grant to eligible Employees an opportunity to purchase qualified benefits which, when purchased alone by the Employer, would not be taxable.

### SECTION II

#### DEFINITIONS

The following words and phrases appear in this Plan and will have the meaning indicated below unless a different meaning is plainly required by the context:

- 2.01 **Administrator** The Employer unless another has been designated in writing by the Employer as Administrator within the meaning of Section 3(16) of ERISA (if applicable).
- 2.02 **Beneficiary** Any person or persons designated by a participating Employee to receive any benefit payable under the Plan on account of the Employee's death.
- 2.02a **Carryover** The amount equal to the lesser of (a) any unused amounts from the immediately preceding Plan Year or (b) five hundred dollars (\$500), except that in no event may the Carryover be less than five dollars (\$5).
- 2.03 **Code** Internal Revenue Code of 1986, as amended.
- 2.04 **Dependent** Any of the following:
- (a) **Tax Dependent:** A Dependent includes a Participant's spouse and any other person who is a Participant's dependent within the meaning of Code Section 152, provided that, with respect to any plan that provides benefits that are excluded from an Employee's income under Code Section 105, a Participant's dependent (i) is any person within the meaning of Code Section 152, determined without regard to Subsections (b)(1), (b)(2), and (d)(1)(B) thereof, and (ii) includes any child of the Participant to whom

Code Section 152(e) applies (such child will be treated as a dependent of both divorced parents).

(b) Student on a Medically Necessary Leave of Absence: With respect to any plan that is considered a group health plan under Michelle's Law (and not a HIPAA excepted benefit under Code Sections 9831(b), (c) and 9832(c)) and to the extent the Employer is required by Michelle's Law to provide continuation coverage, a Dependent includes a child who qualifies as a Tax Dependent (defined in Section 2.04(a)) because of his or her full-time student status, is enrolled in a group health plan, and is on a medically necessary leave of absence from school. The child will continue to be a Dependent if the medically necessary leave of absence commences while the child is suffering from a serious illness or injury, is medically necessary, and causes the child to lose student status for purposes of the group health plan's benefits coverage. Written physician certification that the child is suffering from a serious illness or injury and that the leave of absence is medically necessary is required at the Administrator's request. The child will no longer be considered a Dependent as of the earliest date that the child is no longer on a medically necessary leave of absence, the date that is one year after the first day of the medically necessary leave of absence, or the date benefits would otherwise terminate under either the group health plan or this Plan. Terms related to Michelle's Law, and not otherwise defined, will have the meaning provided under the Michelle's Law provisions of Code Section 9813.

(c) Adult Children: With respect to any plan that provides benefits that are excluded from an Employee's income under Code Section 105, a Dependent includes a child of a Participant who as of the end of the calendar year has not attained age 27. A 'child' for purpose of this Section 2.04(c) means an individual who is a son, daughter, stepson, or stepdaughter of the Participant, a legally adopted individual of the Participant, an individual who is lawfully placed with the Participant for legal adoption by the Participant, or an eligible foster child who is placed with the Participant by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction. An adult child described in this Section 2.04(c) is only a Dependent with respect to benefits provided after March 30, 2010 (subject to any other limitations of the Plan).

Dependent for purposes of the Dependent Care Reimbursement Plan is defined in Section 9.04(a).

- |      |                              |   |
|------|------------------------------|---|
| 2.05 | <b>Effective Date</b>        | The effective date of this Plan as shown in Item B of the Adoption Agreement.                                   |
| 2.06 | <b>Elective Contribution</b> | The amount the Participant authorizes the Employer to reduce compensation for the purchase of benefits elected. |

2.07	<b>Eligible Employee</b>	Employee meeting the eligibility requirements for participation as shown in Item C of the Adoption Agreement.
2.08	<b>Employee</b>	Any person employed by the Employer on or after the Effective Date.
2.09	<b>Employer</b>	The entity shown in Item A of the Adoption Agreement, and any Related Employers authorized to participate in the Plan with the approval of the Employer. Related Employers who participate in this Plan are listed in Appendix A to the Adoption Agreement. For the purposes of Section 11.01 and 11.02, only the Employer as shown in Item A of the Adoption Agreement may amend or terminate the Plan.
2.10	<b>Employer Contributions</b>	Amounts that have not been actually received by the Participant and are available to the Participant for the purpose of selecting benefits under the Plan. This term includes Non-Elective Contributions and Elective Contributions through salary reduction.
2.11	<b>Entry Date</b>	The date that an Employee is eligible to participate in the Plan.
2.12	<b>ERISA</b>	The Employee Retirement Income Security Act of 1974, Public Law 93-406 and all regulations and rulings issued thereunder, as amended (if applicable).
2.13	<b>Fiduciary</b>	The named fiduciary shall mean the Employer, the Administrator and other parties designated as such, but only with respect to any specific duties of each for the Plan as may be set forth in a written agreement.
2.14	<b>Health Savings Account</b>	A "health savings account" as defined in Section 223(d) of the Internal Revenue Code of 1986, as amended established by the Participant with the HSA Trustee.
2.15	<b>HSA Trustee</b>	The Trustee of the Health Savings Account which is designated in Section F.8 of the Adoption Agreement.
2.16	<b>Highly Compensated</b>	Any Employee who at any time during the Plan Year is a "highly compensated employee" as defined in Section 414(q) of the Code.
2.17	<b>High Deductible Health Plan</b>	A health plan that meets the statutory requirements for annual deductibles and out-of-pocket expenses set forth in Code section 223(c)(2).
2.18	<b>HIPAA</b>	The Health Insurance Portability and Accountability Act of 1996, as amended.
2.19	<b>Insurer</b>	Any insurance company that has issued a policy pursuant to the terms of this Plan.
2.20	<b>Key Employee</b>	Any Participant who is a "key employee" as defined in Section 416(i) of the Code.

- 2.21 **Non-Elective Contribution** A contribution amount made available by the Employer for the purchase of benefits elected by the Participant.
- 2.22 **Participant** An Employee who has qualified for Plan participation as provided in Item C of the Adoption Agreement.
- 2.23 **Plan** The Plan referred to in Item A of the Adoption Agreement as may be amended from time to time.
- 2.24 **Plan Year** The Plan Year as specified in Item D of the Adoption Agreement.
- 2.25 **Policy** An insurance policy issued as a part of this Plan.
- 2.26 **Preventative Care** Medical expenses which meet the safe harbor definition of “preventative care” set forth in IRS Notice 2004-23, which includes, but is not limited to, the following: (i) periodic health evaluations, such as annual physicals (and the tests and diagnostic procedures ordered in conjunction with such evaluations); (ii) well-baby and/or well-child care; (iii) immunizations for adults and children; (iv) tobacco cessation and obesity weight-loss programs; and (v) screening devices. However, preventative care does not generally include any service or benefit intended to treat an existing illness, injury or condition.
- 2.27 **Recordkeeper** The person designated by the Employer to perform recordkeeping and other ministerial duties with respect to the Medical Expense Reimbursement Plan and/or the Dependent Care Reimbursement Plan.
- 2.28 **Related Employer** Any employer that is a member of a related group of organizations with the Employer shown in Item A of the Adoption Agreement, and as specified under Code Section 414(b), (c) or (m).

### SECTION III

#### ELIGIBILITY, ENROLLMENT, AND PARTICIPATION

- 3.01 **ELIGIBILITY**: Each Employee of the Employer who has met the eligibility requirements of Item C of the Adoption Agreement will be eligible to participate in the Plan on the Entry Date specified or the Effective Date of the Plan, whichever is later. Dependent eligibility to receive benefits under any of the plans listed in Item F of the Adoption Agreement will be described in the documents governing those benefit plans. To the extent a Dependent is eligible to receive benefits under a plan listed in Item F, an Eligible Employee may elect coverage under this Plan with respect to such Dependent. Notwithstanding the foregoing, life insurance coverage on the life of a Dependent may not be elected under this Plan.
- 3.02 **ENROLLMENT**: An eligible Employee may enroll (or re-enroll) in the Plan by submitting to the Employer, during an enrollment period, an Election Form which specifies his or her benefit elections for the Plan Year and which meets such standards for completeness and accuracy as the Employer may establish. A Participant's Election Form shall be completed prior to the beginning of the Plan Year, and

shall not be effective prior to the date such form is submitted to the Employer. Any Election Form submitted by a Participant in accordance with this Section shall remain in effect until the earlier of the following dates: the date the Participant terminates participation in the Plan; or, the effective date of a subsequently filed Election Form.

A Participant's right to elect certain benefit coverage shall be limited hereunder to the extent such rights are limited in the Policy. Furthermore, a Participant will not be entitled to revoke an election after a period of coverage has commenced and to make a new election with respect to the remainder of the period of coverage unless both the revocation and the new election are on account of and consistent with a change in status, or other allowable events, as determined by Section 125 of the Internal Revenue Code and the regulations thereunder.

3.03 TERMINATION OF PARTICIPATION: A Participant shall continue to participate in the Plan until the earlier of the following dates:

- a. The date the Participant terminates employment by death, disability, retirement or other separation from service; or
- b. The date the Participant ceases to work for the Employer as an eligible Employee; or
- c. The date of termination of the Plan; or
- d. The first date a Participant fails to pay required contributions while on a leave of absence.

3.04 SEPARATION FROM SERVICE: The existing elections of an Employee who separates from the employment service of the Employer shall be deemed to be automatically terminated and the Employee will not receive benefits for the remaining portion of the Plan Year.

3.05 QUALIFYING LEAVE UNDER FAMILY LEAVE ACT: Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying unpaid leave under the Family and Medical Leave Act of 1993 (FMLA), to the extent required by the FMLA, the Employer will continue to maintain the Participant's existing coverage under the Plan with respect to benefits under Section V and Section VIII of the Plan on the same terms and conditions as though he were still an active Employee. If the Employee opts to continue his coverage, the Employee may pay his Elective Contribution with after-tax dollars while on leave (or pre-tax dollars to the extent he receives compensation during the leave), or the Employee may be given the option to pre-pay all or a portion of his Elective Contribution for the expected duration of the leave on a pre-tax salary reduction basis out of his pre-leave compensation (including unused sick days or vacation) by making a special election to that effect prior to the date such compensation would normally be made available to him (provided, however, that pre-tax dollars may not be utilized to fund coverage during the next plan year), or via other arrangements agreed upon between the Employee and the Administrator (e.g., the Administrator may fund coverage during the leave and withhold amounts upon the Employee's return). Upon return from such leave, the Employee will be permitted to reenter the Plan on the same basis the Employee was participating in the Plan prior to his leave, or as otherwise required by the FMLA.

## SECTION IV

### CONTRIBUTIONS

4.01 EMPLOYER CONTRIBUTIONS: The Employer may pay the costs of the benefits elected under the Plan with funds from the sources indicated in Item E of the Adoption Agreement. The Employer

Contribution may be made up of Non-Elective Contributions and/or Elective Contributions authorized by each Participant on a salary reduction basis.

4.02 **IRREVOCABILITY OF ELECTIONS:** A Participant may file a written election form with the Administrator before the end of the current Plan Year revising the rate of his contributions or discontinuing such contributions effective as of the first day of the next following Plan Year. The Participant's Elective Contributions will automatically terminate as of the date his employment terminates. Except as provided in this Section 4.02 and Section 4.03, a Participant's election under the Plan is irrevocable for the duration of the plan year to which it relates. The exceptions to the irrevocability requirement which would permit a mid-year election change in benefits and the salary reduction amount elected are set out in the Treasury regulations promulgated under Code Section 125, which include the following:

(a) **Change in Status.** A Participant may change or revoke his election under the Plan upon the occurrence of a valid change in status, but only if such change or termination is made on account of, and is consistent with, the change in status in accordance with the Treasury regulations promulgated under Section 125. The Employer, in its sole discretion as Administrator, shall determine whether a requested change is on account of and consistent with a change in status, as follows:

- (1) Change in Employee's legal marital status, including marriage, divorce, death of spouse, legal separation, and annulment;
- (2) Change in number of Dependents, including birth, adoption, placement for adoption, and death;
- (3) Change in employment status, including any employment status change affecting benefit eligibility of the Employee, spouse or Dependent, such as termination or commencement of employment, change in hours, strike or lockout, a commencement or return from an unpaid leave of absence, and a change in work site. If the eligibility for either the cafeteria Plan or any underlying benefit plans of the Employer of the Employee, spouse or Dependent relies on the employment status of that individual, and there is a change in that individual's employment status resulting in gaining or losing eligibility under the Plan, this constitutes a valid change in status. This category only applies if benefit eligibility is lost or gained as a result of the event. If an Employee terminates and is rehired within 30 days, the Employee is required to step back into his previous election. If the Employee terminates and is rehired after 30 days, the Employee may either step back into the previous election or make a new election;
- (4) Dependent satisfies, or ceases to satisfy, Dependent eligibility requirements due to attainment of age, gain or loss of student status, marriage or any similar circumstances; and
- (5) Residence change of Employee, spouse or Dependent, affecting the Employee's eligibility for coverage.

(b) **Special Enrollment Rights.** If a Participant or his or her spouse or Dependent is entitled to special enrollment rights under a group health plan (other than an excepted benefit), as required by HIPAA under Code Section 9801(f), then a Participant may revoke a prior election for group health plan coverage and make a new election, provided that the election change corresponds with such HIPAA special enrollment right. As required by HIPAA, a special enrollment right will arise in the following circumstances: (i) a Participant or his or her spouse or Dependent declined to enroll in group health plan coverage because he or she had coverage, and eligibility for such coverage is subsequently lost because the coverage was provided under COBRA and the COBRA coverage was exhausted, or the coverage was non-COBRA coverage and the coverage terminated due to loss of eligibility for coverage or the employer contributions for the coverage were terminated; (ii) a new Dependent is acquired as a result of marriage, birth, adoption, or placement for adoption; (iii) the Participant's or his or her spouse's or Dependent's coverage under a Medicaid plan or under a

children's health insurance program (CHIP) is terminated as a result of loss of eligibility for such coverage and the Participant requests coverage under the group health plan not later than 60 days after the date of termination of such coverage; or (iv) the Participant, his or her spouse or Dependent becomes eligible for a state premium assistance subsidy from a Medicaid plan or through a state children's insurance program with respect to coverage under the group health plan and the Participant requests coverage under the group health plan not later than 60 days after the date the Participant, his or her spouse or Dependent is determined to be eligible for such assistance. An election change under (iii) or (iv) of this provision must be requested within 60 days after the termination of Medicaid or state health plan coverage or the determination of eligibility for a state premium assistance subsidy, as applicable. Special enrollment rights under the health insurance plan will be determined by the terms of the health insurance plan.

- (c) Certain Judgments, Decrees or Orders. If a judgment, decree or order resulting from a divorce, legal separation, annulment or change in legal custody (including a qualified medical child support order [QMCSO]) requires accident or health coverage for a Participant's child or for a foster child who is a dependent of the Participant, the Participant may have a mid-year election change to add or drop coverage consistent with the Order.
- (d) Entitlement to Medicare or Medicaid. If a Participant, Participant's spouse or Participant's Dependent who is enrolled in an accident or health plan of the Employer becomes entitled to Medicare or Medicaid (other than coverage consisting solely of benefits under Section 1928 of the Social Security Act providing for pediatric vaccines), the Participant may cancel or reduce health coverage under the Employer's Plan. Loss of Medicare or Medicaid entitlement would allow the Participant to add health coverage under the Employer's Plan.
- (e) Family Medical Leave Act. If an Employee is taking leave under the rules of the Family Medical Leave Act, the Employee may revoke previous elections and re-elect benefits upon return to work.
- (f) COBRA Qualifying Event. If an Employee has a COBRA qualifying event (a reduction in hours of the Employee, or a Dependent ceases eligibility), the Employee may increase his pre-tax contributions for coverage under the Employer's Plan if a COBRA event occurs with respect to the Employee, the Employee's spouse or Dependent. The COBRA rule does not apply to COBRA coverage under another Employer's Plan.
- (g) Changes in Eligibility for Adult Children. To the extent the Employer amends a plan listed in Item F of the Adoption Agreement that provides benefits that are excluded from an Employee's income under Code Section 105 to provide that Adult Children (as defined in Section 2.04(c)) are eligible to receive benefits under the plan, an Eligible Employee may make or change an election under this Plan to add coverage for the Adult Child and to make any corresponding change to the Eligible Employee's coverage that is consistent with adding coverage for the Adult Child.
- (h) Cancellation due to reduction in hours of service. A Participant may cancel group health plan (as that term is defined in Code Section 9832(a)) coverage, except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:
  - (i) The Participant has been in an employment status under which the Participant was reasonably expected to average at least 30 hours of service per week and there is a change in that Participant's status so that the Participant will reasonably be expected to

- average less than 30 hours of service per week after the change, even if that reduction does not result in the Participant ceasing to be eligible under the group health plan; and
- (ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the Participant, and any related individuals who cease coverage due to the cancellation, in another plan that provides minimum essential coverage with the new coverage effective no later than the first day of the second month following the month that includes the date the original coverage is cancelled.
- (i) Cancellation due to enrollment in a Qualified Health Plan. A participant may cancel group health plan (as that term is defined in Code Section 9832(a)) coverage, except Health FSA coverage, under the Employer's Plan if both of the following conditions are met:
- (i) The Participant is eligible for a Special Enrollment Period (as as defined in Code Section 9801(f)) to enroll in a Qualified Health Plan(as described in section 1311 of the Patient Protection and Affordable Care Act (PPACA)) through a competitive marketplace established under section 1311(c) of PPACA (Marketplace), pursuant to guidance issued by the Department of Health and Human Services and any other applicable guidance, or the Participant seeks to enroll in a Qualified Health Plan through a Marketplace during the Marketplace's annual open enrollment period; and
  - (ii) The cancellation of the election of coverage under the Employer's group health plan coverage corresponds to the intended enrollment of the Participant and any related individuals who cease coverage due to the cancellation in a Qualified Health Plan through a Marketplace for new coverage that is effective beginning no later than the day immediately following the last day of the original coverage that is cancelled.

Notwithstanding anything to the contrary in this Section 4.02, the change in election rules in this Section 4.02 do not apply to the Medical Expense Reimbursement Plan, or may not be modified with respect to the Medical Expense Reimbursement Plan if the Plan is being administered by a Recordkeeper other than the Employer, unless the Employer and the Recordkeeper otherwise agree in writing.

4.03 OTHER EXCEPTIONS TO IRREVOCABILITY OF ELECTIONS. Other exceptions to the irrevocability of election requirement permit mid-year election changes and apply to all qualified benefits except for Medical Expense Reimbursement Plans, as follows:

- (a) Change in Cost. If the cost of a benefit package option under the Plan significantly increases during the plan year, Participants may (i) make a corresponding increase in their salary reduction amount, (ii) revoke their elections and make a prospective election under another benefit option offering similar coverage, or (iii) revoke election completely if no similar coverage is available, including in spouse or dependent's plan. If the cost significantly decreases, employees may elect coverage even if they had not previously participated and may drop their previous election for a similar coverage option in order to elect the benefit package option that has decreased in cost during the year. If the increased or decreased cost of a benefit package option under the Plan is insignificant, the participant's salary reduction amount shall be automatically adjusted.
- (b) Significant curtailment of coverage.

- (i) With no loss of coverage. If the coverage under a benefit package option is significantly curtailed or ceases during the Plan Year, affected Participants may revoke their elections for the curtailed coverage and make a new prospective election for coverage under another benefit package option providing similar coverage.
- (ii) With loss of coverage. If there is a significant curtailment of coverage with loss of coverage, affected Participants may revoke election for curtailed coverage and make a new prospective election for coverage under another benefit package option providing similar coverage, or drop coverage if no similar benefit package option is available.
- (c) Addition or Significant Improvement of Benefit Package Option. If during the Plan Year a new benefit package option is added or significantly improved, eligible employees, whether currently participating or not, may revoke their existing election and elect the newly added or newly improved option.
- (d) Change in Coverage of a Spouse or Dependent Under Another Employer's Plan. If there is a change in coverage of a spouse, former spouse, or Dependent under another employer's plan, a Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of the spouse or Dependent. This rule applies if (1) mandatory changes in coverage are initiated by either the insurer of spouse's plan or by the spouse's employer, or (2) optional changes are initiated by the spouse's employer or by the spouse through open enrollment.
- (e) Loss of coverage under other group health coverage. If during the Plan Year coverage is lost under any group health coverage sponsored by a governmental or educational institution, a Participant may prospectively change his or her election to add group health coverage for the affected Participant or his or her spouse or dependent.

- 4.04 CASH BENEFIT: Available amounts not used for the purchase of benefits under this Plan may be considered a cash benefit under the Plan payable to the Participant as taxable income to the extent indicated in Item E of the Adoption Agreement.
- 4.05 PAYMENT FROM EMPLOYER'S GENERAL ASSETS: Payment of benefits under this Plan shall be made by the Employer from Elective Contributions which shall be held as a part of its general assets.
- 4.06 EMPLOYER MAY HOLD ELECTIVE CONTRIBUTIONS: Pending payment of benefits in accordance with the terms of this Plan, Elective Contributions may be retained by the Employer in a separate account or, if elected by the Employer and as permitted or required by regulations of the Internal Revenue Service, Department of Labor or other governmental agency, such amounts of Elective Contributions may be held in a trust pending payment.
- 4.07 MAXIMUM EMPLOYER CONTRIBUTIONS: With respect to each Participant, the maximum amount made available to pay benefits for any Plan Year shall not exceed the Employer's Contribution specified in the Adoption Agreement and as provided in this Plan.

## SECTION V

### GROUP MEDICAL INSURANCE BENEFIT PLAN

- 5.01 PURPOSE: These benefits provide the group medical insurance benefits to Participants.
- 5.02 ELIGIBILITY: Eligibility will be as required in Items F(1), F(3), and F(4) of the Adoption Agreement.
- 5.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Items F(1), F(3), and F(4) of the Adoption Agreement.
- 5.04 TERMS, CONDITIONS AND LIMITATIONS: The terms, conditions and limitations of the benefits offered shall be as specifically described in the Policy identified in the Adoption Agreement.
- 5.05 COBRA: To the extent required by Section 4980B of the Code and Sections 601 through 607 of ERISA, Participants and Dependents shall be entitled to continued participation in this Group Medical Insurance Benefit Plan by contributing monthly (from their personal assets previously subject to taxation) 102% of the amount of the premium for the desired benefit during the period that such individual is entitled to elect continuation coverage, provided, however, in the event the continuation period is extended to 29 months due to disability, the premium to be paid for continuation coverage for the 11 month extension period shall be 150% of the applicable premium.
- 5.06 SECTION 105 AND 106 PLAN: It is the intention of the Employer that these benefits shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan, as provided in Code Sections 105 and 106, and all provisions of this benefit plan shall be construed in a manner consistent with that intention. It is also the intention of the Employer to comply with the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 as outlined in the policies identified in the Adoption Agreement.
- 5.07 CONTRIBUTIONS: Contributions for these benefits will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement.
- 5.08 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT: Notwithstanding anything to the contrary herein, the Group Medical Insurance Benefit Plan shall comply with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353).

## SECTION VI

### DISABILITY INCOME BENEFIT PLAN

- 6.01 PURPOSE: This benefit provides disability insurance designated to provide income to Participants during periods of absence from employment because of disability.
- 6.02 ELIGIBILITY: Eligibility will be as required in Item F(2) of the Adoption Agreement.
- 6.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Item F(2) of the Adoption Agreement.

- 6.04 TERMS, CONDITIONS AND LIMITATIONS: The terms, conditions and limitations of the Disability Income Benefits offered shall be as specifically described in the Policy identified in the Adoption Agreement.
- 6.05 SECTION 104 AND 106 PLAN: It is the intention of the Employer that the premiums paid for these benefits shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan, as provided in Code Sections 104 and 106, and all provisions of this benefit plan shall be construed in a manner consistent with that intention.
- 6.06 CONTRIBUTIONS: Contributions for this benefit will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement.

## SECTION VII

### GROUP AND INDIVIDUAL LIFE INSURANCE PLAN

- 7.01 PURPOSE: This benefit provides group life insurance benefits to Participants and may provide certain individual policies as provided for in Item F(5) of the Adoption Agreement.
- 7.02 ELIGIBILITY: Eligibility will be as required in Item F(5) of the Adoption Agreement.
- 7.03 DESCRIPTION OF BENEFITS: The benefits available under this Plan will be as defined in Item F(5) of the Adoption Agreement.
- 7.04 TERMS, CONDITIONS, AND LIMITATIONS: The terms, conditions, and limitations of the group life insurance are specifically described in the Policy identified in the Adoption Agreement.
- 7.05 SECTION 79 PLAN: It is the intention of the Employer that the premiums paid for the benefits described in Item F(5) of the Adoption Agreement shall be eligible for exclusion from the gross income of the Participants covered by this benefit plan to the extent provided in Code Section 79, and all provisions of this benefit plan shall be construed in a manner consistent with that intention.
- 7.06 CONTRIBUTIONS: Contributions for this benefit will be provided by the Employer on behalf of a Participant as provided for in Item E of the Adoption Agreement. Any individual policies purchased by the Employer for the Participant will be owned by the Participant.

## SECTION VIII

### MEDICAL EXPENSE REIMBURSEMENT PLAN

- 8.01 PURPOSE: The Medical Expense Reimbursement Plan is designed to provide for reimbursement of Eligible Medical Expenses (as defined in Section 8.04) that are not reimbursed under an insurance plan, through damages, or from any other source. It is the intention of the Employer that amounts allocated for this benefit shall be eligible for exclusion from gross income, as provided in Code Sections 105 and 106, for Participants who elect this benefit and all provisions of this Section VIII shall be construed in a manner consistent with that intention.
- 8.02 ELIGIBILITY: The eligibility provisions are set forth in Item F(7) of the Adoption Agreement.

8.03 TERMS, CONDITIONS, AND LIMITATIONS:

- a. Accounts. The Reimbursement Recordkeeper shall establish a recordkeeping account for each Participant. The Reimbursement Recordkeeper shall maintain a record of each account on an on-going basis, increasing the balances as contributions are credited during the year and decreasing the balances as Eligible Medical Expenses are reimbursed. No interest shall be payable on amounts recorded in any Participant's account.
- b. Maximum benefit. The maximum amount of reimbursement for each Participant shall be limited to the amount of the Participant's Elective Contribution allocated to the program during the Plan Year, not to exceed the maximum amount set forth in Item F(7) of the Adoption Agreement.
- c. Claim Procedure. In order to be reimbursed for any medical expenses incurred during the Plan Year, the Participant shall complete the form(s) provided for such purpose by the Reimbursement Recordkeeper. The Participant shall submit the completed form to the Reimbursement Recordkeeper with an original bill or other proof of the expense acceptable to the Reimbursement Recordkeeper. No reimbursement shall be made on the basis of an incomplete form or inadequate evidence of expense as determined by the Reimbursement Recordkeeper. Forms for reimbursement of Eligible Medical Expenses must be submitted no later than the ninetieth (90th) day following the last day of the Plan Year during which the Eligible Medical Expenses were incurred. Reimbursement payments shall only be made to the Participant, or the Participant's legal representative in the event of incapacity or death of the Participant. Forms for reimbursement shall be reviewed in accordance with the claims procedure set forth in Section XII.
- d. Funding. The funding of the Medical Reimbursement Plan shall be through contributions by the Employer from its general assets to the extent of Elective Contributions directed by Participants. Such contributions shall be made by the Employer when benefit payments and account administrative expenses become due and payable under this Medical Expense Reimbursement Plan.
- e. Forfeiture. Subject to Section 8.06 and 8.07, any amounts remaining to the credit of the Participant at the end of the Plan Year and not used for Eligible Medical Expenses incurred during the Participant's participation during the Plan Year shall be forfeited and shall remain assets of the Plan. With respect to a Participant who terminates employment with the Employer and who has not elected to continue coverage under this Plan pursuant to COBRA rights referenced under Section 8.03(f) herein, such Participant shall not be entitled to reimbursement for Eligible Medical Expenses incurred after his termination date regardless if such Participant has any amounts of Employer Contributions remaining to his credit. Upon the death of any Participant who has any amounts of Employer Contributions remaining to his credit, a dependent of the Participant may elect to continue to claim reimbursement for Eligible Medical Expenses in the same manner as the Participant could have for the balance of the Plan Year.
- f. COBRA. To the extent required by Section 4980B of the Code and Sections 601 through 607 of ERISA ("COBRA"), a Participant and a Participant's Dependents shall be entitled to elect continued participation in this Medical Expense Reimbursement Plan only through the end of the plan year in which the qualifying event occurs, by contributing monthly (from their personal assets previously subject to taxation) to the Employer/Administrator, 102% of the amount of

desired reimbursement through the end of the Plan Year in which the qualifying event occurs. Specifically, such individuals will be eligible for COBRA continuation coverage only if they have a positive Medical Expense Reimbursement Account balance on the date of the qualifying event. Participants who have a deficit balance in their Medical Expense Reimbursement Account on the date of their qualifying event shall not be entitled to elect COBRA coverage. In lieu of COBRA, Participants may continue their coverage through the end of the current Plan Year by paying those premiums out of their last paycheck on a pre-tax basis.

- g. Nondiscrimination. Benefits provided under this Medical Expense Reimbursement Plan shall not be provided in a manner that discriminates in favor of Employees or Dependents who are highly compensated individuals, as provided under Section 105(h) of the Code and regulations promulgated thereunder.
- h. Uniform Coverage Rule. Notwithstanding that a Participant has not had withheld and credited to his account all of his contributions elected with respect to a particular Plan Year, the entire aggregate annual amount elected with respect to this Medical Expense Reimbursement Plan (increased by any Carryover to the Plan Year), shall be available at all times during such Plan Year to reimburse the participant for Eligible Medical Expenses with respect to this Medical Expense Reimbursement Plan. To the extent contributions with respect to this Medical Expense Reimbursement Plan are insufficient to pay such Eligible Medical Expenses, it shall be the Employer's obligation to provide adequate funds to cover any short fall for such Eligible Medical Expenses for a Participant; provided subsequent contributions with respect to this Medical Expense Reimbursement Plan by the Participant shall be available to reimburse the Employer for funds advanced to cover a previous short fall.
- i. Uniformed Services Employment and Reemployment Rights Act. Notwithstanding anything to the contrary herein, this Medical Expense Reimbursement Plan shall comply with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353).
- j. Proration of Limit. In the event that the Employer has purchased a uniform coverage risk policy from the Recordkeeper, then the Maximum Coverage amount specified in Section F.7 of the Adoption Agreement shall be pro rated with respect to (i) an Employee who becomes a Participant and enters the Plan during the Plan Year, and (ii) short plan years initiated by the Employer. Such Maximum Coverage amount will be pro rated by dividing the annual Maximum Coverage amount by 12, and multiplying the quotient by the number of remaining months in the Plan Year for the new Participant or the number of months in the short Plan Year, as applicable.
- k. Continuation Coverage for Certain Dependent Children. In the event that benefits under the Medical Expense Reimbursement Plan does not qualify for the exception from the portability rules of HIPAA, then, effective for Plan Years beginning on or after October 9, 2009, notwithstanding the foregoing provisions, coverage for a Dependent child who is enrolled in the Medical Expense Reimbursement Plan as a student at a post-secondary educational institution will not terminate due to a medically necessary leave of absence before a date that is the earlier of:
  - the date that is one year after the first day of the medically necessary leave of absence; or
  - the date on which such coverage would otherwise terminate under the terms of the Plan.

For purposes of this paragraph, “medically necessary leave of absence” means a leave of absence of the child from a post-secondary educational institution, or any other change in enrollment of the child at the institution, that: (i) commences while the child is suffering from a serious illness or injury; (ii) is medically necessary; and (iii) causes the child to lose student status for purposes of coverage under the terms of the Plan. A written certification must be provided by a treating physician of the dependent child to the Plan in order for the continuation coverage requirement to apply. The physician’s certification must state that the child is suffering from a serious illness or injury and that the leave of absence (or other change in enrollment) is medically necessary.

8.04 ELIGIBLE MEDICAL EXPENSES:

- (a) Eligible Medical Expense in General. The phrase ‘Eligible Medical Expense’ means any expense incurred by a Participant or any of his Dependents (subject to the restrictions in Sections 8.04(b) and (c)) during a Plan Year that (i) qualifies as an expense incurred by the Participant or Dependents for medical care as defined in Code Section 213(d) and meets the requirements outlined in Code Section 125, (ii) is excluded from gross income of the Participant under Code Section 105(b), and (iii) has not been and will not be paid or reimbursed by any other insurance plan, through damages, or from any other source. Notwithstanding the above, capital expenditures are not Eligible Medical Expenses under this Plan. Further, notwithstanding the above, effective January 1, 2011, only the following drugs or medicines will constitute Eligible Medical Expenses:
  - (i.) Drugs or medicines that require a prescription;
  - (ii.) Drugs or medicines that are available without a prescription (“over-the-counter drugs or medicines”) and the Participant or Dependent obtains a prescription; and
  - (iii.) Insulin.
- (b) Expenses Incurred After Commencement of Participation. Only medical care expenses incurred by a Participant or the Participant’s Dependent(s) on or after the date such Participant commenced participation in the Medical Expense Reimbursement Plan shall constitute an Eligible Medical Expense.
- (c) Eligible Expenses Incurred by Dependents. For purposes of this Section, Eligible Medical Expenses incurred by Dependents defined in Section 2.04(c) are eligible for reimbursement if incurred after March 30, 2010; Eligible Medical Expenses incurred by Dependents defined in Sections 2.04(a) and (b) are eligible for reimbursement if incurred either before or after March 30, 2010 (subject to the restrictions of Section 8.04(b)).
- (d) Health Savings Accounts. If the Employer has elected in Item F.8 of the Adoption Agreement to allow Eligible Employees to contribute to Health Savings Accounts under the Plan, then for a Participant who is eligible for and elects to contribute to a Health Savings Accounts, Eligible Medical Expenses shall be limited as set forth in Item F.8 of the Adoption Agreement.

8.05 USE OF DEBIT CARD: In the event that the Employer elects to allow the use of debit cards (“Debit Cards”) for reimbursement of Eligible Medical Expenses (other than over-the-counter drugs or medicines) under the Medical Expense Reimbursement Plan, the provisions described in this Section shall apply. However, beginning January 1, 2011, a Debit Card may not be used to purchase drugs or medicines over-the-counter.

- a. Substantiation. The following procedures shall be applied for purposes of substantiating claimed Eligible Medical Expenses after the use of a Debit Card to pay the claimed Eligible Medical Expense:
- (i) If the dollar amount of the transaction at a health care provider equals the dollar amount of the co-payment for that service under the Employer's major medical plan of the specific employee-cardholder, the charge is fully substantiated without the need for submission of a receipt or further review.
  - (ii) If the merchant, service provider, or other independent third-party (e.g., pharmacy benefit manager), at the time and point of sale, provides information to verify to the Recordkeeper (including electronically by e-mail, the internet, intranet, or telephone) that the charge is for a medical expense, the charge is fully substantiated without the need for submission of a receipt or further review.
- b. Status of Charges. All charges to a Debit Card, other than co-payments and real-time substantiation as described in Subsection (a) above, are treated as conditional pending confirmation of the charge, and additional third-party information, such as merchant or service provider receipts, describing the service or product, the date of the service or sale, and the amount, must be submitted for review and substantiation.
- c. Correction Procedures for Improper Payments. In the event that a claim has been reimbursed and is subsequently identified as not qualifying for reimbursement, one or all of the following procedures shall apply:
- (i) First, upon the Recordkeeper's identification of the improper payment, the Eligible Employee will be required to pay back to the Plan an amount equal to the improper payment.
  - (ii) Second, where the Eligible Employee does not pay back to the Plan the amount of the improper payment, the Employer will have the amount of the improper payment withheld from the Eligible Employee's wages or other compensation to the extent consistent with applicable law.
  - (iii) Third, if the improper payment still remains outstanding, the Plan may utilize a claim substitution or offset approach to resolve improper claims payments.
  - (iv) If the above correction efforts prove unsuccessful, or are otherwise unavailable, the Eligible Employee will remain indebted to the Employer for the amount of the improper payment. In that event and consistent with its business practices, the Employer may treat the payment as it would any other business indebtedness.
  - (v) In addition to the above, the Employer and the Plan may take other actions they may deem necessary, in their sole discretion, to ensure that further violations of the terms of the Debit Card do not occur, including, but not limited to, denial of access to the Debit Card until the indebtedness is repaid by the Eligible Employee.
- d. Intent to Comply with Rev. Rul. 2003-43. It is the Employer's intent that any use of Debit Cards to pay Eligible Medical Expenses shall comply with the guidelines for use of

such cards set forth in Rev. Rul. 2003-43, and this Section 8.05 shall be construed and interpreted in a manner necessary to comply with such guidelines.

- 8.06 **GRACE PERIOD:** If the Employer elects in Section F.7 of the Adoption Agreement to permit a Grace Period with respect to the Medical Reimbursement Plan, the provisions of this Section 8.06 shall apply. Notwithstanding anything to the contrary herein and in accordance with Internal Revenue Service Notice 2005-42, a Participant who has unused contributions relating to the Medical Reimbursement Plan from the immediately preceding Plan Year, and who incurs Eligible Medical Expenses for such qualified benefit during the Grace Period, may be paid or reimbursed for those Eligible Medical Expenses from the unused contributions as if the expenses had been incurred in the immediately preceding Plan Year. For purposes of this Section, 'Grace Period' shall mean the period extending 70 days after the end of the immediately preceding Plan Year to which it relates. Eligible Medical Expenses incurred during the Grace Period shall be reimbursed first from unused contributions allocated to the Medical Reimbursement Plan for the prior Plan Year, and then from unused contributions for the current Plan Year, if participant is enrolled in current Plan Year.
- 8.07 **CARRYOVER:** If the Employer elects in Section F.7 of the Adoption Agreement to permit a Carryover with respect to the Medical Reimbursement Plan, the provisions of this Section 8.07 shall apply. Notwithstanding anything to the contrary herein and in accordance with Internal Revenue Service Notice 2013-71, the Carryover for a Participant who has an amount remaining unused as of the end of the run-off period for the Plan Year, may be used to pay or reimburse Eligible Medical Expenses during the following entire Plan Year. The Carryover does not count against or otherwise affect the Maximum benefit set forth in Section 8.03 (b). Eligible Medical Expenses incurred during a Plan Year shall be reimbursed first from unused contributions for the current Plan Year, and then from any Carryover carried over from the preceding Plan Year. Any unused amounts from the prior Plan Year that are used to reimburse a current Plan Year expense (a) reduce the amounts available to pay prior Plan Year expenses during the run-off period, (b) must be counted against any Carryover amount from the prior Plan Year, and (c) cannot exceed the maximum Carryover from the prior Plan Year. If the Employer elects to apply Section 8.06 in Section F.7 of the Adoption Agreement, this Section 8.07 shall not apply.

## SECTION IX

### DEPENDENT CARE REIMBURSEMENT PLAN

- 9.01 **PURPOSE:** The Dependent Care Reimbursement Plan is designed to provide for reimbursement of certain employment-related dependent care expenses of the Participant. It is the intention of the Employer that amounts allocated for this benefit shall be eligible for exclusion from gross income, as provided in Code Section 129, for Participants who elect this benefit, and all provisions of this Section IX shall be construed in a manner consistent with that intention.
- 9.02 **ELIGIBILITY:** The eligibility provisions are set forth in Item F(6) of the Adoption Agreement.
- 9.03 **TERMS, CONDITIONS, AND LIMITATIONS:**
- a. **Accounts.** The Reimbursement Recordkeeper shall establish a recordkeeping account for each Participant. The Reimbursement Recordkeeper shall maintain a record of each account on an on-going basis, increasing the balances as contributions are credited during the year and decreasing the balances as Eligible Dependent Care Expenses are reimbursed. No interest shall be payable on amounts recorded in any Participant's account.

- b. Maximum Benefit. The maximum amount of reimbursement for each Participant shall be limited to the amount of the Participant's allocation to the program during the Plan Year not to exceed the maximum amount set forth in Item F(6) of the adoption agreement.

For purpose of this Section IX, the phrase "earned income" shall mean wages, salaries, tips and other employee compensation, but only if such amounts are includible in gross income for the taxable year. A Participant's spouse who is physically or mentally incapable of self-care as described in Section 9.04(a)(ii) or a spouse who is a full-time student within the meaning of Code Section 21(e)(7) shall be deemed to have earned income for each month in which such spouse is so disabled (or a full-time student). The amount of such deemed earned income shall be \$250 per month in the case of one Dependent and \$500 per month in the case of two or more Dependents.

- c. Claim Procedure. In order to be reimbursed for any dependent care expenses incurred during the Plan Year, the Participant shall complete the form(s) provided for such purpose by the Reimbursement Recordkeeper. The Participant shall submit the completed form to the Reimbursement Recordkeeper with an original bill or other proof of the expense from an independent third party acceptable to the Reimbursement Recordkeeper. No reimbursement shall be made on the basis of an incomplete form or inadequate evidence of the expense as determined by the Reimbursement Recordkeeper. Claims for reimbursement of Eligible Dependent Care Expenses must be submitted no later than the ninetieth (90th) day following the last day of the Plan Year during which the Eligible Dependent Care Expenses were incurred. Reimbursement payments shall only be made to the Participant, or the Participant's legal representative in the event of the incapacity or death of the Participant. Forms for reimbursement shall be reviewed in accordance with the claims procedure set forth in Section XII.
- d. Funding. The funding of the Dependent Care Reimbursement Plan shall be through contributions by the Employer from its general assets to the extent of Elective Contributions directed by Participants. Such contributions shall be made by the Employer when benefit payments and account administration expenses become due and payable under this Dependent Care Expense Reimbursement Plan.
- e. Forfeiture. Any amounts remaining to the credit of the Participant at the end of the Plan Year and not used for Eligible Dependent Care Expenses incurred during the Plan Year shall be forfeited and remain assets of the Plan.
- f. Nondiscrimination. Benefits provided under this Dependent Care Reimbursement Plan shall not be provided in a manner that discriminates in favor of Highly Compensated Employees (as defined in Code Section 414(q)) or their dependents, as provided in Code Section 129. In addition, no more than 25 percent of the aggregate Eligible Dependent Care Expenses shall be reimbursed during a Plan Year to five percent owners, as provided in Code Section 129.

#### 9.04 DEFINITIONS:

- a. "Dependent" (for purposes of this Section IX) means any individual who is:
- (i) a Participant's qualifying child (as defined in Code Section 152 (c)) who has not attained the age of 13; or

- (ii) a dependent (qualifying child or qualifying relative, as defined in Code Section 152 (c) and (d), respectively) or the spouse of a Participant who is physically or mentally incapable of self-care, and who has the same principal place of abode as the taxpayer for more than half of the taxable year. For purposes of this Dependent Care Reimbursement Plan, an individual shall be considered physically or mentally incapable of self-care if, as a result of a physical or mental defect, the individual is incapable of caring for his or her hygienic or nutritional needs, or requires full-time attention of another person for his or her own safety or the safety of others.
- b. "Dependent Care Center" (for purposes of this Section IX) shall be a facility which:
- (i) provides care for more than six individuals (other than individuals who reside at the facility);
  - (ii) receives a fee, payment, or grant for providing services for any of the individuals (regardless of whether such facility is operated for profit); and
  - (iii) satisfies all applicable laws and regulations of a state or unit of local government.
- c. "Eligible Dependent Care Expenses" (for purposes of this Section IX) shall mean expenses incurred by a Participant which are:
- (i) incurred for the care of a Dependent of the Participant or for related household services;
  - (ii) paid or payable to a Dependent Care Service Provider; and
  - (iii) incurred to enable the Participant to be gainfully employed for any period for which there are one or more Dependents with respect to the Participant.
- "Eligible Dependent Care Expenses" shall not include expenses incurred for services outside the Participant's household for the care of a Dependent unless such Dependent is (i) a qualifying child (as defined in Code Section 152 (c)) under the age of 13, or (ii) a dependent (qualifying child or qualifying relative, as defined in Code Section 152 (c) and (d), respectively)), who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the taxable year, or (iii) the spouse of a Participant who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the taxable year. Eligible Dependent Care Expenses shall be deemed to be incurred at the time the services to which the expenses relate are rendered.
- d. "Dependent Care Service Provider" (for purposes of this Section IX) means:
- (i) a Dependent Care Center, or
  - (ii) a person who provides care or other services described in Section 9.04(b) and who is not a related individual described in Section 129(c) of the Code.

## SECTION X

### HEALTH SAVINGS ACCOUNTS

10.01 PURPOSE: If elected by the Employer in Section F.8 of the Adoption Agreement, the Plan will permit pre-tax contributions to the Health Savings Account, and the provisions of this Article X shall apply.

10.02 BENEFITS: A Participant can elect benefits under the Health Savings Accounts portion of this Plan by electing to pay his or her Health Savings Account contributions on a pre-tax salary reduction basis. In addition, the Employer may make contributions to the Health Savings Account for the benefit of the Participant.

10.03 TERMS, CONDITIONS AND LIMITATION:

- a. Maximum Benefit. The maximum annual contributions that may be made to a Participant's Health Savings Account under this Plan is set forth in Section F.8 of the Adoption Agreement.
- b. Mid-Year Election Changes. Notwithstanding any to the contrary herein, a Participant election with respect to contributions for the Health Savings Account shall be revocable during the duration of the Plan Year to which the election relates. Consequently, a Participant may change his or her election with respect to contributions for the Health Savings Account at any time.

10.04 RESTRICTIONS ON MEDICAL REIMBURSEMENT PLAN: If the Employer has elected in Section F.8 of the Adoption Agreement both Health Savings Accounts under this Plan and the Medical Expense Reimbursement Plan, then the Eligible Medical Expenses that may be reimbursed under the Medical Reimbursement Plan for Participants who are eligible for and elect to participate in Health Savings Accounts shall be limited as set forth in Section F.8 of the Adoption Agreement.

10.05 NO ESTABLISHMENT OF ERISA PLAN: It is the intent of the Employer that the establishment of Health Savings Accounts are completely voluntary on the part of Participants, and that, in accordance with Department of Labor Field Assistance Bulletin 2004-1, the Health Savings Accounts are not "employee welfare benefit plans" for purposes of Title I of ERISA.

## SECTION XI

### AMENDMENT AND TERMINATION

11.01 AMENDMENT: The Employer shall have the right at any time, and from time to time, to amend, in whole or in part, any or all of the provisions of this Plan, provided that no such amendment shall change the terms and conditions of payment of any benefits to which Participants and covered dependents otherwise have become entitled to under the provisions of the Plan, unless such amendment is made to comply with federal or local laws or regulations. The Employer also shall have the right to make any amendment retroactively which is necessary to bring the Plan into conformity with the Code. In addition, the Employer may amend any provisions or any supplements to the Plan and may merge or combine supplements or add additional supplements to the Plan, or separate existing supplements into an additional number of supplements.

11.02 TERMINATION: The Employer shall have the right at any time to terminate this Plan, provided that such termination shall not eliminate any obligations of the Employer which therefore have arisen under the Plan.

## SECTION XII

### ADMINISTRATION

- 12.01 NAMED FIDUCIARIES: The Administrator shall be the fiduciary of the Plan.
- 12.02 APPOINTMENT OF RECORDKEEPER: The Employer may appoint a Reimbursement Recordkeeper which shall have the power and responsibility of performing recordkeeping and other ministerial duties arising under the Medical Expense Reimbursement Plan and the Dependent Care Reimbursement Plan provisions of this Plan. The Reimbursement Recordkeeper shall serve at the pleasure of, and may be removed by, the Employer without cause. The Recordkeeper shall receive reasonable compensation for its services as shall be agreed upon from time to time between the Administrator and the Recordkeeper.
- 12.03 POWERS AND RESPONSIBILITIES OF ADMINISTRATOR:
- a. General. The Administrator shall be vested with all powers and authority necessary in order to amend and administer the Plan, and is authorized to make such rules and regulations as it may deem necessary to carry out the provisions of the Plan. The Administrator shall determine any questions arising in the administration (including all questions of eligibility and determination of amount, time and manner of payments of benefits), construction, interpretation and application of the Plan, and the decision of the Administrator shall be final and binding on all persons.
  - b. Recordkeeping. The Administrator shall keep full and complete records of the administration of the Plan. The Administrator shall prepare such reports and such information concerning the Plan and the administration thereof by the Administrator as may be required under the Code or ERISA and the regulations promulgated thereunder.
  - c. Inspection of Records. The Administrator shall, during normal business hours, make available to each Participant for examination by the Participant at the principal office of the Administrator a copy of the Plan and such records of the Administrator as may pertain to such Participant. No Participant shall have the right to inquire as to or inspect the accounts or records with respect to other Participants.
- 12.04 COMPENSATION AND EXPENSES OF ADMINISTRATOR: The Administrator shall serve without compensation for services as such. All expenses of the Administrator shall be paid by the Employer. Such expenses shall include any expense incident to the functioning of the Plan, including, but not limited to, attorneys' fees, accounting and clerical charges, actuary fees and other costs of administering the Plan.
- 12.05 LIABILITY OF ADMINISTRATOR: Except as prohibited by law, the Administrator shall not be liable personally for any loss or damage or depreciation which may result in connection with the exercise of duties or of discretion hereunder or upon any other act or omission hereunder except when due to willful misconduct. In the event the Administrator is not covered by fiduciary liability insurance or similar insurance arrangements, the Employer shall indemnify and hold harmless the Administrator from any and all claims, losses, damages, expenses (including reasonable counsel fees approved by the Administrator) and liability (including any reasonable amounts paid in settlement with the Employer's approval) arising from any act or omission of the Administrator, except when the same is determined to be due to the willful misconduct of the Administrator by a court of competent jurisdiction.
- 12.06 DELEGATIONS OF RESPONSIBILITY: The Administrator shall have the authority to delegate, from time to time, all or any part of its responsibilities under the Plan to such person or persons as it may deem advisable and in the same manner to revoke any such delegation of responsibilities which shall have the same force and effect for all purposes hereunder as if such action had been taken by the Administrator. The Administrator shall not be liable for any acts or omissions of any such delegate.

The delegate shall report periodically to the Administrator concerning the discharge of the delegated responsibilities.

- 12.07 RIGHT TO RECEIVE AND RELEASE NECESSARY INFORMATION: The Administrator may release or obtain any information necessary for the application, implementation and determination of this Plan or other Plans without consent or notice to any person. This information may be released to or obtained from any insurance company, organization, or person subject to applicable law. Any individual claiming benefits under this Plan shall furnish to the Administrator such information as may be necessary to implement this provision.
- 12.08 CLAIM FOR BENEFITS: To obtain payment of any benefits under the Plan a Participant must comply with the rules and procedures of the particular benefit program elected pursuant to this Plan under which the Participant claims a benefit.
- 12.09 GENERAL CLAIMS REVIEW PROCEDURE: This provision shall apply only to the extent that a claim for benefits is not governed by a similar provision of a benefit program available under this Plan or is not governed by Section 12.10.
- a. Initial Claim for Benefits. Each Participant may submit a claim for benefits to the Administrator as provided in Section 12.08. A Participant shall have no right to seek review of a denial of benefits, or to bring any action in any court to enforce a claim for benefits prior to his filing a claim for benefits and exhausting his rights to review under this section.

When a claim for benefits has been filed properly, such claim for benefits shall be evaluated and the claimant shall be notified of the approval or the denial within (90) days after the receipt of such claim unless special circumstances require an extension of time for processing the claim. If such an extension of time for processing is required, written notice of the extension shall be furnished to the claimant prior to the termination of the initial ninety (90) day period which shall specify the special circumstances requiring an extension and the date by which a final decision will be reached (which date shall not be later than one hundred and eighty (180) days after the date on which the claim was filed.) A claimant shall be given a written notice in which the claimant shall be advised as to whether the claim is granted or denied, in whole or in part. If a claim is denied, in whole or in part, the claimant shall be given written notice which shall contain (a) the specific reasons for the denial, (b) references to pertinent plan provisions upon which the denial is based, (c) a description of any additional material or information necessary to perfect the claim and an explanation of why such material or information is necessary, and (d) the claimant's rights to seek review of the denial.

- b. Review of Claim Denial. If a claim is denied, in whole or in part, the claimant shall have the right to request that the Administrator review the denial, provided that the claimant files a written request for review with the Administrator within sixty (60) days after the date on which the claimant received written notification of the denial. A claimant (or his duly authorized representative) may review pertinent documents and submit issues and comments in writing to the Administrator. Within sixty (60) days after a request is received, the review shall be made and the claimant shall be advised in writing of the decision on review, unless special circumstances require an extension of time for processing the review, in which case the claimant shall be given a written notification within such initial sixty (60) day period specifying the reasons for the extension and when such review shall be completed (provided that such review shall be completed within one hundred and twenty (120) days after the date on which the request for review was filed.) The decision on review shall be forwarded to the claimant in writing and

shall include specific reasons for the decision and references to plan provisions upon which the decision is based. A decision on review shall be final and binding on all persons.

- c. Exhaustion of Remedies. If a claimant fails to file a request for review in accordance with the procedures herein outlined, such claimant shall have no rights to review and shall have no right to bring action in any court and the denial of the claim shall become final and binding on all persons for all purposes.

12.10 SPECIAL CLAIMS REVIEW PROCEDURE: The provisions of this Section 12.10 shall be applicable to claims under the Medical Expense Reimbursement Plan and the Group Medical Insurance Plan, effective on the first day of the first Plan Year beginning on or after July 1, 2002, but in no event later than January 1, 2003, provided such plans are subject to ERISA.

- a. Benefit Denials: The Administrator is responsible for evaluating all claims for reimbursement under the Medical Expense Reimbursement Plan and the Group Medical Insurance Plan.

The Administrator will decide a Participant's claim within a reasonable time not longer than 30 days after it is received. This time period may be extended for an additional 15 days for matters beyond the control of the Administrator, including in cases where a claim is incomplete. The Participant will receive written notice of any extension, including the reasons for the extension and information on the date by which a decision by the Administrator is expected to be made. The Participant will be given 45 days in which to complete an incomplete claim. The Administrator may secure independent medical or other advice and require such other evidence as it deems necessary to decide the claim.

If the Administrator denies the claim, in whole or in part, the Participant will be furnished with a written notice of adverse benefit determination setting forth:

1. the specific reason or reasons for the denial;
2. reference to the specific Plan provision on which the denial is issued;
3. a description of any additional material or information necessary for the Participant to complete his claim and an explanation of why such material or information is necessary, and
4. appropriate information as to the steps to be taken if the Participant wishes to appeal the Administrator's determination, including the participant's right to submit written comments and have them considered, his right to review (on request and at no charge) relevant documents and other information, and his right to file suit under ERISA with respect to any adverse determination after appeal of his claim.

- b. Appealing Denied Claims: If the Participant's claim is denied in whole or in part, he may appeal to the Administrator for a review of the denied claim. The appeal must be made in writing within 180 days of the Administrator's initial notice of adverse benefit determination, or else the participant will lose the right to appeal the denial. If the Participant does not appeal on time, he will also lose his right to file suit in court, as he will have failed to exhaust his internal administrative appeal rights, which is generally a prerequisite to bringing suit.

A Participant's written appeal should state the reasons that he feels his claim should not have been denied. It should include any additional facts and/or documents that the Participant feels support his claim. The Participant may also ask additional questions and make written comments, and may review (on request and at no charge) documents and other information relevant to his appeal. The Administrator will review all written comment the Participant submits with his appeal.

c. Review of Appeal: The Administrator will review and decide the Participant's appeal within a reasonable time not longer than 60 days after it is submitted and will notify the Participant of its decision in writing. The individual who decides the appeal will not be the same individual who decided the initial claim denial and will not be that individual's subordinate. The Administrator may secure independent medical or other advice and require such other evidence as it deems necessary to decide the appeal, except that any medical expert consulted in connection with the appeal will be different from any expert consulted in connection with the initial claim. (The identity of a medical expert consulted in connection with the Participant's appeal will be provided.) If the decision on appeal affirms the initial denial of the Participant's claim, the Participant will be furnished with a notice of adverse benefit determination on review setting forth:

1. The specific reason(s) for the denial,
2. The specific Plan provision(s) on which the decision is based,
3. A statement of the Participant's right to review (on request and at no charge) relevant documents and other information,
4. If the Administrator relied on an "internal rule, guideline, protocol, or other similar criterion" in making the decision, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge to the Participant upon request," and
5. A statement of the Participant's right to bring suit under ERISA § 502(a).

12.11 PAYMENT TO REPRESENTATIVE: In the event that a guardian, conservator or other legal representative has been duly appointed for a Participant entitled to any payment under the Plan, any such payment due may be made to the legal representative making claim therefor, and such payment so made shall be in complete discharge of the liabilities of the Plan therefor and the obligations of the Administrator and the Employer.

12.12 PROTECTED HEALTH INFORMATION. The provisions of this Section will apply only to those portions of the Plan that are considered a group health plan for purposes of 45 CFR Parts 160 and 164. The Plan may disclose PHI to employees of the Employer, or to other persons, only to the extent such disclosure is required or permitted pursuant to 45 CFR Parts 160 and 164. The Plan has implemented administrative, physical, and technical safeguards to reasonably and appropriately protect, and restrict access to and use of, electronic PHI, in accordance with Subpart C of 45 CFR Part 164. The applicable claims procedures under the Plan shall be used to resolve any issues of non-compliance by such individuals. The Employer will:

- not use or disclose PHI other than as permitted or required by the plan documents and permitted or required by law;
- reasonably and appropriately safeguard electronic PHI created, received, maintained, or transmitted to or by the it on behalf of the Plan, in accordance with Subpart C of 45 CFR Part 164;
- implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI that it creates, receives, maintains, or transmits on behalf of the Plan;
- ensure that any agents including a subcontractors to whom it provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Employer with respect to such information;
- not use or disclose PHI for employment-related actions and decisions or in connection with any other employee benefit plan of the Employer;
- report to the Plan any use or disclosure of the information that is inconsistent with the permitted uses or disclosures provided for of which it becomes aware;
- make available PHI in accordance with 45 CFR Section 164.524;
- make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR Section 164.526;
- make available the information required to provide an accounting of disclosures in accordance with 45 CFR Section 164.528;
- make its internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services or his designee upon request for purposes of determining compliance with 45 CFR Section 164.504(f);
- if feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form and retain no copies of such information when no longer needed for the purposes for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and,
- ensure that the adequate separation required in paragraph (f)(2)(iii) of 45 CFR Section 164.504 is established.

For purposes of this Section, “PHI” is “Protected Health Information” as defined in 45 CFR Section 160.103, which means individually identifiable health information, except as provided in paragraph (2) of the definition of “Protected Health Information” in 45 CFR Section 160.103, that is transmitted by electronic media; maintained in electronic media; or transmitted or maintained in any other form or medium by a covered entity, as defined in 45 CFR Section 164.104.

### SECTION XIII

#### MISCELLANEOUS PROVISIONS

- 13.01 **INABILITY TO LOCATE PAYEE:** If the Plan Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited following a reasonable time after the date any such payment first became due.

- 13.02 FORMS AND PROOFS: Each Participant or Participant's Beneficiary eligible to receive any benefit hereunder shall complete such forms and furnish such proofs, receipts, and releases as shall be required by the Administrator.
- 13.03 NO GUARANTEE OF TAX CONSEQUENCES: Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant or a Dependent under the Plan will be excludable from the Participant's or Dependent's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant or Dependent.
- 13.04 PLAN NOT CONTRACT OF EMPLOYMENT: The Plan will not be deemed to constitute a contract of employment between the Employer and any Participant nor will the Plan be considered an inducement for the employment of any Participant or employee. Nothing contained in the Plan will be deemed to give any Participant or employee the right to be retained in the service of the Employer nor to interfere with the right of the Employer to discharge any Participant or employee at any time regardless of the effect such discharge may have upon that individual as a Participant in the Plan.
- 13.05 NON-ASSIGNABILITY: No benefit under the Plan shall be liable for any debt, liability, contract, engagement or tort of any Participant or his Beneficiary, nor be subject to charge, anticipation, sale, assignment, transfer, encumbrance, pledge, attachment, garnishment, execution or other voluntary or involuntary alienation or other legal or equitable process, nor transferability by operation of law.
- 13.06 SEVERABILITY: If any provision of the Plan will be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof will continue to be fully effective.
- 13.07 CONSTRUCTION:
- a. Words used herein in the masculine or feminine gender shall be construed as the feminine or masculine gender, respectively where appropriate.
  - b. Words used herein in the singular or plural shall be construed as the plural or singular, respectively, where appropriate.
- 13.08 NONDISCRIMINATION: In accordance with Code Section 125(b)(1), (2), and (3), this Plan is intended not to discriminate in favor of Highly Compensated Participants (as defined in Code Section 125(e)(1)) as to contributions and benefits nor to provide more than 25% of all qualified benefits to Key Employees. If, in the judgment of the Administrator, more than 25% of the total nontaxable benefits are provided to Key Employees, or the Plan discriminates in any other manner (or is at risk of possible discrimination), then, notwithstanding any other provision contained herein to the contrary, and, in accordance with the applicable provisions of the Code, the Administrator shall, after written notification to affected Participants, reduce or adjust such contributions and benefits under the Plan as shall be necessary to insure that, in the judgment of the Administrator, the Plan shall not be discriminatory.
- 13.09 ERISA. The Plan shall be construed, enforced, and administered and the validity determined in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974 (as amended), the Internal Revenue Code of 1986 (as amended), and the laws of the State indicated in the Adoption Agreement. Notwithstanding anything to the contrary herein, the provisions of ERISA will not apply to this Plan if the Plan is exempt from coverage under ERISA. Should any provisions be determined to be void, invalid, or unenforceable by any court of competent jurisdiction, the Plan will continue to operate, and for purposes of the jurisdiction of the court only will be deemed not to include the provision determined to be void.



**PITTSYLVANIA COUNTY**

**EXECUTIVE SUMMARY**

<b><u>AGENDA TITLE:</u></b> Proclamation – National Police Week May 15-21, 2016	<b><u>AGENDA DATE:</u></b> 05-02-2016	<b><u>ITEM NUMBER:</u></b> 6(e)
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Proclamation	<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> Mr. Monday	<b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>
	<b><u>ATTACHMENTS:</u></b> (1) Proclamation	
	<b><u>REVIEWED BY:</u></b> 	

**BACKGROUND:**

Each year the Board of Supervisors, in cooperation with the Pittsylvania County Sheriff's Department and Virginia State Police, prepare a Proclamation to provide awareness for the National Police Week.

**DISCUSSION:**

Attached hereto, you will find a proclamation for Pittsylvania County concerning National Police Week for May 15-21, 2016.

The Board of Supervisors encourages citizens to attend the memorials and provide support for Fallen Officers that have been killed in the line of duty protecting the citizens of Pittsylvania County. The Sheriff will hold the annual memorial on Tuesday, May 10, 2016 at 7:00 pm in the Chatham Baptist Church in Chatham.

The Honorable Michael W. Taylor, Sheriff, plans to be present to accept the proclamation.

**RECOMMENDATION:**

Staff recommends the Board of Supervisors approve the proclamation and authorize the County Administrator to forward a copy to local media.

# Pittsylvania County Board of Supervisors Proclamation

*NATIONAL POLICE WEEK  
May 15-21, 2016*

**TO RECOGNIZE NATIONAL POLICE WEEK 2016 AND TO HONOR THE SERVICE AND SACRIFICE OF THOSE LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY WHILE PROTECTING OUR COMMUNITIES AND SAFEGUARDING OUR DEMOCRACY.**

**WHEREAS**, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Virginia State Police and Pittsylvania County Sheriff's Office; and

**WHEREAS**, there have been 15,725 assaults against law enforcement officers in 2014, resulting in approximately 13,824 injuries; and

**WHEREAS**, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including eight members of the Pittsylvania County Sheriff's Office; and

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

**WHEREAS**, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years; and

**WHEREAS**, May 15, 2016 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

**WHEREAS**, because May 15, 2016 falls on a Sunday, the service and sacrifice of all officers killed in the line of duty will be honored on Tuesday, May 10, 2016 at 7:00 PM at the First Baptist Church in Chatham; then

**THEREFORE, BE IT RESOLVED** that the Board of Supervisors formally designates May 15-21, 2016, as Police Week in Pittsylvania County, Virginia, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

*Given under my hand this day 2<sup>nd</sup> day of May, 2016.*

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*Jessie L. Barksdale, Chair  
Pittsylvania County Board of Supervisors*

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*Clarence C. Monday, Clerk  
Pittsylvania County Board of Supervisors*

**PITTSYLVANIA COUNTY**  
**Board of Supervisors**

**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b> Proclamation – National Teacher Appreciation Week; May 2-6, 2016 and Teacher Appreciation Day: May 3, 2016</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Proclamation of Appreciation</p> <p><b><u>STAFF CONTACT(S):</u></b> Mr. Monday</p>	<p><b><u>AGENDA DATE:</u></b> 05-02-2016</p> <p><b><u>ACTION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b> Yes</p> <p><b><u>ATTACHMENTS:</u></b> Proclamation</p> <p><b><u>REVIEWED BY:</u></b> </p>	<p><b><u>ITEM NUMBER:</u></b> 6(f)</p> <p><b><u>INFORMATION:</u></b></p> <p><b><u>INFORMATION:</u></b></p>
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**BACKGROUND:**

National Teacher Appreciation Day, also known as National Teacher Day, is celebrated on Tuesday of the first full week in May. This day is part of Teacher Appreciation Week which is the first full week in May of each year. The National Education Association describes National Teacher Day *“as day for honoring teachers and recognizing the lasting contributions they make to our lives”*.

**DISCUSSION:**

Attached hereto, is a proclamation establishing May 2-6, 2016 as Teacher Appreciation Week, and May 3, 2016 as Teacher Appreciation Day in Pittsylvania County. The Board of Supervisors expresses their sincere appreciation to the teachers in Pittsylvania County for their dedication and devotion to their work.

Ms. Teresa Petty, Assistant Superintendent for Instruction, will be present to accept the proclamation.

**RECOMMENDATION:**

Staff recommends the Board of Supervisors approve the attached proclamation and direct the County Administrator to submit it to local news media.

# Pittsylvania County Board of Supervisors Proclamation

## Teacher Appreciation Week May 2-6, 2016

**VIRGINIA:** At the regular meeting of the Pittsylvania County Board of Supervisors held on Monday, May 2, 2016, the following proclamation was adopted celebrating *Teacher Appreciation Week May 2-6, 2016* and *Teacher Appreciation Day May 3, 2016*.

**WHEREAS,** teachers mold in a positive direction the future citizens and future leaders of our country through guidance and education; and

**WHEREAS,** teachers encounter students of widely differing backgrounds and we entrust our children with the teachers and they affect the lives of our children on a daily basis; and

**WHEREAS,** our country's future depends upon providing quality education to all students; and

**WHEREAS,** teachers spend countless hours preparing lessons, evaluating progress, counseling and coaching students and performing community service; and

**WHEREAS,** the Board of Supervisors recognizes and supports its teachers in educating the children of Pittsylvania County; then

**NOW, THEREFORE, BE IT RESOLVED** that the Pittsylvania County Board of Supervisors proclaims *May 2-6, 2016 to be Teacher Appreciation Week* and observes *Tuesday, May 3, 2016 as Teacher Appreciation Day*; and

**BE IT FURTHER RESOLVED** that the Pittsylvania County Board of Supervisors strongly encourages all citizens of Pittsylvania County to join in with personally expressing appreciation to our teachers for their dedication and devotion to their work.

*Given under my hand this 2<sup>nd</sup> day of May, 2016.*

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Jessie L. Barksdale, Chair  
Pittsylvania County Board of Supervisors

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Clarence C. Monday, Clerk  
Pittsylvania County Board of Supervisors

**PITTSYLVANIA COUNTY**  
**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b> Resolution of Recognition – Edward Blount</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Resolution</p> <p><b><u>STAFF CONTACT(S):</u></b> Mr. Monday</p>	<p><b><u>AGENDA DATE:</u></b> 05-02-2016</p> <p><b><u>ACTION:</u></b></p> <p><b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b> Yes</p> <p><b><u>INFORMATION:</u></b></p> <p><b><u>ATTACHMENTS:</u></b> (1) Resolution 2016-05-02</p> <p><b><u>REVIEWED BY:</u></b> <i>GS</i></p>
	<p><b><u>ITEM NUMBER:</u></b> 6(g)</p> <p><b><u>INFORMATION:</u></b></p>

**BACKGROUND:**

Edward Blount, junior at Dan River High School, was named as the Sanders Scholar following his participation in the 2015-16 Young Entrepreneurs Academy (YEA!) of the Danville-Pittsylvania County Chamber of Commerce. Mr. Blount will continue on to compete for a national title at “America’s Small Business Summit” in Washington, D.C.

**DISCUSSION:**

Attached hereto, you will find Resolution 2016-05-02, recognizing Edward Blount for his outstanding achievement and his selection as the 2015-16 YEA! Sanders Scholar.

Edward Blount is expected to be present to accept the resolution as well as Ms. Laurie Moran, Executive Director of the Danville-Pittsylvania County Chamber of Commerce.

**RECOMMENDATION:**

Staff recommends the Board of Supervisors approve Resolution 2016-05-02 and authorize its distribution to the local media.

# Pittsylvania County Board of Supervisors

## RESOLUTION

2016-05-02

**VIRGINIA:** At the regular meeting of the Pittsylvania County Board of Supervisors held in the General District Courtroom of the Edwin R. Shields Courthouse Addition in Chatham, Virginia on Monday, May 2, 2016, the following resolution was presented and adopted:

**WHEREAS,** Edward Blount is a resident of Pittsylvania County and a junior at Dan River High School; and

**WHEREAS,** Edward Blount is CEO of *Your Local Mushrooms*, the enterprise he formed during his seven-month participation in the 2015-16 Young Entrepreneurs Academy (YEA!) of the Danville-Pittsylvania County Chamber of Commerce; and

**WHEREAS,** fifteen middle school and high school students participated in the 2015-16 Young Entrepreneurs Academy; and

**WHEREAS,** Edward Blount was named as the Sanders Scholar for his development of his business, *Your Local Mushrooms*, and will move on to compete in Washington, D.C. at "America's Small Business Summit" for a national title, college scholarship awards and business-services prizes against other student businesses across the county; and

**WHEREAS,** Edward Blount has been a past Chief of the Tuscarora Center, a section of the National Honor Society of the Boy Scouts of America and is a candidate to be an Eagle Scout; and is a member of the DECA Club at Dan River High School; and

**WHEREAS,** Edward Blount sets an exemplary role model for his peers and representation of his generation; then

**NOW, THEREFORE, BE IT RESOLVED,** the Pittsylvania County Board of Supervisors, on the behalf of all the citizens of Pittsylvania County, express their sincere admiration and congratulations to Edward Blount in his being named the Sanders Scholar of the 2015-16 Young Entrepreneurs Academy of the Danville-Pittsylvania County Chamber of Commerce; and wish him continued success in both his upcoming competition at the America's Small Business Summit in Washington, D.C. and with his business, *Your Local Mushrooms*; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be presented to Edward Blount.

Given under my hand this 2<sup>nd</sup> day of May, 2016.

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Jessie L. Barksdale, Chair  
Pittsylvania County Board of Supervisors

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Clarence C. Monday, Clerk  
Pittsylvania County Board of Supervisors

# **UNFINISHED BUSINESS**

**PITTSYLVANIA COUNTY**  
**Board of Supervisors**

**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b></p> <p>Expenditure Refunds for March 2016-<i>Motion made by Mr. Warren and seconded by Mr. Blackstock and has now met the 10-day layover requirement.</i> <i>This requires a roll call vote.</i></p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b></p> <p>Budget Amendment for expenditure refunds</p> <p><b><u>STAFF CONTACT(S):</u></b> Monday, VanDerHyde</p>	<p><b><u>AGENDA DATE:</u></b> 5-02-2016</p> <p><b><u>ITEM NUMBER:</u></b> 7</p> <p><b><u>ACTION:</u></b> Yes</p> <p><b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b>                      <b><u>INFORMATION:</u></b></p> <p><b><u>ATTACHMENTS:</u></b> Expenditures Refunds Memo</p> <p><b><u>REVIEWED BY:</u></b> </p>
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**BACKGROUND:**

**DISCUSSION:**

Attached is a list of expenditure refunds for the month of March 2016 for review. As discussed earlier with the Board, the simple routine of putting every refund back in the budget is extremely time consuming and leaves room for errors. To stay in balance with the Treasurer, we need to reappropriate refunds into the budget so the budget would increase with every expenditure refund.

**RECOMMENDATION:**

Staff recommends the reappropriation of \$97,085.84 as follows: \$8,078.68 to County Fleet-Parts (100-4-012520-6030), \$2,423.35 to County Fleet-Labor, \$200.00 to Clerk of Court-Copier Lease (100-4-021600-60051), \$500.00 to Sheriff-Project Lifesaver (100-4-031200-5882), \$108.20 to Sheriff-Police Supplies (100-4-031200-6010), \$2,953.55 to Sheriff-Parts (100-4-031200-6030), \$1,089.60 to Sheriff-Labor (100-4-031200-6031), \$250.00 to Fire Marshall-Training (100-4-031700-5540), \$41.00 to Jail-Food Supplies (100-4-033100-6002), \$190.00 to Recreation-Recreation Supplies (100-4-071100-6014), \$1,800.00 Library-Office Supplies (100-4-073100-6001), \$79,451.46 to WIA-Rent (251-4-353853-6014). MOTION MADE BY MR. WARREN AND SECONDED BY MR. BLACKSTOCK AND HAS NOW MET THE 10-DAY LAYOVER REQUIREMENT. THIS REQUIRES A ROLL CALL VOTE.

**PITTSYLVANIA COUNTY**  
**Board of Supervisors**

**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b></p> <p>Expenditure Refunds for March 2016-<i>Requires a motion and a 10-day layover.</i></p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b></p> <p>Budget Amendment for expenditure refunds</p> <p><b><u>STAFF CONTACT(S):</u></b> Monday, VanDerHyde</p>	<p><b><u>AGENDA DATE:</u></b> 4-19-16</p> <p><b><u>ITEM NUMBER:</u></b> 12(c)</p> <p><b><u>ACTION:</u></b> Yes</p> <p><b><u>CONSENT AGENDA:</u></b></p> <p style="padding-left: 20px;"><b><u>ACTION:</u></b>                      <b><u>INFORMATION:</u></b></p> <p><b><u>ATTACHMENTS:</u></b> Expenditures Refunds Memo</p> <p><b><u>REVIEWED BY:</u></b>      <i>GVH</i></p>
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**BACKGROUND:**

**DISCUSSION:**

Attached is a list of expenditure refunds for the month of March 2016 for review. As discussed earlier with the Board, the simple routine of putting every refund back in the budget is extremely time consuming and leaves room for errors. To stay in balance with the Treasurer, we need to reappropriate refunds into the budget so the budget would increase with every expenditure refund.

**RECOMMENDATION:**

Staff recommends the reappropriation of \$97,085.84 as follows: \$8,078.68 to County Fleet-Parts (100-4-012520-6030), \$2,423.35 to County Fleet-Labor, \$200.00 to Clerk of Court-Copier Lease (100-4-021600-60051), \$500.00 to Sheriff-Project Lifesaver (100-4-031200-5882), \$108.20 to Sheriff-Police Supplies (100-4-031200-6010), \$2,953.55 to Sheriff-Parts (100-4-031200-6030), \$1,089.60 to Sheriff-Labor (100-4-031200-6031), \$250.00 to Fire Marshall-Training (100-4-031700-5540), \$41.00 to Jail-Food Supplies (100-4-033100-6002), \$190.00 to Recreation-Recreation Supplies (100-4-071100-6014), \$1,800.00 Library-Office Supplies (100-4-073100-6001), \$79,451.46 to WIA-Rent (251-4-353853-6014). THIS ITEM REQUIRES A MOTION AND A 10-DAY LAYOVER.

PITTSYLVANIA COUNTY  
VIRGINIA

Finance Department  
P. O. Box 426  
Chatham, Virginia 24531



Phone (434) 432-7740  
Fax (434) 432-7746  
Gretna/Hurt (434) 656-6211  
Bachelors Hall/Whitmell (434) 797-9550

MEMO TO: Clarence C. Monday  
County Administrator

FROM: Kim Van Der Hyde *KVH*  
Finance Director

SUBJECT: March Expenditure Refunds

DATE: April 13, 2016

The list below shows all expenditure refunds that were sent to the Finance Department during the month of March. I am recommending that all of the following expenditure refunds be reappropriated by the Board of Supervisors:

100-4-012520-6030	County Fleet-Parts Insurance Claim	8,078.68
100-4-012520-6030	County Fleet-Labor Insurance Claim	2,423.35
100-4-021600-60051	Clerk of Court-Copier Lease Reimbursement	200.00
100-4-031200-5882	Sheriff-Project Lifesaver Donations (100-3-000000-189903)	500.00
100-4-031200-6010	Sheriff-Police Supplies Reimbursement	108.20
100-4-031200-6030	Sheriff-Parts Insurance Claim	2,953.55
100-4-031200-6031	Sheriff-Labor Insurance Claim	1,089.60
100-4-31700-5540	Fire Marshall-Training Reimbursement	250.00
100-4-033100-6002	Jail-Food Supplies Reimbursement for Food	41.00

<b>100-4-071100-6014</b>	<b>Recreation-Recreation Supplies</b>	<b>190.00</b>
	Softball Fees Returned	
<b>100-4-073100-6001</b>	<b>Library-Office Supplies</b>	<b>1,800.00</b>
	Donation	
<b>251-4-353853-6014</b>	<b>WIA-Rent</b>	<b>79,451.46</b>
	Rent Payments (251-3-000000-150201)	

**TOTAL MARCH EXPENDITURE REFUNDS \$97,085.84**

PITTSYLVANIA COUNTY

EXECUTIVE SUMMARY

<b><u>AGENDA TITLE:</u></b> Appropriation for Professional Services and Approval of Scope of Work – Springsted, Inc.	<b><u>AGENDA DATE:</u></b> 05-02-2016	<b><u>ITEM NUMBER:</u></b> 8
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Appropriation for Professional Services and Approval of Scope of Work – Springsted, Inc.	<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> Mr. Monday	<b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b>	
	<b><u>INFORMATION:</u></b>	
	<b><u>ATTACHMENTS:</u></b>	
	<b><u>REVIEWED BY:</u></b>	

**BACKGROUND:**

At their April 19, 2016 adjourned meeting, the Board of Supervisors:

- 1) Voted unanimously to hire Springsted, Inc., a professional executive recruiting firm, to coordinate the search for a County Administrator; and
- 2) Directed staff to seek financial support for the above services.

**DISCUSSION:**

Springsted is approved via State Contract to assist a local governing body through the entire executive search process, from advertising to selection of a County Administrator. The specific scope of work is flexible to meet the exact needs of the Board and will be defined in the near future. Negotiated fees equal \$21,100. Standard services include the following Scope of Work:

- Developing position profile specific for the County
- Advertising
- Receiving Applications
- Reviewing applications and comparing credentials/experience to position profile
- Recommending slate for consideration by Board of Supervisors and providing full report of candidates
- Assisting Board of Supervisors in narrowing candidates
- Scheduling interviews
- Conducting background check
- Assisting during interviews as directed by the Board of Supervisors
- Negotiating terms and contract

Staff has solicited financial assistance locally and is expected to receive positive news within the month.

Springsted staff plans to meet with the Board of Supervisors at their June 6, 2016 meeting. At that time, the Board should be prepared to offer input as to the skills set, experience, and qualifications desired from County Administrator candidates. Such information will be utilized to prepare a Position Profile used in concert with the advertisement. A timeline will be developed and shared with the Board to keep the process moving.

In order to proceed, appropriation of funds is required to start the 10-Day Layover. Final approval of the appropriation will be on the May 17, 2016 agenda at which time confirmation of cost sharing is anticipated.

**RECOMMENDATION:**

Staff recommends the Board of Supervisors approve appropriating \$21,100 from unassigned fund balance for Springsted, Inc. Professional Services for the County Administrator search. **A 10-Day Layover is required.**

# **NEW BUSINESS**

**PITTSYLVANIA COUNTY  
Board of Supervisors**

**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b> Recommendations from Legislative Committee</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Committee Recommendations</p> <p><b><u>STAFF CONTACT(S):</u></b>  Mr. Monday</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b><u>AGENDA DATE:</u></b> 05-02-2016</td> <td style="width: 50%;"><b><u>ITEM NUMBER:</u></b> 9</td> </tr> <tr> <td><b><u>ACTION:</u></b> Yes</td> <td><b><u>INFORMATION:</u></b></td> </tr> <tr> <td><b><u>CONSENT AGENDA:</u></b></td> <td></td> </tr> <tr> <td style="padding-left: 20px;"><b><u>ACTION:</u></b></td> <td style="padding-left: 20px;"><b><u>INFORMATION:</u></b></td> </tr> <tr> <td colspan="2"><b><u>ATTACHMENTS:</u></b></td> </tr> <tr> <td colspan="2">1) Proposed revision of PCC Chapter 43</td> </tr> <tr> <td colspan="2">2) Proposed revision of BOS By-Laws</td> </tr> <tr> <td colspan="2"><b><u>REVIEWED BY:</u></b> </td> </tr> </table>	<b><u>AGENDA DATE:</u></b> 05-02-2016	<b><u>ITEM NUMBER:</u></b> 9	<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>	<b><u>CONSENT AGENDA:</u></b>		<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>	<b><u>ATTACHMENTS:</u></b>		1) Proposed revision of PCC Chapter 43		2) Proposed revision of BOS By-Laws		<b><u>REVIEWED BY:</u></b> 	
<b><u>AGENDA DATE:</u></b> 05-02-2016	<b><u>ITEM NUMBER:</u></b> 9																
<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>																
<b><u>CONSENT AGENDA:</u></b>																	
<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>																
<b><u>ATTACHMENTS:</u></b>																	
1) Proposed revision of PCC Chapter 43																	
2) Proposed revision of BOS By-Laws																	
<b><u>REVIEWED BY:</u></b> 																	

**BACKGROUND:**

**DISCUSSION:**

The Legislative Committee met on April 21, 2016 at 3:00 PM. The following recommendations came from Committee to the Board of Supervisors:

1. Proposed revision to Chapter 43 of the Pittsylvania County Code (Disclosure Statements): revisions would mirror requirements in accordance with the Virginia State and Local Government Conflicts of Interest Act (see attached).
2. Code of Ethics/BOS Bylaws: revisions would remove the last paragraph of Section 18 under Article VII and remove the Model of Excellence Statement (see attached).

Items 1 & 2 will require a public hearing for citizen input before the Board can take action.

3. Agenda Notice Change: At present, the Board of Supervisors approved the meeting schedule for each calendar year at their Re-organization meeting each January. Once approved that schedule is published online for public view. This will continue as in previous years. On the Monday *proceeding* the week of a Board meeting, a **Public Meeting Notice** will be published online and available in County Administration for public viewing. On the Friday *proceeding* each meeting, the Agenda Packet, containing the agenda and supporting documents will be published, just as it is now. Furthermore, as now, it will be available in the County Administration Office and published online so its availability to the citizens is at the same time it is

available to Board members. This is how is it currently done. Furthermore, *an agenda only will also be published online* for those citizens wishing to view the agenda without supporting documents, and in the County Administration Office.

No public hearing is required for the Board to take action on Item 3.

The following items are currently under review by the Legislative Committee:

- a) Updating the Planning Commission By-Laws. Any recommendations for updates will be sent to the Board of Supervisors at a future date for their review, and then to the Planning Commission for their review.
- b) Consideration of a Solar Farm Ordinance. The Legislative Committee directed staff to draft two options to bring back to committee: One would be handling solar farms via Special Use Permit with conditions; the other option would be to handle solar farms via ordinance.
- c) Gun Range Ordinance. The Director of Code Compliance was directed by the Legislative committee to obtain the NRA requirements for a range; review said requirements; and develop a plan forward, if necessary.

**RECOMMENDATION:**

Staff submits this to the Board of Supervisors for their review and consideration. Should the Board approve the Legislative Committee's recommendation to hold a public hearing for revisions to PCC Chapter 43 and the Board of Supervisors' By-Laws (Items 1 & 2), the public hearing would be held on May 17, 2016 at 7:00pm.

Should the Board of Supervisors approve the Legislative Committee's recommendation for Item 3, Agenda Notice Change, a simple majority vote would be required.

PITTSYLVANIA COUNTY CODE  
CHAPTER 43

DISCLOSURE OF PERSONAL INTERESTS BY COUNTY OFFICIALS AND  
EMPLOYEES STATEMENT OF ECONOMIC INTEREST

§ 43-1. Purpose.

§ 43-2. When and by Whom Required.

§ 43-3. Disclosure Form

§ 43-4. Forms to be Filed with Clerk

§ 43-5. Additional Disclosure.

§ 43-6. Violation of Division

CHAPTER 43  
STATEMENT OF ECONOMIC INTEREST

~~AN ORDINANCE TO DESIGNATE OFFICERS AND EMPLOYEES~~  
~~REQUIRED TO FILE A STATEMENT OF ECONOMIC INTERESTS~~

— Be it ordained by the Board of Supervisors of Pittsylvania County, Virginia:

**Sec. 43-1. PURPOSE.**

To enhance citizen confidence in local government, ~~the~~ disclosure statement of personal interests of certain county officers and employees is required in accordance with the Virginia State and Local Government Conflict of Interests Act.

**SEC. 43-2. WHEN AND BY WHOM REQUIRED.**

~~The following County officers and employees shall file a disclosure statement of their personal interests and other information as is specified/required in and by the applicable sections of the Virginia State and Local Government Conflict of Interest Act and other applicable statutes on the form(s) required/provided therein by the date/dates also specified therein. Annually, on or before January 15th each year or otherwise, prior to assuming office or employment, the following individuals shall make complete disclosure of their personal interest, as required by law:~~

1. Members of the Board of Supervisors;
2. Members of the School Board;
3. Members of the Planning Commission;
4. Members of the Board of Zoning Appeals;
5. Members of the Industrial Development Authority;

6. Members of the Service Authority;
7. Members of the Board of Equalization;
8. Members of the Board of Assessors;
9. Members of the Board of Building Code Appeals;
10. Real Estate Assessors;
11. Treasurer;
12. Commonwealth's Attorney;
13. Sheriff;
14. Commissioner of the Revenue;
15. Clerk of Court;
16. County Administrator;
17. Assistant County Administrators;
18. County Attorney;
19. All County Department Heads;
20. Director of Service Authority; and
21. Assistant Director of Service Authority.

~~Members of the Board of Supervisors~~  
~~Members of the School Board~~  
~~Members of the Planning Commission~~  
~~Members of the Pittsylvania Economic Development Organization~~  
~~Members of the Board of Zoning Appeals~~  
~~Members of the Pittsylvania County Industrial Development Authority~~  
~~Members of the Road Viewers~~  
~~Members of the Pittsylvania County Service Authority~~  
~~County Attorney~~  
~~County Administrator~~  
~~Assistant County Administrator~~  
~~Director of the Pittsylvania Economic Development Organization~~  
~~Director of Finance~~  
~~Purchasing Manager~~  
~~Zoning Administrator~~  
~~Director of Social Services~~  
~~Director of Public Works~~  
~~Director of the Pittsylvania County Service Authority~~  
~~Assistant Director of the Pittsylvania County Service Authority~~  
~~Director of Code Compliance~~  
~~Chief Building Official~~  
~~Building Inspectors~~  
~~Treasurer~~  
~~Chief Deputy Treasurer~~  
~~Deputy Treasurer~~  
~~Commissioner of the Revenue~~  
~~Chief Deputy Commissioner of the Revenue~~  
~~Deputy Commissioner of the Revenue~~  
~~Real Estate Assessors~~

Clerk of the Circuit Court  
Deputy Clerk of the Circuit Court  
Sheriff  
Chief Deputy Sheriff  
Commonwealth's Attorney  
Deputy Commonwealth's Attorney  
Assistant Commonwealth's Attorney

**SEC. 43-3. DISCLOSURE FORM.**

The Statement of economic interests, as required by Section 43-2, shall be on forms provided by the Secretary of the Commonwealth. The Clerk of the Board of Supervisors shall distribute the financial disclosure forms no later than the 10th of December of each year to each officer or person required to file such forms under Section 43-2.

**SEC. 43-4. FORM TO BE FILED WITH CLERK.**

All persons required by this article to file an annual disclosure statement of their personal interest as provided in Section 43-2, shall complete the form provided by the Clerk of the Board of Supervisors and shall file a copy thereof with said clerk.

**SEC. 43-35. ADDITIONAL DISCLOSURE.**

Nothing contained in this ~~article~~ division shall be deemed to relieve any person subject to the Virginia State and Local Government Conflict of Interests Act from any requirement of disclosure of his or her personal interest in a transaction of specific application, not otherwise identified in the forms required hereby, or from the additional disclosures required by Section 2.2-31152.1-639.14 of the Code of Virginia, (1950), as amended.

**SEC. 43-6. VIOLATION OF DIVISION.**

Any person who violates any of this division shall be subject to the penalties provided in Article VII, Chapter 40.1, of Title 2.1 of the Code of Virginia, 1950, as amended. This ordinance shall become effective immediately upon adoption and all persons required by this ordinance shall file a Statement of Economic Interests in accordance with the State and Local Government Conflicts of Interest Act within sixty (60) days of adoption and then, annually on or before January 15th of each year thereafter.

**This ordinance was adopted by the Board of Supervisors on March 4, 1996 and became effective on that date**

**BY-LAWS, RULES OF PROCEDURE, AND STANDARDS OF CONDUCT**  
**OF THE BOARD OF SUPERVISORS OF**  
**PITTSYLVANIA COUNTY, VIRGINIA**

(B.S.M. 2/02/04, 4/15/08, 2/02/09, 2/01/10, 4/20/10, 9/20/11, 6/19/12, 2/4/13, 7/01/13, 10/06/14,  
11/03/14)

**PURPOSE:**

To establish and set forth certain rules to provide for the orderly conduct of County business, to prescribe the manner and procedure by which the Board of Supervisors shall conduct matters of business, and to provide for the efficient handling thereof.

**GENERAL:**

The term "Board of Supervisors" shall also be understood to mean "the Board" wherein it appears.

**ARTICLE I. Election, Composition, and Function of the Board.**

1.1. The Board shall be composed of seven (7) members who shall be elected by the qualified voters of the County; one (1) member shall be elected from each of the seven (7) election districts. Pursuant to § 24.2-219 of the Code of Virginia, 1950, as amended, beginning with the November 2015 General Election, the Pittsylvania County Board of Supervisors shall be elected to staggered terms as follows: the voters in the Banister, Callands-Gretna, and Dan River Election Districts shall elect a member of the Board of Supervisors for a two-year term, and the voters in the Chatham-Blairs, Staunton River, Tunstall, and Westover Election Districts shall elect a member of the Board of Supervisors for a four-year term. At the November 2017 General Election, the voters in the three (3) Election Districts in which a Supervisor was elected for a two-year term shall elect a Supervisor for a four-year term, and thereafter elections for all Supervisors will be held on a biennial basis for four-year terms.

1.2. At the first regular meeting of the Board in January each year, there shall be elected a chairman to serve for a period of one (1) year expiring on December 31st, or until replaced by the Board membership. The County Administrator, serving as temporary Chairman, shall take nominations. Nominations require a second, and the vote will be taken in the order the nominations are made. A majority vote is required; a majority shall mean four (4) votes. It shall be the Chairman's duty to preside at all Board meetings, to maintain the orderly conduct thereof, and rule on all matters of parliamentary procedure. He shall sign all voucher warrants of the County; and when the Board is not in session, he shall provide policy guidance to the County Administrator and the County Attorney. The Chairman shall continue to be a voting member of the Board.

1.3. The Board shall also elect a Vice-Chairman to serve a concurrent term with the Chairman. In absence or incapacity of the Chairman, the Vice-Chairman shall assume all the duties and

functions of the Chairman. In the case where the Chairman and Vice Chairman are absent from a meeting, the members present shall choose one of their number as temporary Chairman.

1.4. The Board shall have both administrative and legislative responsibilities, some of which shall be discharged in their role as governing body and some of which they derive as an administrative political subdivision of the Commonwealth. The powers and duties of the Board shall include, but not be limited to, the following: preparation and adoption of the County Budget, levying of taxes, appropriating funds, constructing and maintaining County buildings, making and enforcing ordinances, providing for the general health safety and welfare of the public, and generally exercising all other powers and functions normally attributed to government and permitted by the Laws of the Commonwealth.

## **ARTICLE II. Meetings.**

2.1. The Board shall meet regularly on the first Monday and the third Tuesday of each month at 7:00 p.m. for the purpose of discharging their administrative and legislative responsibilities.

2.2. All such meetings shall be open to the public and shall be conducted in an orderly fashion with "Robert's Rules of Order" modified by State Law, being used as the parliamentary procedure.

2.3. The Sheriff of the County or his designee shall act as "Sergeant of Arms" at all meetings of the Board and shall, when so directed by the Chairman, expel any person or persons from such meetings.

2.4. For the purpose of address and order, the Board and its staff shall sit in front of the "public rail" in the Courtroom and all other persons shall sit behind the "public rail".

2.5. Agendas shall be prepared by the Board's staff and used at all meetings. All items requested to be placed on the agenda shall be submitted in writing to the County Administrator five (5) working days before the meeting; however, members of the Board of Supervisors may make oral requests. Any items received after that time shall appear on the next regular meeting agenda unless all members of the Board are present and by a unanimous vote to place such items upon the agenda.

2.6. The order of business at all regular meetings of the Board shall be as follows. No additional items of business shall be considered after the agenda is approved.

Call to Order  
Moment of Silence and/or Silent Prayer  
Roll Call  
Pledge of Allegiance  
Items to be Added to the Agenda  
Approval of Agenda  
Consent Agenda  
Public Hearing (if any)

Presentations/Recognitions  
Hearing of Citizens  
Unfinished Business  
New Business  
Appointments  
Reports from Board Members  
Reports from Officers and Committees  
Reports from County Attorney  
Reports from County Administrator  
Closed Meeting (if needed)  
Adjournment

2.7. All presentations to the Board shall normally be limited to no more than ten (10) minutes, except as herein provided.

2.8. Public hearings shall be conducted as follows and any person wishing to address the Board shall do so in this manner:

Each person addressing the Board shall step up, give his/her name and district in an audible tone of voice for the record, and unless further time is granted by the Chairman, shall limit his/her address to three (3) minutes; speakers for a group shall be limited to ten (10) minutes. Speakers shall conclude their remarks at that time unless the consent of the Board is affirmatively given to extend the speakers allotted time. No person shall be permitted to address the Board more than once on the same subject in any one (1) meeting, but may also address the Board once on more than one (1) subject. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or indirectly or through a member of the Board, without first being recognized by the Chairman. No question shall be asked a Board member except through the Chairman.

2.8.1. Hearing of Citizens shall be identified on the agenda of regular meetings of the Board of Supervisors.

Each person addressing the Board shall be a resident or land owner of Pittsylvania County, or the registered agent of such resident or land owner. Each person shall step up, give his/her name and district in an audible tone of voice for the record, and unless further time is granted by the Chairman, shall limit his/her address to three (3) minutes. Speakers shall conclude their remarks at that time, unless the consent of the Board is affirmatively given to extend the speaker's allotted time. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or indirectly or through a member of the Board, without first being recognized by the Chairman. No question shall be asked a Board member except through the Chairman.

2.9. The Board may from time-to-time hold special, adjourned, and informational meetings in accordance with the laws of the Commonwealth.

2.10. Each oral motion or resolution shall be taken down by the Deputy Clerk or Chairman and read back to the whole Board by the Deputy Clerk or the Chairman before any vote is taken.

2.11. Matters presented by the Board are generally used for individual Board members to share information with other members of the Board and the public. Prior to the agenda being prepared, a member of the Board may contact the Clerk or Deputy Clerk and have an item included under this heading. The County Administrator shall prepare an Executive summary which will inform other members of the Board of the particulars pertaining to this item.

2.12. Closed Meetings of the Board shall be requested in the same manner as prescribed in Section 2.5, or by a motion to suspend the rules carried by a majority of the Board; provided all Board members are present.

#### 2.13. Quorum and Method of Voting

At any meeting a majority of the supervisors shall constitute a quorum. 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 question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tie breaker as provided for by the Code of Virginia, and a tie vote on any motion shall be considered defeated as provided for in Section 15.2-1420 of the Code of Virginia, 1950, as amended.

Each member present when a question is put shall vote "yes" or "no." No member shall be excused from voting except on matters involving the consideration of his own official conduct or where his own financial interests are involved or where he may have a conflict of interest, pursuant to the Virginia State and Local Government Conflict of Interests Act (Title 2.2, Chapter 31 of the Code of Virginia, Section 2.2-3100, 1950, as amended).

#### 2.14. Procedure for Roll Call for Board Members

(1) The Members of the Board shall cast votes in district order on a rotating basis.

(2) The Chairman of the Board of Supervisors shall cast the last vote.

#### 2.15. Remote Participation in Board Meeting

As authorized by § 2.2-3708.1 of the Code of Virginia, 1950, as amended, the Board of Supervisors of Pittsylvania County, Virginia, shall allow the participation of members of the Board in a meeting through electronic communication means from a remote location that is not open to the public subject to complying with all parts of the following written policy:

1. On or before the day of a meeting, the Supervisor shall notify the Board Chairman that the Supervisor is unable to attend the meeting due to an emergency or a personal matter and the Supervisor shall identify with specificity the nature of the emergency or personal matter, or the Supervisor shall notify the Board Chairman that the Supervisor is unable to attend a meeting due

to a temporary or permanent disability or other medical condition that prevents the Supervisor's physical attendance. The Board shall record the specific nature of the emergency, personal matter, or fact of temporary or permanent disability, and the remote location from which the absent Supervisor participated in its minutes.

2. If the absent Supervisor's remote participation is disapproved because such participation would violate the strict and uniform application of this written policy, such disapproval shall be recorded in the Board's minutes.

3. Such participation by the absent Supervisor shall be limited in each calendar year to two (2) meetings, or 25 percent (25%) of the meetings of the Board, whichever is fewer.

4. A quorum of the Board shall be physically assembled at the primary or central meeting location.

5. The Board shall make arrangements for the voice of the absent Supervisor to be heard by all persons in attendance at the primary or central meeting location.

### **Article III. County Administrator.**

3.1. The Board may appoint a County Administrator who shall serve at the pleasure of the Board. Once appointed, the County Administrator shall be the Chief Administrative Officer of the County and shall perform his/her duties in accordance with the laws of the commonwealth and the policies of the County as established by the Board in regular or special session for that purpose. When the Board is not in session, the County Administrator shall receive guidance concerning policy from the Chairman, and in his absence, the Vice-Chairman.

3.2. The County Administrator shall be in complete charge of personnel of the County and shall, in accordance with established policy, hire and fire. Any action of the County Administrator concerning dismissal of personnel is subject to review by the Board and can be reversed by a two-thirds vote of the Board. Such review shall be limited to charges of discrimination and failure to follow personnel policies on the part of the Administrator in the conduct of dismissal.

3.3. The County Administrator shall serve as the purchasing agent for the County as defined by Chapter 26, Section 2, of the Pittsylvania County Code.

3.4. He shall have charge of the administration of the financial affairs of the County, and to that end, shall have authority and be required to:

(a) Cooperate with the Board of Supervisors in compiling estimates for the current expense and capital budgets.

(b) Supervise and control all encumbrances, expenditures, and disbursements to insure that budget appropriations are not exceeded; and keep the Board of Supervisors advised as to the financial needs of the County.

(c) Require at such intervals as he may deem expedient or as instructed by the Board of Supervisors, report of receipts from each of the departments, boards, commissions, agencies, and he may prescribe the times at, and the manner in which, money is received by them shall be paid to the County Treasurer or deposited subject to modifications as prescribed and set forth in the general laws of the Commonwealth of Virginia.

Examine all contracts, purchase orders, and other documents, which create financial obligations against the County, and approve the same only upon ascertaining that money has been appropriated and allotted therefore, subject, however, to the provision that the Board of Supervisors may in its discretion and judgment, amend, modify, and alter this requirement to meet a specific need or requirement of a particular piece of legislation approved by the Board of Supervisors.

#### **ARTICLE IV. Standing Committees.**

4.1. The Standing Committees of the Board shall be as follows:

(a) Finance/Insurance: To aid and advise in the preparation on the County Budget and make recommendations concerning Fiscal Policy.

(b) Personnel: To review policies and practices and make recommendations regarding the same.

(c) Property/Building: To view buildings and grounds and make recommendations regarding the same.

(d) Legislative Committee: The Legislative Committee, in collaboration with the County Attorney, shall review, propose changes, and maintain current revisions to the Bylaws, Rules of Order and Standards of Conduct of the Pittsylvania County Board of Supervisors; review, propose changes and maintain current revisions to the Pittsylvania County Board of Supervisors Policies and Procedures Manual; and review, propose changes, set public hearings for any proposed changes, and maintain current revisions to the Pittsylvania County Codes and Compliances.

4.2. Membership to the above-committees shall be appointed by the Board Chairman from the membership of the Board and may include citizen membership. Any appointment so made shall be for a specific term of office as determined by the Chairman.

4.3. The Board may, from time-to-time, direct that the Chairman appoint committees for a specific purpose with a limited duration.

4.4. The Chairman shall be authorized to temporarily participate, including voting, in any committee of the Board of Supervisors for the purpose of creating a quorum and/or taking action.

#### **ARTICLE V. Certain Ordinances and Resolutions to Lie Over.**

5.1. No ordinance or resolution imposing taxes or appropriating money from general fund balances, not included in the adopted budget, in excess of \$5,000, shall be passed until after ten (10) days from the introduction thereof. This shall not restrict the appropriation of State, Federal, or other funds not in the current General Fund balances.

#### **ARTICLE VI. Recordation of Ordinances and Resolutions.**

6.1. Every resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the County Administrator.

6.2. Every resolution shall be authenticated and recorded in the same manner as in 7.1-above.

6.3. Every motion appropriating funds or adopting an ordinance shall be by roll call vote.

6.4. Every ordinance passed by the Board of Supervisors shall be incorporated into the Pittsylvania County Code.

#### **ARTICLE VII. Standards of Conduct.**

##### **Preamble**

The citizens and businesses of Pittsylvania County, Virginia, are entitled to have fair, ethical, and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Pittsylvania County Board of Supervisors has adopted this Standards of Conduct for members of the Board and of the County's boards, commissions, and committees, to assure public confidence in the integrity of local government and its effective and fair operation.

##### **1. Act in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Pittsylvania County and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Pittsylvania County Board of Supervisors, boards, commissions, and committees.

##### **2. Comply with the Law**

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the County of Pittsylvania, Virginia, in the performance of their public duties. These laws include,

but are not limited to: the United States and Virginia constitutions; the Code of the County of Pittsylvania, Virginia; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and County ordinances and policies.

### **3. Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the Board of Supervisors, boards, commissions, and committees, the staff or public.

### **4. Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the Board of Supervisors and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board of Supervisors by County staff.

### **5. Conduct of Public Meetings**

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

### **6. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

### **7. Communication**

Members shall publicly share substantive information that is relevant to a matter under consideration by the Board of Supervisors or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

### **8. Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal or business relationship to the parties in any matter coming before them. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matters come before them. In accordance with the law, members

shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

#### **9. Gifts and Favors**

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.

#### **10. Confidential Information**

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the County. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

#### **11. Use of Public Resources**

Members shall not use public resources that are not available to the public in general, such as County staff time, equipment, supplies, or facilities, for private gain or personal purposes.

#### **12. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of the Board shall not appear on behalf of the private interests of third parties before the Board of Supervisors or any board, committee, commission, or proceeding of the County, nor shall members of boards, committees, or commissions appear before their own bodies or before the Board of Supervisors on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

#### **13. Advocacy**

Members shall represent the official policies or positions of the Board of Supervisors, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions, members shall explicitly state they do not represent their body or Pittsylvania County, nor will they allow the inference that they do.

#### **14. Policy Role of Members**

The Board of Supervisors determines the policies of the County with the advice, information, and analysis provided by the public, boards, commissions, and committees, and County staff. The Board of Supervisors delegates authority for the administration of the County to the County Administrator. Members, therefore, shall not interfere with the administrative functions of the County or the professional duties of County staff, nor shall they impair the ability of staff to

implement Board policy decisions. Inquiries to staff shall be made through the County Administrator or the appropriate department manager or director.

### **15. Independence of Board and Commissions**

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Board of Supervisors shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

### **16. Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive workplace environment for County employees and for citizens and businesses dealing with the County. Members shall recognize their special role in dealings with County employees and in no way create the perception of inappropriate direction to staff.

### **17. Implementation**

As an expression of the standards of conduct for members expected by the County, the Pittsylvania County Standards of Conduct is intended to be self-enforcing. Therefore, it becomes most effective when members are thoroughly familiar with and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for the Board of Supervisors, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Pittsylvania County Standards of Conduct. In addition, the Board of Supervisors, boards, committees, and commissions, shall annually review the Standards of Conduct and the Board of Supervisors shall consider recommendations from boards, committees, and commissions to update it as necessary.

### **18. Compliance and Enforcement**

The Pittsylvania County Standards of Conduct expresses standards of ethical conduct expected of members of the Pittsylvania County Board of Supervisors, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Chairman of the Board of Supervisors have the additional responsibility to intervene when actions of members that appear to be in violation of the Standards of Conduct are brought to their attention.

~~As allowed by law, the Board of Supervisors may impose sanctions and fines on members whose conduct does not comply with the County's ethical standards, such as public or private reprimand, formal censure, loss of seniority or committee assignment, or budget restriction.~~

~~Where allowed by law, the Board of Supervisors also may remove members of Board-appointed boards, committees, and commissions from office.~~

A violation of this Standards of Conduct shall not be considered a basis for challenging the validity of a Board of Supervisors, board, committee, or commission's decision.

**MODEL OF EXCELLENCE**  
**PITTSYLVANIA COUNTY BOARD OF SUPERVISORS,**  
**BOARDS, COMMITTEES, AND COMMISSIONS**  
**MEMBER STATEMENT**

~~As a member of the Pittsylvania County Board of Supervisors, or of a Pittsylvania County board, committee, or commission, I agree to uphold the Standards of Conduct for elected and appointed officials adopted by the County. I affirm that I have read and understand the Pittsylvania County Standards of Conduct.~~

Signature \_\_\_\_\_  
Date: \_\_\_\_\_  
Name (printed): \_\_\_\_\_  
Office/Board/Committee/Commission: \_\_\_\_\_

**ARTICLE VIII. Amendments and Adoptions.**

8.1. Amendments to these By-Laws, Rules of Procedure, and Standards of Conduct may be made at any meeting of the board by a majority vote of the Board present, after a notice of intent to amend has been given to each Board member not less than ten (10) days prior to such meeting.

8.2. Adoption of the By-Laws and procedures shall be by simple majority vote of the Board and shall be in force and effect on the day after their passage.

~~Amended this 4th day of February, 2013, by a recorded vote of:~~

~~Ayes Nays~~

**PITTSYLVANIA COUNTY**  
**Board of Supervisors**

**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b>          Recommendation from Personnel Committee:          Personnel Policies Manual</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b>          Approval of Personnel Policies Manual</p> <p><b><u>STAFF CONTACT(S):</u></b>          Mr. Monday; Ms. Jordan</p>	<p><b><u>AGENDA DATE:</u></b>          05-02-2016</p>	<p><b><u>ITEM NUMBER:</u></b>          10</p>
	<p><b><u>ACTION:</u></b>          Yes</p>	<p><b><u>INFORMATION:</u></b></p>
	<p><b><u>CONSENT AGENDA:</u></b>  <b><u>ACTION:</u></b></p>	<p><b><u>INFORMATION:</u></b></p>
	<p><b><u>ATTACHMENTS:</u></b>          Personnel Policies Manual</p> <p><b><u>REVIEWED BY:</u></b> </p>	

**BACKGROUND:**

The current policy Pittsylvania County operates under is obsolete. The last update to the current personnel manual was approved by the Board of Supervisors in February 2004.

**DISCUSSION:**

Under the guidance of Mr. Monday, County Administrator, a personnel committee was formed over a year ago with representatives from various departments. The committee was charged the task of review, revisions, and/or updates to the personnel policies manual, referred to herein as manual, in comparison to Pittsylvania County's current manual, and manuals of surrounding localities. The personnel committee, along with the human resources manager, finalized updates in compliance with the Department of Labor, the Equal Employment Opportunity Commission, Wage and Hour Division, Virginia Workers' Compensation Commission, other state and federal employment regulators. Upon nearing the final phase of the draft manual, department supervisors were provided copies for review and feedback. Discussions on departmental concerns, and/or suggestions continued at several staff meetings, and via emails. Supervisors were advised to discuss updates with staff, and solicit feedback on sections that will directly affect employees' County benefits. Prior to submitting the manual to the Personnel Committee of the Board, Mr. Monday, and Ms. Jordan met several times for a comprehensive review of the manual, in conjunction with Mr. Hunt's legal review.

The Personnel Committee of the Board met on April 19, 2016 at 5:30 p.m. to discuss the draft manual. Minor revisions were recommended by the Personnel Committee. Those changes are noted, and highlighted in the manual for sections: 2.7, Residency Policy (removed section); 6.9, Court Leave (removed wording "as a witness"); and 6.11, Leave without Pay (added County Administrator for approval of one month).

**RECOMMENDATION:**

Staff recommends approval of the revised Pittsylvania County Personnel Policies Manual effective the date of Board approval.

# **Pittsylvania County Personnel Policies Manual**

**Effective**

**Date Adopted  
by the Board of  
Supervisors**

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**The most current addition of this manual can be found on the County website at [www.pittsylvaniacountyva.gov](http://www.pittsylvaniacountyva.gov)**

**PITTSYLVANIA COUNTY,  
VIRGINIA PERSONNEL  
POLICY MANUAL**

**1. INTRODUCTION**

**1.1 PURPOSE OF THE PERSONNEL POLICIES**

It is the policy of the Pittsylvania County Board of Supervisors to establish:

The following policies, regulations, and other administrative provisions for personnel administration by the Board of Supervisors for Pittsylvania County for the information and guidance of all County employees.

- A. To provide equitable conditions of employment for County employees;
- B. To establish and maintain uniform standards of employment and compensation; and,
- C. To provide assistance to department directors and supervisors in their administration of personnel matters.

The Pittsylvania County Personnel Policies Manual establishes general County policies and procedures to be used by all County employees covered by the Manual and provides a description of the County's benefits and the general County policies pertaining to benefits provided to employees. Policies may not always be aligned with all individual circumstances and there may be situations which may require interpretation of existing circumstances or a ruling in conjunction with an employee action related to the policies. If such interpretations are necessary, procedures for such interpretations are established and interpretations shall be made in keeping with the intent of the policies and procedures.

**This manual is not and shall not be construed as an explicit or implied contract of employment for a specific period of time, shall not modify any existing "at will status" of any County employee, and shall not create any due process requirement in excess of Federal or State Constitutional or Statutory requirements.** The term "at-will" means employees can terminate or be terminated at will. Exceptions are employees having written contracts signed by the administrator.

From time to time, conditions or circumstances may require the County to make changes, additions, or deletions to the policies and benefits provided in this Manual. When changes to the policies and benefits of the County are made, employees will be notified of the new or revised policies or benefits within a reasonable time.

Due to the scope of the County's operations all benefits and policies cannot be specifically set forth in this Manual, and written notices may be circulated or new policies may be communicated verbally from time to time. In addition, there may be special policies applicable to particular departments with which employees in particular should be familiar. No member of the County Administration, other than the County Administrator (with consent of the Board of Supervisors), has the authority to modify any of the terms or provisions of this Manual. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the County without notice.

The personnel policies set forth in this Manual supersede all previous personnel policies and serve as the official personnel policies of Pittsylvania County, Virginia.

The masculine pronoun as used in this Manual is intended to apply to both genders.

**1.2 APPLICABILITY OF POLICIES**

The policies herein established shall apply to all employees of the County except the following:

- A. Employees of the Pittsylvania County Public Schools
- B. Any employee specifically exempted by action of the Board of Supervisors; and
- C. Constitutional Officers and their appointees not specifically covered by the latest revised Cooperative Agreement.

The Board of Supervisors has the authority to take appropriate action in dealing with cases of violation of the established policies. No employee can be exempted from the grievance

procedure contained herein with the exception of Constitutional Officers, those identified in Section 1.2 of this policy, and those identified in Section 16.2 of this policy.

In any case where an employee is working for a board established by the Pittsylvania County Board of Supervisors, with the authority to make policy for that department, then where reference herein is made to the Board of Supervisors, that department's name should be inserted; and where reference is made to County Administrator, the name of the director of that department should be inserted. It should be noted that boards established by the Board of Supervisors do not have authority to change County policy. Rather, such boards only have authority to act on those matters that specifically allow decisions or interpretations as defined in this Manual.

The policies herein established shall apply to appointees of the County's Constitutional Officers to the extent agreed upon by the respective Constitutional Officers, and the Board of Supervisors and as documented in any Cooperative Agreements that may be agreed to by all parties and adopted by the Board of Supervisors.

### 1.3 DISSEMINATION OF POLICIES

The County Administrator will make public complete copies of all policies and changes thereto, and shall be responsible for maintaining complete current policies. Employees will be provided with various changes and updates. In addition, a copy shall be maintained in the office of each department director. Each County employee shall be given a copy of the personnel policies upon adoption of these policies by the Pittsylvania County Board of Supervisors. Future employees shall receive a copy of the current personnel policies when they begin their employment service with the County. All employees will acknowledge receipt of these policies via a signed and dated statement, which will be maintained within the employee's personnel file. The statement shall include the employee's confirmation that these policies have been read and are understood by the employee. The Personnel Policies Manual shall be available for review by any employee or the public during the County's regular business hours.

### 1.4 DEFINITIONS

Where used within this Manual, the following words and terms shall have the meaning indicated below:

- A. **ALLOCATION.** The assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.
- B. **APPOINTING AUTHORITY.** That officer or body having authority under the ordinances of the County to make appointments to positions. Unless otherwise specified, the appointing authority shall be construed to be the Pittsylvania County Board of Supervisors.
- C. **APPOINTEE.** A term used by the Constitutional Offices to designate those who work at the pleasure of the Constitutional Officer. The term "employee" as used in this Manual also applies to the appointee except where otherwise designated.
- D. **CLASS.** A position or group of positions which are sufficiently alike in job evaluation factors (such as duties performed, degree of supervision, required minimum requirements of education, experience or skill and other such characteristics) to be equitably assigned the same class title, same or similar qualification requirements, the same skill level, the same test of fitness and the same salary range.
- E. **CLASSIFICATION.** The entire process of assigning and reassigning individuals to positions and positions to classes and classes to grades to the end that employees will be employed and compensated on the basis of merit, fitness, and actual duties performed so that there may exist equal pay for equal work.
- F. **CLASS DESCRIPTION.** A written description of a class of positions containing a title, statement of typical duties, responsibilities, and minimum or desirable qualifications for applicants or incumbents to insure satisfactory performance.
- G. **DEMOTION.** The change of an employee from a position in one class to a position in another having a lower pay grade and requiring the performance of less responsible duties.
- H. **GRADE OR PAY GRADE.** The numerical designation of a fixed salary range assigned to a position, class or group of classes.

- I. **IMMEDIATE FAMILY.** Includes: the father, mother, child, spouse, father-in-law, mother-in-law, grandparent, grandchildren, stepparent, stepchild, brother/stepbrother, sister/step sister, grandparent, of spouse, or any relative living in the household of the employee.
- J. **MERIT INCREASE.** Advancement in pay of an employee to a higher step in the pay grade based upon satisfactory display of merit in performance of duties and not requiring a change in basic duties.
- K. **POSITION DESCRIPTION.** A detailed written description of the specific duties assigned to and performed by a particular employee to serve as the basis for classification.
- L. **PROBATIONARY PERIOD.** A working test period, presently established by the department head at the time of hiring, not to exceed twelve (12) months, during which an employee is required to demonstrate by actual performance, fitness for the appointed duties, and general fitness and suitability as a public employee. The probationary period may be extended if approved by the department head and the county administrator. Employees dismissed during their probationary period do not have the right to use the appeal procedure outlined in Section 16.
- M. **Normal Work Week.** The total number of hours expected to be worked by an employee in a seven day period is considered the normal work week. The number of hours varies by department.

**2. QUALIFICATIONS FOR EMPLOYMENT**

**2.1 EQUAL EMPLOYMENT OPPORTUNITY AND ACCOMMODATION**

It is the policy of Pittsylvania County to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, age, national origin, or disability. Pittsylvania County is an equal opportunity employer that strives to adhere to the provisions of the Equal Opportunity Act with the goal of maintaining and promoting equal employment opportunity for all employees and applicants for employment. This policy applies to every aspect of employment practices including, but not limited to the following:

- A. Recruiting, hiring and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation, or disability except where such a factor can be demonstrated as a bona fide occupational qualification.
- B. All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
- C. Other personnel actions such as compensation, benefits, transfers, layoffs, training, assignments, will be administered without regard to race, color, religion, national origin, sex, age, political affiliation, or disability.
- D. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the County or if the employee poses a direct threat to the health and safety of himself or others.

**2.2 OUTSIDE EMPLOYMENT**

Pittsylvania County considers itself to be the primary employer for all employees who are not temporary or relief, and requires that activities away from the job must not adversely affect the employee's primary job performance or compromise the County's interests through conflicts of interest, or the appearance of conflicts of interest.

Before seeking or accepting outside employment, employees are cautioned to consider carefully the demands that such additional employment will create. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, refusal to travel, or refusal to work overtime or different hours.

The employee shall notify the Department Head **in writing** when he is involved in outside employment.

In addition, employees are not to conduct any business related to outside employment during County paid working time. Conflicting outside employment shall be grounds for disciplinary action up to and including dismissal.

**2.3 PHYSICAL STANDARDS**

Applicants for employment and employees may be required to have a physical examination at any time and, (as a condition to employment) must meet the physical standards, with or without accommodation, established for the position for which they apply.

**2.4 EMPLOYMENT INVESTIGATIONS**

All applicants interviewed for employment must provide two acceptable forms of identification per federal law. Pittsylvania County will participate in the E-Verify system as regulated by the Department of Homeland Security.

When required by a department, an applicant may be fingerprinted to determine his criminal record, if any, prior to being considered for employment or after hire date as may be required to comply with standards as set forth by local, state, or federal government. All pre-hire inquiries will be limited to those applicable to the position for which the applicant is applying and will be job related.

All applicants will be subject to a criminal background check, drug test, reference check, and educational background check. Applicants may be subject to optional tests considered necessary for the position applied for, including a Department of Motor Vehicle record check, a polygraph examination, psychological tests, credit reports where appropriate, and other bona-fide pre-employment investigations.

Various departments, where the handling of cash is necessary, may periodically require employee credit checks at a manager's recommendation, if approved by the County Administrator.

Seasonal and temporary employees will be tested as necessary for the position.

**2.5 FORM OF APPLICATION**

All applicants for employment must fill out and furnish complete information on the application form established for the class of positions for which they apply. Such forms shall include information relative to residence, training, experience, references, and other pertinent information, and may require certificates of one or more examining physicians, a photograph, and fingerprints.

**2.6 OTHER STANDARDS FOR EMPLOYMENT**

Where other standards or requirements for a particular position are established, all applicants shall be required to meet those standards as condition of employment.

**2.7 CODE OF CONDUCT FOR PUBLIC SERVICE TO PITTSYLVANIA COUNTY**

Pittsylvania County requires that employees follow this "Code of Conduct for Public Service to Pittsylvania County," reflecting the highest ethical standards and promoting public confidence in County government. This policy is not intended to supersede more stringent codes of conduct adopted by individual departments or offices.

This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or other provision and statutory or other action is mandatory, or when the application of a statutory or other provision is discretionary, but determined to be more appropriate or desirable.

The effective operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government.

The purpose of this Code is to establish standards of ethical conduct for employees by setting forth those acts or actions that are incompatible with the best interests of the County. The provisions and purpose of this Code and accompanying rules and regulations are established in the best interests of Pittsylvania County.

- A. **Responsibilities of Public Office** - Public employees are agents of the citizens and are entrusted to pursue the public good at all times. As such, they are expected to display the highest degree of integrity and are bound to uphold the Constitution of the Commonwealth of Virginia and to carry out impartially the laws of the nation, state, and County; thus fostering respect for all government. They are bound to observe in their official acts the highest ethical standards and to discharge faithfully the duties of their office regardless of personal considerations with courtesy and respect, always recognizing that the public interest must be their primary concern.
- B. **Dedicated Service** - All County of Pittsylvania employees are expected to be loyal to the objectives expressed by the electorate through the Board of Supervisors. Employees shall adhere to the rules of work and performance established as the standard for their positions. Employees shall not exceed their authority, breach the law or ask others to do so, and shall work in full cooperation with other employees and departments unless prohibited from so doing by law or by officially recognized confidentiality concerns.
- C. **Fair and Equal Treatment** - No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

No employee shall use or permit the use of County-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally, or are provided as public policy for the use of such employees in the conduct of official business.

- 1. **Conflict of Interest** - As provided in Title 2.1 of the Code of Virginia ("The Virginia Conflict of Interests Act") no employee shall engage in any private financial or other interest which might impact the performance of his official duties. Employees are also bound by the additional guidance outlined below:
  - a) **Incompatible Employment**: No employee shall engage in or accept other employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would impair his/her independent judgment or action in the performance of his official duties. With Department Head's approval, employees may engage in other employment that does not interfere with or present a conflict of interest with County employment;
  - b) **Disclosure of Confidential Information**: No employee shall, without proper authorizations, disclose confidential information concerning the property, government, or affairs of the County, which would advance the financial or other special interest of himself or others;
  - c) **Gifts and Favors**: No employee shall accept any gift or favor of more than nominal value, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, intended to, or which may, influence him in the discharge of his duties; and
  - d) **Representing Private Interests before County Agencies or Courts**: No employee shall represent his own or any other private interest before any agency of the County, unless he is doing so as a member of a civic organization, or is speaking on an issue of general public interest;
- 2. **Consequences of Violation** - Violation of any section of this policy may constitute a cause for disciplinary action up to and including dismissal.

## 2.8 DRESS CODE

Pittsylvania County is a public service delivery organization and expects all employees to dress appropriately for a business environment and in keeping with his work assignment. Public image plays an important role in developing and maintaining support for the

organization. To maintain the confidence and respect of the citizens of Pittsylvania County, each employee must exercise good judgment and professional decision-making in choosing workplace attire.

A. Objective - To establish clear guidelines regarding employee attire, taking into account the variety of work assignments.

B. General Guidelines - The following guidelines establish the general expectations regarding employee attire. Every employee is expected to exercise good judgment in dressing appropriately for his work assignment. The following list is not intended to include every possible scenario but provides guidelines for employee and supervisory decisions.

1. Clothing, jewelry, and accessories must not create a safety hazard for the employee or others;
2. All clothing must be in good condition without holes, excessive wear, or staining from use or design;
3. Clothing shall not display implied or stated profanity, advertisements or logos for alcohol, tobacco products and/or illegal, racial, or sexual connotations;
4. Political endorsements may not be worn on clothing, badges, or any other ways that are visible to the public;
5. Employees shall be clean, well-groomed and demonstrate acceptable personal hygiene;
6. Appropriate undergarments must be worn;
7. Employees shall not normally wear jewelry in facial and/or tongue piercing(s);
8. Excessive or offensive (profanity, nudity, illegal acts, racial/ethnic slurs) tattoos must not be visible; and
9. Appropriate footwear must be worn.
10. Due to allergies and sensitivities of co-workers and the public, employees shall refrain from wearing or using products containing fragrances.

C. Prohibited Clothing - The following clothing is not acceptable for employees at any time and shall not be worn except in the case of approved field/operational attire or as noted in the Exceptions section:

Leggings (except underneath an appropriate lower body garment such as skirts, shorts, or pants);

Excessively short skirts and shorts; Bedroom slippers;

Flip-flops; Sweat Pants;

Wind Suits /Jogging Suits;

Tank Tops, Halter Tops, Tube Tops; and

Head gear worn indoors (hats, caps, headphones, bandannas, etc.)

D. Direct Service Delivery Assignments

Employees working in direct service delivery assignments, such as uniformed public safety positions, public works, inspections, or other operational field capacities may be issued workplace uniforms that shall be worn while performing official duties. The style and material of the uniforms shall be determined by the department. When uniforms are not issued, departments shall determine the appropriate attire for field or direct service delivery staff, taking into account the general guidelines of this policy.

Employees shall not post pictures showing themselves in uniform or links to such pictures on any non-County Internet website or electronic media not related directly to their specific job function.

E. Administrative Assignments

The County supports "business casual" dress Monday through Thursday for administrative

employees, i.e. those employees working in an office environment. Business casual is a form of attire that is more traditional and typically includes slacks and shirts or suits for men and slacks/skirts with blouses and dresses or suits for women. Directors and department heads retain the right to require more formal business-like attire based on the needs of the department or division. Business casual does not include blue jeans pants, t-shirts, sweatshirts, or bib pants/overalls.

The County also supports "casual" dress on Fridays (or the last workday of a shortened workweek). Casual dress is a form of attire that is more relaxed and normally associated with leisure time. Casual dress typically includes less formal clothing such as blue jeans, sweatshirts, and t-shirts.

F. Exceptions

Directors shall retain the right to consider unique situations and may approve alternate employee attire for a variety of reasons.

G. Consequences

Employees are expected to abide by the provisions of the dress code policy and shall be held accountable for decisions that do not meet the guidelines. When an employee's attire does not meet expectations, the immediate supervisor shall first discuss the matter with the employee to ensure that the employee understands the policy and its application. If the employee refuses to change his attire and/or fails to comply with the dress code, the supervisor may initiate disciplinary action in accordance with Pittsylvania County's disciplinary policy.

**2.9 ANTI-NEPOTISM POLICY**

Except as provided herein, no applicant shall be hired, reinstated, reemployed, transferred, promoted, or demoted to a position which places him or her in a direct supervisory role with a family member.

This prohibition may be extended to positions in which the duties involve access, review, verification, authorization, or approval of the transactions of family members in financial, personnel, purchasing, or other sensitive matters, even though the respective functions are in different departments. Such positions will be identified by the affected department head or designee, with the approval of the County Administrator.

For the purposes of this anti-nepotism policy, "family member" is defined as spouses, parents, in-laws, children, and siblings, including step-parents and siblings, half-siblings, and including grandparents and grandchildren, and aunts, uncles, nieces and nephews, and first cousins. Such relationships include those legalized by adoption.

If a change occurs which causes employees to come into conflict with this policy, one of the employees shall be transferred to a vacant position, if available. In the absence of an agreement, by the affected parties, the employee with the lower (pay) grade or if the same grade, the employee with the fewest years of County service, will be transferred.

The Personnel Officer for the department shall ensure that this policy is enforced when making recommendations for employment, promotions, transfers or demotions.

The County Administrator or Board of Supervisors may approve written requests to interpret or waive this policy, when it is in the best interest of the County to do so as provided by the Code of Virginia.

**2.10 PRE-EMPLOYMENT RECRUITMENT AND APPLICATION PROCEDURES**

The Human Resources Department develops, and maintains effective recruitment procedures that attract candidates who possess the education, skills, and abilities to meet the current and future needs of Pittsylvania County. When a position is to be filled from outside of the department, the department manager will notify the Human Resources Manager of the need to advertise the position and seek qualified applicants for employment. No person will be hired or promoted into a position unless that position is a funded vacant position as approved by the County Administrator.

Vacant positions may be filled by recruitment from inside and/or outside sources as determined appropriate in coordination with the selecting department manager or designee. Vacancies may

also be advertised with the local Virginia Employment Commission, newspapers, electronic media, other government agencies, journals or other appropriate sources. All posted position vacancies can be viewed online at any time at <http://www.pittsylvaniacountyva.gov/>.

When a vacancy occurs, or the County Administrator approves a new position, normally, vacancies shall be advertised concurrently internally, and externally and posted for a minimum of ten (10) days. Applications will be accepted only for posted positions. However, high turnover positions may remain continuously under recruitment in order to maintain pools of qualified candidates, and to quickly fill such positions as vacancies occur. Pittsylvania County supports cross training and promotion from within, when appropriate, internal applications will be considered first. If no internal application is selected to fill the position, outside applicants will be considered. Positions are posted on the bulletin board located in the County Administration Building.

Managers at each work site are responsible for posting notices of vacancy at their facility. In the interest of public welfare and safety, before an employment offer can be extended, an applicant must be able to perform the essential functions of the job with or without reasonable accommodations. Medical examinations may be required depending on the duties of the position. The application process may also include examinations, such as personal reference checks, criminal history, child abuse registry, alcohol and drug testing, skill testing, written examinations, personal interviews and other testing as determined appropriate and lawful. If other testing is determined to be appropriate, in such case, all applicants for that position will be administered the same test uniformly.

Some positions require the operation of Pittsylvania County owned motor vehicles as a function of the job. Applicants will be required to provide a copy of their valid driver's license, and Division of Motor Vehicles driving record, and where necessary, a copy of the applicant's Commercial Driver's License. Employees must report any restrictions, limitations, or loss of their driving privileges to their supervisor. Applicants will be required to grant permission to Pittsylvania County management to conduct background investigations, and state criminal history checks not to violate any federal or state equal opportunity law or regulation. All applicants for Pittsylvania County employment will be informed of the Drug Free Work Place Policy Section 11, and will be required to undergo a drug screen upon offer of employment and prior to final appointment.

Due to the length of time required to complete certain background investigations, a conditional offer of employment may be extended, subject to the successful completion of the investigation. Pittsylvania County does not discriminate unlawfully against persons who have been convicted of criminal offenses. A prior conviction does not automatically exclude an applicant from employment with Pittsylvania County. The nature and the offense of a past conviction is weighed and considered in relation to the duties of the vacant position. Department/division managers will review applicants for vacant positions in their department and will make recommendations for employment to the Human Resources Manager. The Human Resources Manager will review the department/division manager's decision, and check references on the selected applicant. The Human Resources Manager will then present the information to the County Administrator for final approval.

#### **2.11 IMMIGRATION LAW COMPLIANCE**

Pittsylvania County complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens, and aliens who are authorized to work in the United States.

### **3. APPOINTMENTS**

#### **3.1 VACANCIES**

All full-time and regular part-time vacancies to be filled shall be publicized. The Human Resources Department shall maintain an advertising distribution list, which shall be used to maximize the application pool.

##### **A. Employment Applications**

1. Persons seeking to apply for employment with the County shall be referred to the Human Resources Department. The County relies upon the completeness and accuracy of information contained in the employment application, as well as the

accuracy of other data presented throughout the selection process and during County employment. Therefore, applicants and employees are hereby notified:

- a) All employment information shall be current, accurate and complete.
- b) Any misrepresentations, falsifications or material omissions on the County application may result in the County's exclusion of the individual from further consideration for employment.

#### **4. CLASSIFICATION OF POSITIONS**

##### **4.1 CLASSIFICATION PLAN**

The County Classification Plan ("Classification Plan") has been established and shall be maintained by County Administration. No deviation shall be made from the plan except where circumstances warrant. Under these circumstances, the plan itself or the classification of a particular class or grade of positions may be amended with the approval of the Board of Supervisors.

##### **4.2 COVERAGE**

The Classification Plan shall cover all positions included under Section 1.2 of this Manual.

##### **4.3 ASSIGNMENT OF POSITIONS**

The County Administrator or his designee, in consultation with affected department heads, shall make all assignments of positions to classes and grades and to salary ranges. Positions, which are sufficiently alike in duties and/or responsibility, will be accorded the same pay scale. The County Administrator or his designee shall allocate each position covered by the classification plan to its appropriate pay scale, subject to approval of the Board of Supervisors.

##### **4.4 RECLASSIFICATION AND/OR GRADE CHANGES**

Department heads shall be responsible for bringing to the attention of the County Administrator or his designee any material change in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any position. Following the receipt of such information, the County Administrator, in consultation with the affected department head, shall restudy the position and determine if the classification should be changed. No person shall be appointed, promoted, demoted, transferred, or paid in any position until the position has first been established by the Board of Supervisors.

##### **4.5 CLASSIFICATION OF NEW POSITIONS**

The County Administrator or designee shall be responsible for the allocation of new positions to the existing classes or to new classes of positions in County service, subject to review and approval of the Board of Supervisors.

#### **5. PAY OF EMPLOYEES**

##### **5.1 COMPENSATION AND CLASSIFICATION DEFINITIONS**

- A. **PAY PERIOD** - The County's regular pay period is semi-monthly. The normal pay day is the 15th of the month and the last working day of the month.
- B. **FULL TIME** - Those employees who work thirty (30) hours or more in a week are eligible for all County benefits. Vacation leave benefits are available six (6) months after accrual.
- C. **PART TIME** - Those employees who work twenty-nine (29) hours or less per week are paid on an hourly basis are not eligible for County benefits other than workers' compensation, seven (7) personal days (proportionate to hours normally worked), and the Employee Assistance Program (EAP). Employees who have accrued leave benefits will have leave balances grandfathered in without further accrual upon adoption of this policy by the Board of Supervisors. Personal days are not carried over each year, and are not payable upon resignation/termination of employment. Leave is available after six (6) months of employment. Work schedule must be a minimum of 20 hours per week to earn personal days.
- D. **TEMPORARY** - Those employees engaged to work full-time or part-time with the understanding that their employment will be terminated no later than the completion of a

specific assignment. Temporary employees are not eligible for County benefits, other than workers' compensation and the Employee Assistance Program (EAP).

E. **SALARY** - Employee salaries will be reviewed at least annually and employee performance will be discussed with the employee by his supervisor or department head. Funds for increases are determined by the Board of Supervisors and will be determined at least in part by the employee's performance evaluation and will be in accordance with the County's adopted salary schedule.

F. **WORK DAY** - The normal work day in Pittsylvania County may be 8 hours per day for most employees, depending on department and work situation.

The normal work day is 8:00 to 5:00 P.M. but the schedule may be adjusted by the Department Head with the approval of the County Administrator to establish a flexible work schedule for employees. Starting and stopping times and shift lengths may also vary in some departments, such as the Sheriff's Office and Emergency Services, which operates with an independent work schedule consistent with the service needs of the County. Employees are expected to be at their work station and ready for work at the starting time, unless prior arrangements have been made.

The Board of Supervisors reserves the right to adjust the number of hours worked for all employees in accordance with the provisions of the federal Fair Labor Standards Act.

If circumstances arise which will cause an employee to be late in reporting to work, the employee should notify his supervisor as soon as he become aware of the delay. Do not have someone call for you unless it is absolutely necessary, as your supervisor needs to know your status as soon as possible.

G. **LUNCH AND BREAKS** - Lunch times will vary from department to department, but normally are scheduled for one hour. Morning and afternoon breaks of fifteen (15) minutes are provided to each employee.

H. **EMERGENCY SERVICE** - Each County employee has a special responsibility to the citizens of Pittsylvania County. As part of this responsibility, service outside of the normal working hours may be required during a state of emergency. All County employees should be prepared to receive special assignments. When emergency service results in overtime work, employees will be compensated, in accordance with the overtime provisions.

## **5.2 PAY PLAN**

For each class of position, a salary range shall be assigned which includes a minimum and maximum salary step, selected from the schedule of pay steps included in the County's pay schedule. Each salary range will consist of a selected number of pay steps which may vary from position to position based upon the amount of time deemed necessary for an employee to reach the maximum salary level. In arriving at salary ranges, consideration shall be given to prevailing rates for comparable work in other public employment and relevant private business, the current cost of living, responsibilities of the position, and the County's financial condition and policy.

## **5.3 APPROVED SCHEDULE OF RATES OF PAY**

The pay schedule consists of a series of standard approved pay ranges. For each class of positions, the range will be authorized as provided by Section 5.4 of the County's Personnel Policies Manual; the salary range will consist of annual salary rates from this schedule.

## **5.4 ADMINISTRATION OF PAY PLAN**

It shall be the intent of this plan, as long as it is financially feasible that each employee will receive merit pay annually, if the evaluation performance is satisfactory or better, until the employee reaches the maximum rate for the classification in which he or she is assigned, or until placed in another classification.

## **5.5 NEW EMPLOYEES**

Generally, a new employee shall be paid the minimum rate of pay for his class. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification.

When a new employee more than meets the minimum qualifications, he may be appointed at a higher step.

**5.6 PROMOTIONS**

When an employee is promoted to a position in a higher class his salary shall be increased to at least the minimum rate of the higher class. In the cases of overlapping ranges, the promoted employee shall be increased to the step which accurately reflects the increased responsibility of the position. Employees will be evaluated for a six (6) month period to determine if job performance and requirements are satisfied.

**5.7 REHIRED / REINSTATED EMPLOYEES**

A rehired employee may be paid at a salary rate within the approved salary range for the position in which he is rehired. Rehired employees separated for less than three (3) months are eligible to return at the step equal to that of which they were previously paid. An employee who voluntarily leaves the County in good standing shall be eligible for rehire, if the position is vacant. If an employee is reinstated within six (6) months, all pre-employment tests do not need to be performed again.

An employee who has voluntarily resigned from County employment, and is in good standing, and wishes to return within thirty (30) days of the separation, may be reinstated to their former position, if vacant, at the discretion of the director. A reinstated employee shall be considered to have been on a leave without pay status for the time of the separation.

**5.8 PART TIME EMPLOYMENT**

When employment is on a part-time basis, the hourly rate paid shall be commensurate with the responsibilities of the job classification and employee's level of experience in this or other positions requiring comparable skills.

**5.9 TRANSFER**

The pay of an employee transferred to another position of the same pay grade shall remain unchanged. Leave accruals will continue at the current level. Years of service for full-time employees will be counted for the corresponding accrual category when transferring from an office/department that does not participate in the County accrual leave policy to another office/department that does participate.

**5.10 DEMOTIONS**

A voluntary or involuntary demotion is defined as assignment to a position with a decrease in duties and responsibilities and is distinguished from a downward reclassification resulting from a formal review of duties and responsibilities. An employee demoted from one position to another is placed in a lower pay grade contingent upon a lesser position being available at the time the action is taken. The department head may petition the County Administrator to adjust the amount of the salary reduction either upward or downward.

**5.11 PAY AND ALLOWANCES**

Rates of pay established are gross salary amounts for full time service in the various classifications. The hours of work for full time service are established by the pay plan.

**5.12 OVERTIME COMPENSATION**

It is the policy of the County to adopt and implement the provisions of the Fair Labor Standards Act (FLSA), as amended, as the fundamental wage and hour policy of the County. Further, it is the policy of the County that any overtime work necessary for the continued effective operation of the County shall be managed in the most efficient and economical manner possible.

Every attempt will be made to minimize overtime work and supervisory approval is required to authorize any overtime. Non-exempt employees shall not perform job related work at home unless specifically authorized in advance by the employee's supervisor, and permission is granted from the respective department director. Any employee who fails to comply with any applicable provisions of this section, and any supervisor who permits the same shall be subject to disciplinary action.

All County Departments have established working hours as required by workload, production

flow, service needs, and the efficient management of personal resources. In addition, to these established work hours, certain situations may arise requiring overtime work. As required by the Federal Fair Labor Standards Act ("FLSA") all positions in the County shall be designated as "exempt" or "non-exempt". Employees in exempt positions are not subject to the provisions of the Act.

The Act requires that non-exempt employees receive overtime compensation for hours worked in addition to specified limits. Law-enforcement and fire protection employees' overtime hours are calculated in accordance with the Code of Virginia 9.1-703. However, the compensation may be in the form of compensatory time earned as opposed to direct cash payment. The limits placed on the amount of compensatory time a non-exempt employee can earn in lieu of cash overtime payment are noted in (Section 6.8). All compensatory time accrued by employees in non-exempt positions must be taken or paid when the employee separates from County employment. In the event a non-exempt employee is promoted to an exempt position, he shall be paid for any accrued compensatory time at the time of promotion.

To the extent any provision in the Personnel Policies Manual would cause an exempt employee under the FLSA to lose their exempt status, such policy shall not apply.

It is the County's policy to comply with the salary basis requirements of the FLSA. Therefore, the County prohibits all department heads or their designees from making any improper deductions from the salaries of exempt employees that violate the FLSA.

- 5.13 EMERGENCY CALL BACK POLICY Non-exempt employees who are required to report to work under emergency circumstances will be compensated for a minimum of three hours. If the actual hours worked exceed the three-hour minimum, the employee will be compensated for all hours worked. Callback time will commence from the time the employee leaves his/her premises and returns to the original location. If the employee is called back while in route to or from work, time worked will be credited as an extension of the normal workday and the three-hour minimum will not apply.**

Should the employee be called back a second time within the original three (3) hours of the first call, an additional three (3) hour credit for the new call back will not be granted. Calls received and time worked by an employee in a callback situation must be reported to the employee's supervisor on the next regular workday. The nature and amount of time worked during on-call duty are subject to verification by supervisors. When discrepancies are noted, further justification may be required.

**5.14 ON CALL POLICY**

It is the policy of Pittsylvania County that departments that require non-exempt employees to be on call, shall be required to develop a department ON CALL roster. Establishment of on-call rosters, and method of notification are the responsibility of each respective department director. Employees who are assigned to on call duty, are required to be available for work within a reasonable time. Pittsylvania County does not restrict employee movement while ON CALL. A reasonable response time shall be deemed within one hour.

For each scheduled assignment of on call duty, a non-exempt employee shall be paid one (1) hour pay at his/her regular hourly rate for each 24 hours of on-call duty, whether or not actually called for duty, in addition to being compensated for the time actually worked. Actual time worked over the employee's prescribed duty cycle while on call will be subject to the overtime provisions herein.

**5.15 DEDUCTIONS**

As a condition of employment with Pittsylvania County, the employee must complete an application and participate in Direct Deposit.

The payroll clerk is authorized to make established deductions from an employee's gross pay to cover mandatory deductions and optional deductions elected by an employee.

If an employee believes that an improper deduction has been made to his salary, he should immediately report this to his supervisor.

Reports of improper deductions will be promptly investigated. If it is determined that an



Vacation can be taken within six months after employment. An employee may carry a specified amount of vacation earned in one year over into succeeding years. However, no more than the below noted levels of accumulated vacation shall be allowed to be carried over from one year into the next. On the last day of the year any accumulated vacation in excess of the below noted limits shall be forfeited. For this purpose a year is defined as the period of time from July 1st through June 30th.

Completed	Maximum Carry Over Hours	Upon Separation Maximum Hours Paid
1 through 5 years	192	192
6 through 10 years	240	192
11 through 15 years	288	192
16 through 20 years	336	192
21 through 25 years	384	192
26 through 30 years	432	192
Over 30 years	480	240

Scheduled vacation shall be subject to the approval of the employee's supervisor; vacation shall be taken in one-hour increments. Wishes of employees will be given consideration in the establishment of vacation schedules. In instances of concurrent requests for overlapping vacation dates, preference will be given to the request of the longer-term employee

If a holiday is observed during an employee's vacation leave, it is not counted as a vacation day.

## 6.2 SICK LEAVE

Sick leave may only be used to cover any absence from work because of a personal illness, injury, or physical incapacity (other than incurred in the line of duty) that prevents the employee from performing his/her job or exposure to contagious disease, when the employee's presence on duty would jeopardize the health of fellow workers or the public.

When an employee is absent for sick leave they shall inform their supervisor at the earliest possible time, to assure full coverage of departmental work responsibilities.

If an employee is away from work for three (3) or more consecutive work days, the employee may be asked to provide a doctor's statement and may be asked to provide a written release from his physician to return to work. An employee must keep his supervisor informed of his work status through regular contact.

An illness, injury, or medical condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity that lasts more than three consecutive work days may be considered a serious health condition and subject to the requirements of the Family Medical Leave Act. The County may also designate leave as FMLA leave without a request from the employee.

A request for extended sick leave use may require verification by the department head concerned and/or Human Resources Manager. Sufficient verification is a medical certification containing medical facts to establish an employee was unable by reason of the disability to be on duty during the entire period covered by the application, and where an extended absence is indicated, the probable duration of the disability.

Beginning with the first month of employment, sick leave begins to accrue at a rate of eight hours per month. **(This only applies to VRS Plan 1 & 2 Employees).**

The absence of an employee for the reasons stated shall be a charge against earned sick leave credits time in one-hour increments:

- A. An illness, condition, or non-work related injury incapacitating the employee to perform his duties;
- B. An exposure to a contagious disease such that presence on duty would jeopardize the health of fellow employees or the public;
- C. Appointment for examination and treatment related to health when such appointment cannot reasonably be rescheduled during non-work hours; on the basis of the availability of local resources in the area of employment, the County Administrator may establish limits upon the charge of sick leave for keeping such appointments;
- D. Sick leave is also available when dependents/spouse requires the employee's assistance not to exceed three (3) days at one time. In situations where the employee is required to care for a child, parent, or spouse exceeds three days and the medical situation meets the definition of a serious medical condition, the absence may be considered a qualifying event under the Family and Medical Leave Act. (See Family and Medical Leave Act) Other legitimate causes which, in the discretion of the County Administrator and/or the Elected Constitutional Officer, may be classified as sick leave.

**E. Final Sick Leave Settlement**

Whenever possible, department heads shall budget when a retirement is foreseeable. Upon retirement with ten (10) or more years of service, an employee shall be paid his/her hourly rate, up to a maximum of \$1,250 for unused sick leave or \$2,500 for twenty (20) or more years of service. (This applies to VRS Plan 1 & 2 Employees to include prior years of service).

**F. Donation of Vacation Leave**

Employees may voluntarily donate vacation leave to another employee who has exhausted his/her sick and vacation leave due to an extended non-job related accident or illness, or for an emergency situation. Only Vacation Leave can be transferred or donated to another employee for use as sick leave. All such requests for donated leave must be approved by the County Administrator and/or Constitutionally Elected Officer.

**G. Sick Leave Bank - (Non-Hybrid Employees)**

- 1. The purpose of the Sick Leave Bank is to provide additional sick leave for those eligible employees who have prolonged, catastrophic or long term illness or injury and who have exhausted their sick leave.
- 2. The Bank will be maintained as long as at least one-third (1/3) of the eligible employees agree to participate and will be declared inoperative at a specific time to be determined by the County Administrator and/or his designee.
- 3. Membership Eligibility
  - a. Eligible employees are those who are members of the Virginia Retirement System (VRS) Plan 1 and Plan 2 programs and who earn sick leave benefits according to division policy. Employees under the VRS Hybrid Retirement Plan, which includes short-term and long-term disability coverage, will not be eligible to participate in the Sick Leave Bank.
  - b. Membership shall be voluntary on the part of the employee.
- 4. Enrollment Period
  - a. An eligible employee becomes a member of the Sick Leave Bank by submitting the Sick Leave Bank Enrollment Form. By completing this form, the employee donates two (2) days of his/her sick leave to the Sick Leave Bank and one day thereafter when an assessment is required.
  - b. An employee may enroll within the first thirty (30) days of employment.

- c. An employee who does not enroll when first eligible may do so between any subsequent August 1st through August 31st by completing a Sick Leave Bank Enrollment Form.
  - d. Membership in the Bank shall be continuous unless the employee informs the County Administrator and/or his designee in writing of his/her intent to discontinue participation at the time that an additional assessment is required in order to maintain the Sick Leave Bank.
5. Procedures Concerning Use
- a. Sick Leave Bank members must exhaust their own sick leave prior to drawing from the Sick Leave Bank.
  - b. A member must make application for the use of the Sick Leave Bank entitlement by completing and filing a Sick Leave Utilization Application with the Human Resources Manager and/or designee).
  - c. For the participating member to be eligible to receive sick leave benefits, a doctor's certificate is required. The certificate is to be submitted to the Human Resources Manager, and must contain the job title of the applicant, medical certification, and statement that the member is totally unable to work as a result of the illness or disability and the approximate length of absence.
  - d. All applications will be reviewed by the (Human Resources Manager and County Administrator) whose decision to approve or disapprove the application will be final, binding and not subject to appeal.
  - e. The Human Resources Manager and/or his designee shall maintain a current list of Bank members.
  - f. A "day" in each case refers to eight (8) hours.
  - g. The first thirty (30) consecutive days of illness or disability will not be covered by the Bank but must be covered by the employee's own accumulated sick leave or leave without pay.
  - h. Employees on Worker's Compensation shall not be permitted to draw from the Bank.
  - i. A member may discontinue participation by giving written notice to the Human Resources Manager and/or designee within ten (10) calendar days from the date of notification of any additional assessment to be made.
  - j. An individual member may draw thirty (30) days from the Bank during any one fiscal year. Any period of eligibility must be consecutive except as provided below. If the member suffers a recurrence of the same illness, disability or condition that resulted in the initial utilization of Sick Leave Bank benefits and if the member has not drawn the maximum number of days (thirty (30) for one (1) fiscal year), then the member will not be required to complete an additional eligibility period of thirty (30) consecutive days prior to being eligible for continuation of Sick Leave Bank benefits.
  - k. Any Sick Leave Bank days not used at the end of one (1) fiscal year will carry over to the next fiscal year.
  - l. Upon termination of employment or withdrawal of membership from the Bank, a participating employee shall not be permitted to withdraw his/her contributed day (s).
  - m. Sick Leave Bank days are for employee use only and do not apply to absence due to family illness.
6. Additional Assessment
- a. Members of the Bank shall be assessed a maximum of one (1) day of sick leave per year if the Bank falls below ninety (90) days. A member may withdraw from the Bank if he/she does not accept the additional assessment but shall lose all contributed days to that point. Members who do not have leave to contribute will be assessed this day from the first sick leave subsequently accumulated.

- b. Notification of such assessment shall be sent to each member at the time is determined to be necessary, and the assessment shall be made unless the participant chooses to cease membership in the Bank. A member not wishing the assessment may terminate membership in the Bank by notifying the County Administrator and/or his designee, in writing, within ten (10) work days from the date of the notice.

7. Records

- a. The Sick Leave Bank will be administered by the Human Resources Manager and/or designee.
- b. The Human Resources Manager or/designee shall maintain the operations and maintenance of the Sick Leave Bank and its records.
- c. If the Sick Leave Bank shall become inoperative for any reason, the balance of days shall first be distributed to those members receiving benefits. From the remaining balance, the Human Resources Manager and Payroll Clerk will determine distribution of days to participating members.

**6.3 HYBRID LEAVE PROGRAM**

The Hybrid Leave Program is a leave accrual program for employees that are members of the VRS Hybrid Retirement Plan. The purpose is to provide an alternative leave system to address the leave needs of employees covered under short and long term disability programs.

**Eligibility**

Full time employees hired or rehired on or after January 1, 2014 but without prior VRS service credit will automatically be enrolled in the VRS Hybrid Retirement Plan and in the County's Hybrid Leave Program. This policy applies to VRS Plan 1 and Plan 2 employees who choose to opt-in to the Hybrid Retirement Plan during the open enrollment period with an effective date of July 1, 2014. The Hybrid Leave Program coordinates with the employer-paid Short and Long Term Disability benefits provided for employees in the VRS Hybrid Retirement Plan.

Public safety employees covered by VRS enhanced hazardous duty benefits are not eligible for the VRS Hybrid Retirement Plan or the County's Hybrid Leave Program.

**Description**

The Hybrid Leave Program retains the annual leave accruals and the personal day of the traditional leave program, but adjusts the sick leave accrual to correspond to the employer-paid Hybrid Short and Long Term Disability benefits.

- 1. Sick Leave Credit ~ Sick leave will be credited on the following basis:
  - a) Full-time employees employed between January 1 and June 30 are credited the entire sick leave credit on the first day of their first full payroll period.
  - b) Full-time employees participating in the hybrid retirement plan and hired July 1 or later or current employees who opt-in to the hybrid retirement plan are credited 50% of the sick leave credit on the first day of their first full payroll period or on the effective date of their election as applicable.
  - c) In subsequent years, the sick leave credit will be credited to eligible employees on the first day of the first full payroll period in January.

2. Sick Leave Credit Charts

Eligible full-time employees hired from January 1 through June 30:  
Sick Leave Credit Charts (Hybrid Plan)

Sick Leave Credit in Days	Sick Leave Credit in Hours
12	96

Eligible full-time employees hired from July 1 through December 31:

Sick Leave Credit in Days	Sick Leave Credit in Hours
6	48

### 3. Effect of Leave without Pay on Sick Leave Credit

If an employee is on leave without pay on the day that the sick leave credit is granted, the sick leave credit is not granted until the employee is on paid status.

### 4. No Carry Over or Payment Upon Separation

The sick leave credit does not accrue. No carryover of the sick leave credit from year to year is allowed. Sick leave credit balances are not paid out upon separation.

### 5. Use of Sick Leave Credit

Sick leave may only be used to cover any absence from work because of a personal illness, injury, or physical incapacity that prevents the employee from performing his/her job or exposure to contagious disease, when the employee's presence on duty would jeopardize the health of fellow workers or the public. An illness, injury, or medical condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity that lasts more than three consecutive work days may be considered a serious health condition and subject to the requirements of the Family Medical Leave Act. The County may also designate the leave as FMLA leave without a request from the employee.

Medical appointments that cannot be scheduled outside of work hours (regularly scheduled, routine appointments should be scheduled outside of work hours, when possible).

When an employee is absent for sick leave they shall inform their supervisor at the earliest possible time, to assure full coverage of departmental work responsibilities.

If an employee is away from work for three (3) or more consecutive work days, the employee may be asked to provide a doctor's statement and may be asked to provide a written release from his physician to return to work. An employee must keep his supervisor informed of his work status through regular contact.

Employees may use sick leave or any other accrued leave balance to supplement their short term disability to receive up to 100% of their pay.

The sick leave credit cannot be used until it is granted. There is no borrowing against future credits. Sick leave is charged against employees as used in one-hour increments, unless it is used to supplement their short term disability. Abuse of sick leave is considered grounds for counseling and/or discipline.

Sick leave is also available when dependents/spouse requires the employee's assistance not to exceed three (3) days at one time. In situations where the employee is required to care for a child, parent, or spouse exceeds three days and the medical situation meets the definition of a

serious medical condition, the absence may be considered a qualifying event under the Family and Medical Leave Act. (See Family and Medical Leave Act).

Other legitimate causes which, in the discretion of the County Administrator and/or the Elected Constitutional Officer, may be classified as sick leave.

#### 6. Sick Leave Balances of Employees Opting In to the Hybrid Retirement Plan

Upon participation in the VRS Hybrid Retirement plan, the sick leave balances of eligible employees opting-in will be placed in a frozen state. At the discretion of the County Administrator these balances may be used to offset/replace income when the employee is on short or long term disability. The Board of Supervisors may also choose to make an annual conversion of a portion of balance in the frozen state to annual leave (not to exceed the maximum carryover for annual leave).

#### 7. County's Sick Leave Bank

Employees under the VRS Hybrid Retirement Plan which includes short-term and long-term disability coverage will not be eligible to participate in the County's Sick Leave Bank.

### 6.4 BEREAVEMENT LEAVE

When there is a death in the employee's family, full-time employees are allowed a leave of absence with pay in order to attend the funeral or memorial service of a family member, to experience the initial grieving process, and to take care of personal business specifically related to the death in the family. Bereavement leave will be granted for a period not to exceed three (3) working days. The leave is not automatic and should not be requested or granted unless used as intended. Bereavement leave does not accumulate from year to year and must be approved by the department head and/or elected constitutional officer.

For purpose of bereavement leave, employee's family is defined as parent/stepparent, child/stepchild, spouse, brother/stepbrother, sister/stepsister, grandparent, grandchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law of employee or spouse, or any relative living in the household of the employee.

### 6.5 INJURY LEAVE

Injury leave may be granted during the seven (7) day Workers' Compensation waiting period disability requirement, because of an employee's incapacity to work as a result of an injury or illness that occurred during the course of an employee's job performance. Injury leave during the first seven (7) days pays an employee his/her regular rate of pay.

Should leave extend beyond the seven day period, the County will pay the difference between workers compensation benefits, and the employee's full salary otherwise payable, so that total payments will not exceed the normal salary for a period of (92 Calendar days). Such payments by the County will not be charged against the employee's sick leave, compensatory leave or vacation credits. The County will continue to maintain the employee's health and life insurance coverage. The employee must pay for other benefits that are usually deducted from his or her salary.

If the absence continues beyond the (92 calendar days) limit, employees will be allowed to use accumulated sick leave, compensatory leave, and vacation leave to continue receiving the difference between compensation paid under the Worker's Compensation Act and full salary otherwise payable. Charges against balances to earned leave will be made in the same proportion to full days as the earned leave payments are to full pay. The injured employee will not accrue sick leave and annual leave credits while on leave without pay.

If the Workers' Compensation carrier makes a determination an injury or illness is not job-related, the absence will be charged to sick leave until a proper ruling is made. If sick leave is exhausted, the absence will be charged to vacation leave, and if necessary, leave without pay. If the injury is finally ruled to be job-related all sick leave and/or vacation leave will be restored according to the terms of injury leave. (See section 18.4 Workers' Compensation and Family and Medical Leave section 6.16 as described in this manual).

**6.6 PERSONAL LEAVE**

All permanent full-time employees are entitled to one day of leave with pay per year that may be taken, with supervisory approval, at the employee's discretion. Personal leave shall be taken in an 8-hour increment. Personal leave days become available at the commencement of a County fiscal year and must be taken prior to its termination - they may not be accumulated and are not eligible for compensation at an employee's termination.

**6.7 INCLEMENT WEATHER**

In the case of inclement weather, every employee is expected to report for work when reasonably safe to do so. At the discretion of the County Administrator, offices and departments may be opened late, dismissed early, or closed due to inclement weather. If an employee does not report to work during hours established by the County Administrator, compensatory time, annual/vacation, or leave without pay must be used to cover the duration of the absence; however, approval from the employee's immediate supervisor is required. Essential personnel are key employees who work in departments that are required to be in full operation. Inclement weather hours will be assigned as hours worked, in addition to physical hours worked, for essential personnel, and overtime or compensatory time will be granted. Non-essential personnel are responsible for determining their own safety, and whether or not to report to work regardless of the building/department being open.

**6.8 COMPENSATORY TIME OFF**

In order to receive compensatory time off, the employee must work more than their normal work week. Time taken as sick leave, personal leave, annual leave, and compensatory time cannot be counted toward this time until the normal work week has been worked.

Compensatory leave shall be taken in half-hour increments.

Compensatory leave is for an authorized absence on a half hour increment basis with full pay, when taken during the same work cycle, and at time and one half for other times for hours worked on a holiday, on a rest day, or beyond those regularly scheduled hours, or on a work day when the work was required by the County Administrator or by a person authorized by him to make such a requirement. General or blanket authorizations which provide unlimited work options to County employees are not valid to establish compensatory leave credits. Additional work hours shall be required only to relieve specific peak workloads and not to provide for constant requirements.

Compensatory leave may not be credited to any employee in a position in which the employee independently determines the need for the extra hours or establishes the work schedule, or is one in which administrative or professional responsibility for work accomplishment without regard to their work schedule is implicit. (EXCEPTION: Irrespective of the position held, compensatory leave may be credited when a holiday (a) falls on a rest day, or (b) is not observed by the employee because the unit of employment operated on the designated holiday.

Compensatory leave may be used at the employee's request in lieu of vacation and sick leave. When available, accumulated compensatory leave should be used prior to the usage of vacation time. Earned compensatory leave must be used within one year of accrual. It is the responsibility of supervision to ensure that earned compensatory time is taken off within one year of accrual. At no time shall an employee retain more than 40 hours of compensatory time leave per fiscal year ending June 30. Remaining leave will be paid the close of fiscal year by July 15. Employees with accrued compensatory leave classified from a non-exempt to exempt position will receive a payout of accrued compensatory leave the next available pay period.

**6.9 COURT LEAVE**

The employee shall be granted leave with full pay for absences necessary for serving on a jury, or attending court under subpoena. Employees are required to report to work if court duty ends within the assigned work hours. If an employee is unable to return to work after court duty within assigned work hours, the employee must request approval from his/her supervisor to use their available leave. Employees are required to submit proof of jury duty from the court along with timesheet to the payroll department.

**Commented [LJ1]:** Removed wording "as a witness"

## 6.10 MILITARY LEAVE

### A. Eligibility

Regular full-time employees, including those serving a probationary period, are eligible for military leave with or without pay. Under the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 and Section 44-83 and 44-93 of the Code of Virginia, part-time employees are not eligible for military leave.

### B. Military Leave With Pay

1. Employees who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to a military leave of absence, with pay, for the purpose of federally funded military duty to include training duty. This leave shall not exceed 15 consecutive calendar days for training duty and 5 working days for emergency active duty each federal fiscal year, October 1 – September 30.
2. FLSA non-exempt employees requiring more than 15 workdays shall be granted the time off for the performance of such duty. Such absences shall be without pay or, at the option of the employee, may be charged to annual or compensatory leave balances.
3. Employees who are called forth by the Governor pursuant to the Code of Virginia shall be entitled to leave with pay for the period of the ordered absence.
4. Employees returning from military leave with pay are required to return to work the first regularly scheduled workday after the end of duty, allowing reasonable travel time.

### C. Military Leave Without Pay

1. Any eligible employee who leaves County service as a result of volunteering for active duty or being drafted into the armed services of the United States during time of war or other national emergency, as determined by the Board of Supervisors, or when reservists and National Guard members are voluntarily or involuntarily called to active duty shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the County.
2. Leave shall only be granted for active military service for those dates stated on the employee's military orders.
3. Status of Benefits For Employees on Leave Without Pay for Active Military Service
  - a. Service Credit – An employee on extended leave without pay due to active military service shall be treated as though he was continuously employed for purposes of determining benefits based on length of service, such as the annual leave accrual.
  - b. Compensatory Leave – Any compensatory leave balance shall be paid at the time the employee is placed on military leave without pay.
4. Reinstatement from Active Military Service
  - a. Conditions – Upon satisfactory completion of active military service, the employee is entitled to reinstatement to his/her former position or to a position of like status and pay, provided that:
    - (1) The employee makes application to the County Administrator not later than 90 days after the date of honorable discharge or separation under honorable conditions.
    - (2) The employee presents a certificate showing satisfactory completion of military service.
    - (3) The employee is still physically and mentally qualified to perform the duties of his/her position.
  - b. The conditions stated above shall not apply when County circumstances have changed making it impossible or unreasonable to reinstate the employee. Reinstatement may not be possible when:

- (1) The employee's former position has been abolished at the time of reinstatement: The employee may be placed in a position of comparable status and pay to the one previously held. Employees selected to fill vacancies created by persons on military leave may be employed on a temporary basis.
- (2) Such a position is not available: The employee shall be considered affected by a reduction in force and the provisions of the County's Layoff Policy shall apply.

**D. Employee Notification Requirements**

1. Requests for Military Leave shall be made in writing and submitted with copies of the employee's official military orders to the department head. The employee shall notify his department head of the military obligation as far in advance as possible. A minimum of two weeks advance notice is required except for an emergency call-up. In the case of emergency call-up, the employee shall notify the department director as soon as possible.
2. The leave request and supporting military orders shall be forwarded to the County Administrator.

**6.11 LEAVE WITHOUT PAY**

Leave of absence without pay may be granted for:

- A. Educational leave in excess of such leave allowable with pay;
- B. Courses of study;
- C. Military leave in excess of such leave allowable with pay,
- D. Purposes of annual and sick leave, in excess of accumulated leave; and
- E. Purposes of disciplinary actions.

Leave of absence without pay requiring one calendar month or more of leave may be granted by the Department Head and County Administrator.

Any employee returning from leave of absence without pay during, or at the end of the period for which the leave was granted shall be entitled to reinstatement; failure to return at the end of the period for which the leave was granted shall be treated as having resigned from employment.

Unpaid leave may not be taken until all available vacation and compensatory leave has been used.

During this time of absence the employee is responsible for full benefit premiums to the County. No VRS service credit will be given to the employee during this unpaid status.

**6.12 ADMINISTRATIVE LEAVE**

Administrative leave is assigned at the discretion of the County Administrator, Board of Supervisors, or Constitutional Officers when it is deemed to be in the best interest of the County or a department. Administrative leave may be with or without pay as approved by the County Administrator, Board of Supervisors, or Constitutional Officers.

If administrative leave is granted while employee is on any other prior approved leave status (e.g., vacation, sick, military, etc.), the administrative leave will begin after the approved leave is completed.

**6.13 HOLIDAYS**

Pittsylvania County will observe state holidays, and any other day so appointed by the Board of Supervisors or Governor. If the nature of services of a department requires that it be in full operation on the appointed holiday(s) then double time (for time worked) or holiday leave shall be granted.

**6.14 PAY IN LIEU OF EARNED LEAVE AT TERMINATION**

Employees who give, and work, a two-week period of notice as defined in section 7.1, (or, if instructed, take pay in lieu of notice) are entitled to be paid for any earned vacation

**Commented [LJ2]:** Added County Administrator in approval process for one month or more requests.

compensation up to maximum stated in section 6.1.

#### **6.15 CIVIC AND VOLUNTEER LEAVE**

Pittsylvania County encourages its employees to become active in civic and volunteer activities. Absence from work for volunteer activities must have prior approval from the employee's department head.

#### **6.16 FAMILY AND MEDICAL LEAVE**

Employees are entitled to participate in the benefits of the Family and Medical Leave Act ("FMLA"). FMLA leave may be unpaid leave.

##### **A. Eligible Employees**

To be covered under the FMLA, an employee must have worked for the County for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

##### **B. Purposes For Which FMLA May Be Taken**

1. To care for an employee's child after birth or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption or foster care);
2. To care for an employee's spouse, child or parent (does not include in-laws) who has a serious health condition; or,
3. When the employee is unable to work because of a serious health condition. A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee's position.

Employees are required to obtain a health care provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the County at its discretion.

##### **C. FMLA Benefits**

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period is calculated on a rolling 12 month period starting with the onset of the condition that arises. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

Employees with military family members shall be eligible for leave entitlements for eligible specified family members:

1. Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation, and
2. Up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

An employee is required to request FMLA leave in writing at least thirty days before the leave is to commence if the need for leave is foreseeable. In circumstances when the leave is not foreseeable thirty days in advance, an employee must request the leave as soon as practical. The County may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced-hours basis.

FMLA leave taken for birth, adoption, placement or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the County, the total FMLA leave that may be taken for this event by both employees is twelve weeks, pro-rated between employees as the spouses choose. FMLA leave taken for the birth, adoption, placement or foster care of a child must be taken within twelve months following the event.

Should the County obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave, previously given, may be withdrawn.

**D. Job Restoration**

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to return to his/her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the County. A key employee will be notified in writing of his/her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when s/he receives notice that s/he is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

**E. Health Benefits**

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave with pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his/her share of premiums. If the employee fails to make his/her premium payments, the employee will be provided written notice of this failure and will be given an additional fifteen (15) days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee is unable to return to work at the conclusion of the 12 weeks, the employee must request in writing, to the County Administrator, an extension of leave. The employee must also provide medical certification for the extension of leave. The employee will remain on leave of absence for a period not to exceed six (6) months. When a leave of absence is expected to exceed six (6) months, COBRA options will be discussed with the employee in order to continue health insurance coverage.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the County for the County's share of the health care premiums paid.

**7. SEPARATIONS AND DISCIPLINE**

**7.1 VOLUNTARY SEPARATIONS**

To resign in good standing, employees, other than department heads must give notice in writing to the department head at least fourteen (14) days prior to the effective date of the resignation; department heads must give at least thirty (30) days notice in writing to the County

Administrator. The director may withhold accrued holiday, or vacation leave should an employee fail to work the agreed upon separation notice.

## 7.2 DISCIPLINE

Upon accepting a position with the County, employees are expected to apply themselves efficiently to their assigned duties, to be timely and regular in attendance, and to maintain satisfactory work performance. Failure to meet these standards can result in disciplinary action up to and including termination.

This section provides employees with a general understanding of what can be expected when a violation of certain policies and/or procedures occurs. It is not possible to list every conceivable form of misconduct. As a result, the conduct standards listed in this section are for illustrative purposes only. Misconduct or nonperformance issues not listed here will be treated consistently within the guidelines outlined in this section. Whenever possible, the County recommends that corrective action by the employee, or progressive discipline such as coaching, warnings, oral or written reprimands be used, prior to suspension, demotion or dismissal as necessary. However, immediate dismissal may result from situations where the County believes corrective action by the employee or lower level progressive discipline is inappropriate. The County does not intend for this manual to alter the at-will nature of its relationship with employees.

- A. **Suspensions** - are temporary separations from the service for disciplinary purposes where the case is not sufficiently grave to merit dismissal. An employee may be suspended by his department head and County Administrator without pay for a period not to exceed thirty (30) days within one (1) calendar year.
- B. **Demotions** - are necessary in order that employees whose work has not been satisfactory but whose dismissal does not appear warranted may be retained and assigned less difficult work. (See page 9, section G for definition). However, a demotion shall never be used as a form of disciplinary action when the demotion will result in the displacement, or may result in the displacement, of another employee. Therefore, demotion as a form of disciplinary action shall only be available when there is an existing vacancy in a lower level position for which the employee being disciplined is qualified. In the event that a demotion is appropriate, the department director shall notify the employee of his/her decision of demotion and the cause. A copy of this action shall be forwarded to the County Administrator and Human Resources Manager.
- C. **Dismissals** - will be made for inefficiency, insubordination, misconduct, or other just cause. A department head and the County Administrator may dismiss any employee in a department at any time. The department head shall give the employee a written notice of his dismissal, including the reasons therefore. ***The Director of Information Technology (or the network administrator for independent computer networks) shall be informed immediately of dismissals and computer access shall be terminated at once.***

## 7.3 CAUSES FOR SUSPENSION, DEMOTION OR DISMISSAL

County employees are expected to conduct themselves in a professional, and courteous manner, as representatives of the County. Employees are expected to avoid any action which may result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the County.

If an employee's work performance is deemed unsatisfactory, he or she may be suspended, demoted, or dismissed. Additionally, other types of discipline, such as verbal or written reprimands, may be used at the supervisor's discretion.

The following are examples of situations and misconduct that may result in discipline. The list is not inclusive and other misconduct may be subject to disciplinary action:

- A. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts such that continued performance of duties is compromised;

- B. Membership in a subversive organization that knowingly or willfully violates the laws of the United States, the Commonwealth of Virginia, and the ordinances of any city, county, or municipality of the Commonwealth, or any departmental rules and regulations;
- C. Willful, wanton, unreasonable, unnecessary, or culpably negligent brutality or cruelty to an inmate, or prisoner of a county institution or to a person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others or to prevent the escape of a person lawfully in custody;
- D. Violation of any of the provisions or regulations of this Manual;
- E. Offensive conduct or language in public or toward the public, county officials, or fellow employees, either on or off duty;
- F. Violating any lawful official regulation or order, insubordination, or failing to obey any proper direction made and given by a superior.
- G. Using or being impaired by intoxicants while on duty, or otherwise violating the County's Drug-Free Workplace policy. (See Section 11)
- H. Becoming afflicted with any disease or having any physical or mental ailment or defect which, in the opinion of the County Administrator and the department head after confirmation by a physician, renders the employee unfit for employment. However, any such actions shall be taken in a manner that complies with the requirements of the Americans with Disabilities Act;
- I. Being incompetent or inefficient in the performance of the duties of his position;
- J. Being careless or negligent with the monies or other property of the County or taking any property of the county for personal use or for sale or gift to others;
- K. Using, or threatening to use, or attempting to use personal or political influence in securing promotion, leave of absence, transfer, change of pay rate, or in any manner related to work;
- L. Inducing, or attempting to induce, an officer or employee in the service of the county to committing an unlawful act or to act in violation of any lawful or official regulation or order;
- M. Taking for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or accepting any bribe, gift, token, monies, or other official acts, or engaging in any action of extortion or other means of obtaining money or other things of value through the employee's position in the County;
- N. Divulging or discussing any County business not having previously been made public or disclosing confidential information to any person unless directed to do so by his department head, or granting interviews or making public speeches concerning information not previously made public;
- O. Willfully falsifying County records (including time records, leave records, job applications, or pay or reimbursement vouchers);
- P. Violating any workplace rule;
- Q. Engaging in any action of extortion or other means of obtaining money or other things of value through the employee's position in the County; and
- R. Unsatisfactory attendance, excessive absences, or excessive tardiness.

#### 7.4 SUSPENSION AND MINOR DISCIPLINARY MEASURES

The appointing authority may suspend without pay for a period not exceeding thirty (30) days, or reprimand, or apply other less drastic disciplinary measure to any employee under his control for any violation of these rules or for insubordination or willful neglect of duty. Any suspension that would have the effect of making the total amount of pay lost, by reason for suspension during any twelve (12) month period, greater than the pay for the thirty (30) days, shall be considered a removal. When a suspension is effected pending completion of investigation or

court action for alleged violation of rules or statutes, the limitation of thirty (30) days shall not apply; also, if the employee is found not guilty of such alleged violation, he may, upon request of the appointing authority, be paid for the period of suspension as if it had not occurred.

As a "less drastic disciplinary action" the appointing authority may withhold annual and sick leave accrual from an employee found to have made incorrect reports concerning leave. Such action shall not apply to leave accrued prior to the finding and shall not be effective for more than six (6) calendar months for any one (1) period of incorrectly reported absence.

## **7.5 DISCIPLINARY PROCEDURE**

### **A. INVESTIGATION**

Upon receiving a report of a violation of the law, or a violation of a department or disciplinary regulation as set forth in Section 7.3, from an official or an employee of the County or from any citizen, the department head, or County Administrator will investigate. The investigation will be made for the purpose of ascertaining the true facts relative to the circumstances surrounding the alleged offense.

### **B. REPORT**

Disciplinary action taken by any department head including suspension, demotion, or termination shall be reported in full immediately to the Human Resources Manager prior to initiating such discipline. In cases of dismissal for any reason noted in these or future published regulations, the department head must give the employee a written notice of said disciplinary action including in detail the reason or reasons therefore. The following steps should be taken leading up to disciplinary action (see Section 7.2):

1. **Oral Reprimand** - For a minor violation of policies or a first-time offense, the employee may be given an oral reprimand. The purpose of the reprimand is to draw the infraction or deficiency to the employee's attention so that the problem may be corrected. Employees who violate a rule are not problem employees unless they are habitual offenders. A consultation between the employee and the supervisor is desirable. An oral reprimand is a discussion whereby the supervisor and employee try to reach an understanding of the causes for the offense, and to outline and impress upon the employee the need for corrective action. It can eliminate misunderstandings immediately, and set the desired standards of conduct and performance. For minor offenses, it is not necessary to describe in detail the reason for such an action; however, it is necessary to indicate in a memorandum to file the date and nature of the warning and a copy of the memorandum shall be forwarded to the Human Resources Manager for subsequent consideration in the event of further disciplinary action.
2. **Written Reprimand** - If an oral reprimand fails to correct the problem or if the offense is more serious in nature, a written reprimand may be issued, which will detail the nature of the offense and efforts taken previously to correct it, if applicable. The employee may write a response to be attached to the reprimand if he desires. A copy of the reprimand and response by the employee will be given to the Human Resources Manager for filing in the employee's personnel record see Section 7.2.

## **7.6 RESIGNATION**

An employee may leave County service voluntarily by resignation, by stating his reasons in writing to his department head. In accordance with section 7.1 herein, to resign in good standing, an employee must give at least fourteen (14) days advance notice for non-department heads, or thirty (30) days for department heads. If special circumstances exist, the notice requirement may be waived by the County Administrator. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation. If the County Administrator finds that a reported resignation was not voluntary, he shall treat the separation as a removal under these rules. A resignation submitted on an undated, pre-dated, or otherwise not bona fide form, shall be regarded as not voluntary. An employee who has submitted his resignation may, with the approval of the County Administrator, be continued in his position as though the resignation had not been filed, or his written request for

authorization to withdraw the resignation, filed before the effective date thereof, or within thirty (30) days thereafter if his position has *not* been filled. If an employee fails to work their agreed upon resignation notice, the director may withhold accrued vacation, or holiday leave proportionate to the days of notice the employee fails to work.

#### 7.7 LAYOFF

The County reserves the right to lay off employees for lack of available work or funds. The order of layoff is hereby declared to be as follows:

- A. The order of the layoff shall be *based on* the relative value of the employees to the County as determined by the Board of Supervisors on the recommendation of the County Administrator. Constitutional Officers have sole authority to determine order of layoffs in their Office.
- B. No permanent employee shall be laid off from any position while any temporary employee continues in that capacity.
- C. Each employee laid off shall be given a written notice. Whenever practicable, this notice should be given at least 14 days prior to the effective date and should include the reasons for the layoff, the effective date, and any other information deemed necessary by the County Administrator.

#### 7.8 RETIREMENT

**When an employee-initiated retirement is undertaken, the employee should notify the department head and central accounting, as far in advance as possible with a minimum 60-90 day notice provision suggested.**

When an employee subject to the provisions of the Retirement Plan in effect has become physically or mentally incapable of performing the duties of his position satisfactorily, or has reached an age at which retirement is mandatory, it shall be the duty of the appointing authority to recommend his retirement, or in cases in which retirement is not mandatory, his demotion or transfer to any position for which he is eligible, the duties of which he is capable of performing satisfactorily.

#### 7.9 EXIT INTERVIEW AND RE-EMPLOYMENT

Upon departure of a County employee from County service, an exit interview of the separating employee shall be completed between the departing employee and the Human Resources Manager or designee. The interview is encouraged in all separations and an appointment for the interview will be scheduled by the Human Resources Manager or designee.

During the exit interview, the employee may give his reason(s) for leaving County employment and be informed about re-employment opportunities, reinstatement privileges, and retirement benefits, if applicable. The informational session is not intended as a counseling or grievance interview. The information gained from the employee's viewpoint on subjects such as pay, benefits, training, and working conditions provides important feedback, which ultimately can result in more satisfying employment for other personnel.

If, for some reason, an employee voluntarily separates from County service and later decides he would like to rejoin the County, he shall be considered for re-employment. Re-employment possibilities depend upon the individual's past record of performance, current position vacancies, and the recommendations of the previous immediate supervisor and department director. Consideration for interview and/or re-employment is at the discretion of the hiring department, see Section 5.7.

#### 7.10 EMPLOYEE TERMINATION PROTOCOL

- A. Prior to involuntary termination of employment, the department head, in consultation with the County Administrator, will assess the employee's potential demeanor in deciding how and when to terminate said employee. This assessment will determine whether the act of termination has the potential to subject other employees or bystanders to physical or verbal abuse or other disruptions in the

workplace.

- B. In the event there is a potential for disruption, the Sheriff's Office will be contacted. A determination will be made as to whether or not law enforcement personnel will be present or on standby at a nearby location.

**8. EMPLOYEE BENEFITS**

The County offers a comprehensive benefits package. Benefits and employee eligibility include:

BENEFIT	FULL TIME	PART TIME	WHO PAYS - PITTSYLVANIA COUNTY(PC); EMPLOYEE ( E)	WHEN ELIGIBLE	WHAT YOU RECEIVE
Vacation Leave	X	See 5.1C	PC	After six months	After completion of probationary period; see Policy Section 6.1.
Sick Leave	X		PC	As Accrued	see Policy Section 6.2.
Personal Day	X		PC	When employed	See Policy Section 6.6.
Civil Leave	X		PC	When employed	When employee leave
Family Medical Leave (FMLA)	X			After 1 year	Up to 12 weeks paid/unpaid leave during a 12-month period
Employee Assistance Program	X	X	PC	When employed	Confidential way of working through work and family life situations by employees and their families
Medical Coverage	X		PC & E	Upon Employment	Voluntary participation in County's Group Medical Plan through payroll
Other Insurance Coverage	X		E	Upon Employment	Voluntary participation(i.e. Cancer, Intensive Care, Accident & Disability
FSA (Flexible Spending Accounts )	X		E	Upon Employment	Voluntary participation eligible healthcare/dependent costs reimbursement
Deferred Compensation Plan	C		E	Upon Employment	Voluntary participation 457 annuity retirement plan

BENEFIT	FULL TIME	PART TIME	WHO PAYS - PITTSYLVANIA COUNTY(PC); EMPLOYEE ( E)	WHEN ELIGIBLE	WHAT YOU RECEIVE
Virginia Retirement System (VRS)	X		PC & E	Upon Employment	Mandatory participation-5% monthly deduction from employee  Plan I-persons hired prior to 7/1/10; Plan II-persons hired after 7/1/10 Hybrid Employees after 1/1/14
Term Life Insurance	X		PC	Upon Employment	Minnesota Life-term life insurance face value double annual salary paid by County
Optional Life Insurance	X		E	Upon Employment	Additional term life insurance available through Minnesota Life based upon employee annual salary for options up to 4 times annual salary. Coverage available for employee & spouse,
United Way Participation	X		E		Voluntary participation-deduction made
Educational Assistance	X		PC & E	After Probation	Reimbursement up to \$400 per semester with a grade of C or better for a pre-approved job related course. (Per Budget approval)

**9. IN-SERVICE ACTIVITIES**

**9.1 JOB RELATED TRAINING**

The Human Resources Manager and/or individual department heads shall be responsible for developing job-related in-service training programs for employees of the County and for investigating outside training programs.

**9.2 EDUCATIONAL BENEFITS (Per Budget Approval)**

All active full-time employees of Pittsylvania County may request educational benefits when an employee elects to further his/her education at an accredited institution.

The employee must have worked a minimum of one year with satisfactory performance. Pittsylvania County will reimburse up to \$400 per semester, not to exceed two semesters, within the fiscal year. Consideration will be given for specific coursework directly related to the employee's position, which will improve their knowledge and skills, and will increase their job performance. Reimbursement will be based on budget availability, and approval, provided that the employee successfully completes the coursework with a grade of C or better.

In order to apply for educational benefits the employee must notify the department head in writing of the request as soon as possible, and meet one of the following

criteria:

- It will enable the employee to assume and perform more difficult responsibilities and tasks;
- It will improve the quality of the employee's work and bring additional skills to the job; or
- It will enhance the employee's opportunity for promotion to a higher classified position within the employee's related field.

The employee must submit proof of coursework completion, and grade attained to the Human Resources Department to confirm eligibility requirements are met, before reimbursement is authorized. Requests will be reviewed and approved on a first-come, first-serve basis.

An employee agrees to repay the educational assistance received by continuing employment with the County for a minimum of one (1) year after all coursework is completed. If the employee's employment is terminated for any reason, before completing the minimum period of service, the employee agrees to repay, on a prorated basis, the dollar amount not repaid by service. For example, if the employee leaves after six (6) months, 50% of the County cost will be refunded by the employee.

#### 10. **EMPLOYEE ASSISTANCE PROGRAM POLICY STATEMENT**

The Employee Assistance Program (EAP) is administered by the County Administrator, and managed by the Human Resources Manager through an EAP agreement. The EAP is operated both as a personal management function and as an employee benefit. Participation in the program is through referral by an employee's supervisor or County Administrator when job performance has declined or through self-referral when an employee feels personal problems may interfere or are interfering with job performance.

The overall objective of the EAP is to reduce problems in the work force and to retain valued employees. Administration recognizes that problems of a personal nature can have an adverse effect on an employee's job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred to appropriate care. The purpose of the EAP is to provide these services through special arrangements with an outside counseling resource. The program is designed to deal with the broad range of human problems such as emotional, behavioral, family and marital, alcohol and/or drug, financial, legal, and other personal problems. The program will provide problem assessment, treatment planning and referral. Costs for these services are covered by the employer. If costs are incurred for other services that are not covered by insurance or other benefits, those costs will be the responsibility of the employee.

The guidelines for use of the EAP are:

- A. Management is concerned with an employee's personal problems, how they affect him as a person as well as how the employee's well-being influences work performance.
- B. The program applies to all employees and their families.
- C. The program is available to all employees and their families as specified in the EAP agreement on a self-referral basis since problems at home can affect the job. If eligible employees or family members have personal problems that may benefit from assistance, they are encouraged to use the program.
- D. Participation in the program will not jeopardize an employee's job security, promotional opportunities, or reputation. EAP participation will not immunize an employee against discipline for an infraction of work rules or the rules of conduct.
- E. All records and discussions will be handled in a confidential manner as with other medical records. These records will be kept by the designated counseling resource and will not become part of the employee's personnel file, Except as set forth herein and in situations

of dangerousness or as otherwise required by law, no information, oral or written, will be disclosed without the express written permission of the employee. If an employee is referred by the County to the EAP because of performance-related issues, the only information the EAP will disclose to the referring person is whether the employee has followed through.

- F. When network related performance problems are not corrected with normal supervisory attention, employees will be encouraged to seek assistance to determine if personal problems are causing unsatisfactory performance. If performance problems persist, the employee will be subject to normal corrective procedures.
- G. It is the responsibility of all levels of management to utilize this program when appropriate to assist in resolving job performance problems resulting from personal problems. Early recognition of the troubled employee through application of job performance standards is a proper function of management.
- H. Sick leave may be granted for treatment of rehabilitation on the same basis as is granted for other health problems. Consideration will also be given for the use of annual leave, leave without pay if sick leave is not available, and disability policies.
- I. The EAP does not alter or replace existing County policy or contractual agreements but serves to assist in their utilization.
- J. In the case of a job-performance-related referral, the supervisor will do all of the following:
  - Consult with Human Resources.
  - Document, as part of a performance improvement plan, that the employee was made aware of the EAP as a resource.
  - Notify the EAP that a referral has been made.
  - Complete an EAP referral form in order to provide relevant documentation of the performance problem to the EAP.

## **11. DRUG-FREE WORKPLACE**

### **11.1 PURPOSE**

The County is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The County encourages employees to voluntarily seek help with drug and alcohol problems.

### **11.2 COVERED WORKERS**

Our policy includes, but is not limited to executive management, managers, supervisors, full-time employees, part-time employees (minors and interns working short term assignments may be exempted from pre-employment screening), off-site employees, and applicants offered conditional employment and are thus covered by our drug-free workforce policy.

### **11.3 APPLICABILITY**

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the County. Therefore, this policy applies during all working hours, whenever conducting business or representing the County, while on call, paid standby, while on County property and at County-sponsored events.

### **11.4 PROHIBITED BEHAVIOR**

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

### **11.5 NOTIFICATION OF CONVICTIONS**

Any employee who is charged with a criminal drug violation must notify the County in writing within five calendar days of the offense. The County will take appropriate action.

### **11.6 SEARCHES**

Entering the County's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Search is subject to approval of County Administrator and Department Head.

### **11.7 DRUG TESTING**

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Each employee, as a condition of employment, will be required to participate in pre-employment, pre-duty, periodic, random, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management.

The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene.

Testing for the presence of alcohol will be conducted by analysis of breath, saliva and/or blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, hair, saliva and sweat.

Any employee who tests positive may be immediately removed from duty, suspended without pay for a period of 30 days, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

### **11.8 CONSEQUENCES**

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may not reapply.

If an employee violates the policy, he or she will be subject to disciplinary action and may be

required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

#### **11.9 RETURN-TO-WORK AGREEMENTS**

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

#### **11.10 ASSISTANCE**

The County recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

#### **11.11 CONFIDENTIALITY**

All information received by the County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

#### **11.12 SHARED RESPONSIBILITY**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.

- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

### 11.13 COMMUNICATION

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings.
- All employees will receive an update of the policy annually with their paychecks.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to employees.
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

## 12. TOBACCO USE POLICY

### 12.1 POLICY.

It is the general policy of Pittsylvania County that there shall be no tobacco use (smoking, chewing, or dipping) as defined herein in any building or vehicle owned or leased by the County at any time except in approved designated smoking areas. In establishing this policy, it is the intent of County Administration to provide a safe workplace.

### 12.2 DEFINITIONS

- A. Public place shall mean any enclosed, indoor area used by the general public including, but not limited to, any building owned or leased by the Commonwealth or any agency thereof or any county, city or town, public conveyance or public vehicle, restaurant, educational facility, hospital, nursing home, other health care facility, library, retail store of 15,000 square feet or more, auditorium, arena, theater, museum, concert hall, or other area used for a performance or an exhibit of the arts or sciences, or any meeting room. (Ref. Code of Virginia, Section 15.2-2820).
- B. Smoke or smoking shall mean the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling or exhaling of smoke from a pipe, cigar, or cigarette of any kind. (Ref. Code of Virginia, Section 15.2-2820).

### 12.3 AUTHORITY

- C. The County Administrator, or, in the case of buildings not under the direct control of the County, the person in charge, is authorized to establish one (1) or more designated smoking areas outside of each county owned or leased facility provided that the designated smoking area shall be separate to the extent reasonably possible and practicable from those areas or rooms entered by the public or employees during the normal course of business. (Ref. Code of Virginia, Section 15.2-2827). **These areas are only available during lunch and break periods.**

## 13. SOLICITATION

Non-business related solicitation is not permitted on County property with the following exceptions: local, civic, charitable and non-profit organizations, fundraisers, and persons associated with Pittsylvania County employee benefit programs. County email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or other non-business matters.

#### 14. ANTI-FRATERNIZATION

The Pittsylvania County strongly discourages employees from dating or entering into romantic relationships with a co-worker. These relationships have the potential to cause serious problems in the workplace. Such relationships may cause morale problems, lead to claims of favoritism, discrimination, and sexual harassment, and affect the work routine and workload of co-workers. Employees that choose to date or have social relationships with co-workers are expected to maintain their professionalism. Their level of productivity cannot be affected, and public displays of affection are not acceptable while on duty, or attending County functions of any description. Employees should also review a copy of the County's Sexual Harassment Policy. Manager/subordinate relationships, or any relationship between County employees that constitutes a crime in the Commonwealth of Virginia will not be permitted, and will result in disciplinary action up to and including termination of one or both parties involved.

#### 15. HARASSMENT

The County shall not condone any form of sexual or racial harassment of any employee. All allegations of any form of harassment shall be investigated and the county will just as aggressively investigate any situation where unfounded complaints are lodged and will view that situation just as seriously.

The County is committed to having a diverse workforce with all employees being valued for their individual capabilities and contributions, complying with all federal, state, and local laws on equal employment opportunity, and providing a workplace free from tensions involved in conduct that does not relate to the County's business. In particular, the hostile atmosphere created by non-work related conduct including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, request for sexual favors, or other similar conduct is not permitted.

Harassment based on race, sex, color, national origin, religion, age, or disability will not be tolerated. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications. Conduct that may rise to the level of harassment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), and other actions that are demeaning or hostile.

##### 15.1 SEXUAL HARASSMENT

Sexual harassment is unwelcome advances, request for favors, or other verbal or physical conduct of a sexual nature when:

- A. submission to such conduct is either explicitly or implicitly made a term or condition of employment;
- B. submission or rejection of such conduct is used as a basis for employment decisions;
- C. the conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

- A. physical assaults;
- B. subtle or overt pressures or direct requests for sexual favors;
- C. inappropriate displays of sexually suggestive objects, pictures, electronic pictures, or other materials that are sexually suggestive, sexually demeaning, or pornographic; or
- D. a pattern of unwelcome conduct of a sexual nature that would be offensive to a reasonable person such as unnecessary touching, abusive or demeaning language or gestures (including remarks about another's clothing, body or body movements, or sexual activities), or teasing or joking.

No supervisor or coworker shall intimate either explicitly or implicitly that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties,

shifts, or any other conditions of employment.

## **15.2 VIOLATIONS**

An employee who believes that this policy is being violated should (1) inform the offending person(s) that the conduct is unwelcome and (2) should report it immediately to the department director; if the complaint is against the department director, then a report goes to the next person in the chain of command. The report should be made in writing; however, a report will also be accepted by phone or in person.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.

A non-employee who subjects an employee to harassment in the workplace will be informed of the County's policy and appropriate action will be taken to protect the employee from future harassing conduct.

In all cases, the County will make follow-up inquiries to ensure that the harassment has not resumed.

An employee violating this policy will be subject to disciplinary action, including termination. The employee who brought the complaint will be provided information on the outcome of the investigation.

## **15.3 RETALIATION**

Retaliation is illegal and contrary to the County policy of providing a work place free from harassment.

Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he is being retaliated against, a written report should be made to his manager unless the manager is the subject of the matter. If such is the case, the next level supervisor shall be contacted. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

## **15.4 VIOLENCE PREVENTION**

The County does not tolerate employee violence or threats on County property or on County time. The County strives to provide each employee with a safe working environment and to provide our customers with a comfortable business climate. Employees who jeopardize this safe atmosphere by engaging in violent behavior will be disciplined, up to and including discharge for a first offense. Any employee with knowledge of any violation of this policy should report to his or her supervisor, department head, or the County Administrator without delay. The unauthorized possession of firearms, illegal knives, blackjacks, explosives, or other weapons on County property or on County time is absolutely prohibited. Violation of this rule warrants discharge for a first offense.

Violent behavior includes fighting, threats, harassment, verbal assault, and other aggressive or intimidating behavior that places another individual in discomfort or fear for his or her well-being. If an employee is subjected to violent behavior, the employee should inform his or her supervisor instead of responding with violence. An employee should not escalate a potentially hostile situation.

## **16. GRIEVANCE PROCEDURE**

The purpose of this procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the County, when the problem has not

been successfully resolved through informal efforts. (Constitutional Officer appointees are exempt from this section of the policy, according to the Code of Virginia Section 15.2-1507, since they serve at the will and pleasure of the Constitutional Officer and the Cooperation Agreement between the County and Constitutional Officers.)

## **16.1 GRIEVANCE**

### **A. Definition of Grievance**

A grievance is a complaint or dispute by an employee relating to his employment, including but not necessarily limited to:

1. Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.
2. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.
3. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex.

### **B. Management Rights and Prerogatives**

The County reserves to itself the exclusive right to manage the affairs and operations of County government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

1. Establishment and revision of wages or salaries, position classification, or general benefits.
2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content.
3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.
4. The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:
  - a) The provision of equipment, tools, and facilities necessary to accomplish tasks.
  - b) The scheduling and distribution of manpower/personnel resources.
  - c) Training and career development.
5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the County's service.
6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the County in emergencies.
8. Direction and evaluation of the work of County employees.
9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition, except where such action affects an employee who has been reinstated within the previous six (6) months as the result of the final determination of a grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the County that:
  - a) There was a valid business reason for the action, and

- b) the employee was notified of the reason in writing prior to the effective date of the action.

## 16.2 COVERAGE OF PERSONNEL

All non-probationary full-time, and part-time employees are eligible to file grievances under this procedure with the exception of the following:

- A. Key officials of the County. For purposes of this procedure, a key official is defined as the head of any County department.
- B. Members of boards and commissions.
- C. Employees whose terms of employment are limited by law.
- D. Officials and employees who serve at the will or pleasure of an appointing authority.
- E. Appointees of elected individuals or elected groups.
- F. Probationary employees in matters concerning their dismissal. Probationary employees may, however, use this procedure for complaints or disputes other than dismissals that are determined to be grievable.
- G. Temporary, limited term and seasonal employees.

## 16.3 STEPS OF THE GRIEVANCE PROCEDURE

- A. **Step 1.** An employee who believes he has a grievance and wishes to utilize this procedure shall **discuss the grievance informally with his immediate supervisor** within twenty (20) calendar days of the occurrence of the incident giving rise to the grievance, or within twenty (20) calendar days following the occurrence of the incident, given the employee reasonably should have gained knowledge of its occurrence, or twenty (20) calendar days after the disciplinary process. A response to the grievance shall be communicated, either orally or in writing, to the grievant within ten (10) calendar days.

**Note:** If the complaint is alleging discrimination or retaliation by the immediate supervisor the grievance may be presented at Step 1 to the department head or, if there is no department head above the immediate supervisor to the County Administrator. If Step 1 is with the County Administrator, Step 2 is omitted, and the written grievance is presented to the County Administrator. The grievance proceeds immediately to Step 3.

- B. **Step 2.** If the grievant is not satisfied with and does not accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by **putting the grievance in writing** on the Grievance Form which follows this procedure. The Grievance Form shall be delivered, by mail or in person, to the department head within ten (10) calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. If the immediate supervisor is the department head, the written grievance should be presented to the County Administrator and it will proceed as if it were at Step 3.

The grievant shall specify the relief that he expects to gain through the use of this procedure. The department head shall promptly meet with the grievant. Normally, the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The department head shall render a written response to the grievance within ten (10) calendar days following receipt of the completed request form with a copy of the response being sent to the County Administrator. By mutual consent of the grievant and the department head, the grievant may skip Step 2 and proceed directly to Step 3.

- C. **Step 3.** If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate his desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly **to the County Administrator within ten (10) calendar days** following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If the County Administrator determines (or has previously determined) that the complaint is grievable, a meeting with the grievant, the

grievant's representative (if there is one), a representative of the affected department and the County Administrator, will be held within five (5) calendar days. The County Administrator will render a written response to the grievance within ten (10) calendar days following receipt of the completed request form.

In the event that the County Administrator determines that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court.

- D. **Step 4.** If the grievant does not accept the Step 3 written response, or if the County Administrator fails to respond within the required time frame, and the grievant wishes to advance to a **state hearing officer** (as appointed by the Executive Secretary of the Supreme Court or by the Department of Human Resource Management) the grievant shall complete Step 4 of the Grievance Form.

The Grievance Form shall be delivered, by mail or in person, directly to the County Administrator within ten (10) calendar days following receipt of the Step 3 response, or the deadline for that response, whichever occurs first.

#### **16.4 GRIEVABILITY AND ACCESS**

- A. Grievability and access are determined by the County Administrator generally after the grievance reaches Step 3. Only after the County Administrator has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2 the grievant or the department head may request a ruling on grievability and/or on access by the County Administrator. The County Administrator shall render a decision within ten (10) calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.
- B. The County Administrator's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the County Administrator within ten calendar days from the date the grievant received the decision. Within ten (10) calendar days after the filing of the notice of appeal, the County Administrator or his designee shall transmit to the Clerk of the Circuit Court a copy of the County Administrator's decision on grievability or access to the procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appealable.

#### **16.5 GENERAL TERMS**

Except as otherwise noted, the following rules apply to all levels of grievance hearings:

- A. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
- B. When a deadline falls on a Saturday, Sunday, or County holiday, the next calendar day that is not a Saturday, Sunday, or County holiday shall be considered the last calendar day.
- C. All grievance meetings shall be held during normal County working hours unless both the grievant and the County Administrator should mutually agree otherwise.
- D. County employees who are necessary participants at grievance hearings shall not lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.
- E. At the Step 3 meeting, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, the County likewise has the option of being represented by counsel.
- F. The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings.
- G. Both the grievant and the County may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination. Witnesses shall be present only while actually providing testimony.

- H. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.
- I. Each party shall bear the costs and expenses, if any, of his legal counsel or representative.

**16.6 COMPLIANCE**

- A. Except as noted in paragraph 16.5 (B), after the initial submission of the grievance to the immediate supervisor, the failure of either party to comply with all substantial procedural requirements of this procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the County Administrator.
- B. If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his option may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the County Administrator notice of the non-compliance.
- C. The County Administrator shall determine compliance issues. Compliance determinations made by the County Administrator or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within thirty (30) calendar days of the compliance determination.

**17. EMPLOYEE EVALUATION**

**17.1 FORM**

County employees are evaluated annually using the standardized form approved by the County Administrator. Probationary employees shall be evaluated thirty (30) days before the end of their probation.

**18. TRAVEL AND EXPENSE POLICY**

**18.1 PURPOSE**

The County's policy regarding reimbursement for travel or business-related expenditures includes a variety of practices to provide the employee with fair and equitable compensation for travel expenses related to the conduct of County business. Normal home-to-work and work-to-home travel time is not normally considered work or paid time. This is true whether the employee works at one location or many. Travel time between different work sites during the day is considered work time. When an employee is sent to work or attend a meeting requiring an overnight stay, only the travel time that falls within the regular scheduled work hours is compensable time unless the employee is working while traveling, in which case all the hours are compensable. Time spent traveling on off days during the employee's regular working hours is compensable time. As an enforcement policy the Department of Labor will not consider as work time that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile. However, time spent working while traveling as a passenger must be paid.

**18.2 GENERAL**

Requests for county employees in state travel must be preapproved by the department head or Constitutional Officer designee. Request for county employee out of state travel must be preapproved by the County Administrator or Constitutional Officer. Travel allocations shall normally be included in departmental/Constitutional Officer operating budget requests.

Requests for travel and other expense reimbursement must be made on an approved County reimbursement form, and must be accompanied by receipts and other documentation.

Each expense for which reimbursement is sought must be itemized.

Each employee seeking reimbursement must sign his or her request. Each request must be signed and approved by the department head.

Reimbursements will be made only to the employee seeking the reimbursement and not to a

second party.

### **18.3 MEAL ALLOWANCE**

Reimbursements for meals shall not exceed the amount approved by the Finance Director or designee. Information concerning the current amounts may be obtained from Central Accounting. Itemized receipts must be attached when requesting reimbursements.

### **18.4 MILEAGE REIMBURSEMENT**

It is expected that employees traveling out-of-town on County business will use only the most direct route to and from the location of that business. The use of personal vehicles for County business will be reimbursed after a determination is made by the respective department head. Mileage shall be reimbursed at the prevailing rate per mile as published by the Internal Revenue Service for business use of personal vehicles. Mileage will be calculated to and from job sites. Normal travel time from work-to-home, and home-to-work will be deducted from out-of-town travel reimbursement.

### **18.5 NON-REIMBURSABLE TRAVEL EXPENSES**

Ineligible expenses include but are not limited to the following: purchase of alcoholic beverages, personal recreation-related expenses, and entertainment costs. Expenses for spouses/guests are not allowed.

## **19. HEALTH AND SAFETY**

### **19.1 OCCUPATIONAL SAFETY AND HEALTH**

Pittsylvania County attempts to provide a safe and healthy working environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety.

Each supervisor has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury. Further, it is the responsibility of each employee to perform all work in a safe manner. All hazards, deaths, injuries, and illnesses that occur on County property must be reported to the manager within the same day of the discovery or occurrence.

Employees are directed to utilize all applicable safety procedures and equipment, and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their workstations. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

Specifically, employees shall:

- A. Report all injuries, regardless of severity, to the supervisor immediately, but no later than twenty-four (24) hours. If the supervisor is not available, the injury should be reported to the manager before medical treatment is sought; Employee and Immediate Supervisor shall follow the County's Procedure for reporting Worker's Compensation Claims.
- B. Report and, if possible, correct all unsafe conditions or acts;
- C. Avoid horseplay and mischief which could cause injury;
- D. Take all standard safety precautions to prevent injury;
- E. Follow all safety rules.

### **19.2 SELF-INSPECTION SAFETY PROGRAM**

#### **A. Purpose**

Hazard prevention and control may be the most cost effective aspect of the County's safety program. Self-inspections will allow identification of most hazards. Some hazards will be physical while others will be procedural. All must be identified and addressed in some way.

#### **B. General Policy Statement**

In an effort to create a safe and healthy workplace, the County has established a policy to conduct regularly scheduled self-inspections of the County's premises, job sites, and procedures by which all work is completed. All necessary steps will be taken to assure the safety of employees, the public, and any contractors.

**C. Management Responsibilities**

1. Department heads will conduct or support self-inspection training for supervisors and/or employees that may have a part in this activity.
2. Department heads will monitor the implementation of the Self-Inspection Program in order to evaluate the overall effectiveness.
3. Each supervisor will provide the means and support necessary to ensure compliance with all applicable regulations and responsibilities outlined herein.
4. A Safety Committee, appointed by the County Administrator, shall have developmental and audit duties to be certain the safety policy is written, firmly established, and maintained.
5. The Safety Committee will be responsible for working with department heads to delegate activities to committee members or other supervisors to complete the self-inspections.

**D. Employee Responsibilities**

1. To make the Self-Inspection Program as productive as possible, all County employees are expected to cooperate by answering any safety or work procedural questions asked by inspectors.
2. Employees are encouraged to volunteer ideas about how facilities, equipment or work procedures can be changed or improved to make them safer.
3. Report all hazardous conditions dangerous work procedures and near misses (an unplanned event that could have caused injury or damage).

**E. Self-Inspections**

1. Written Program. Will be reviewed and evaluated annually.
2. Safety Committee. Will establish the types of inspections to be conducted and will determine the frequency of completion. Once an initial inspection is completed, the frequency of further inspections will be determined. This will be based on the number and severity of hazards identified. Many OSHA programs require an annual inspection/survey. Along with management, the committee will decide which self-inspections safety committee members would conduct and which are to be delegated to supervisors, equipment operators or specially trained engineers or maintenance personnel. All self-inspections required to be conducted more often than monthly will be completed by non-safety committee members.
3. Inspection Procedures. Previous inspection reports and any incident investigation reports will be reviewed prior to initiating an inspection to determine what items have been corrected, modified, completed, etc. The new inspection is then completed. A copy of the completed inspection form(s) will be forwarded to the designated inspection program coordinator, with recommendations for corrective action if deficiencies are noted. Department heads will take immediate corrective action to eliminate or minimize hazards. Management will then initiate permanent corrective action where possible.
4. Observations of Procedures and Actions. Observations of work practices and procedures will be conducted in addition to the established checklists. Comments will be offered on the inspection form and reported to the appropriate supervisor(s). This component of the inspection process will be kept professional and positive, not punitive. These inspections will accompany/be conducted independently of the checklist portion of the inspection process. Observation inspections will be conducted every two months.
5. Forms. Forms to guide investigators will be produced and modified as needed. Other forms will be generated and used as deemed necessary and may need to be specifically designed for some departments. Some forms will require descriptive

observations made about how employees perform specific tasks, to determine work methods and actions that may contribute to hazards.

6. **Inspector Training.** Training on how to conduct effective self-inspections will be coordinated by the safety committee. Classroom training may be followed by site inspections with instruction from an experienced inspector who is able to answer questions relating to the inspection process and the inspection forms themselves.
7. **Inspection Results/Corrective Actions.** All items noted as needing improvement, modification, or action will be communicated to the appropriate manager or supervisor for the department(s) affected. Response to the deficiency will depend on the action as indicated by the nature of the shortfall. A response from the manager/supervisor will be sent to the safety committee indicating action(s) taken.
8. **Follow-up.** If necessary, the safety committee will review and act on all lack of progress in addressing self-inspection items noted for improvement.

### **19.3 ACCIDENT OR INJURY INCIDENT INVESTIGATION PROGRAM**

#### **A. General**

Learning from previous undesired incidents is a key element in the prevention of future similar incidents. The County through this policy addresses procedures to be followed for all incidents or near misses resulting in employee injury or property damage, and those incidents that might have had the same results. The depth of investigation will vary with the result of the incident and the potential for future consequences.

#### **B. Management Responsibilities**

All supervisors and department heads will be trained in how to conduct and report thorough incident investigations. The immediate supervisor of the employee(s) involved in the incident will conduct the majority of investigations. Reports generated will be routed through the Assistant County Administrator, the Safety Committee and the insurance carrier(s). Management will ensure that both immediate and long-term corrective actions are taken to prevent re-occurrence. Incident investigation reports will be kept permanently on file.

#### **C. Employee Participation**

Employees will be instructed to report all incidents, including near misses to their supervisor at their earliest opportunity and will assist as requested in the investigation process. Employees are encouraged to volunteer ideas that may help to prevent similar incidents in the future.

#### **D. Prompt Investigations**

Investigations should be conducted immediately or at least within twenty four (24) hours. Providing first-aid and other medical treatment for injured employees will take precedence over initiating the incident investigation. The purpose of prompt investigations is to gather all the facts before the scene can change and witnesses are influenced. The lead investigator may elicit the assistance of others in the process of investigating the incident. These could include other department heads, safety committee members, maintenance workers or the Risk Management Coordinator.

#### **E. Investigative Procedures**

The actual procedures used in a particular investigation depend on the nature and results of the incident. Incident investigation is primarily a fact-finding procedure; the facts revealed are used to prevent recurrences of similar incidents. The focus of incident investigation will be to prevent future incidents and injuries to thus increase the safety and health of all employees. The site shall be secured to preserve the incident evidence unless hazards within the site must first be controlled.

Some preliminary information gathered will include:

##### **1. Witness Interviews**

Witnesses include those present at the time of the incident and also those who were in the area just before or after the incident as well. They should also be questioned about

whether they have discussed the incident with others.

2. Corrective Actions

Corrective actions will be determined for each and every cause identified during the investigation process. The minimum corrective action will be a brief retraining session for all department employees that conduct the same task as employee(s) involved in the incident. It may be possible to yield greater benefits by including procedural and physical changes in the environment where the incident occurred.

3. Follow Up of Corrective Actions

The lead investigator will report to the Risk Management Coordinator at the end of 6 (six) months as to how effective the corrective actions have been. If corrective actions resulted in the creation of new hazards, this will be included in the report as well.

#### 19.4 WORKERS' COMPENSATION

The immediate supervisor is responsible for setting a good example for employees. Supervisors should encourage safe work practices and make safety an integral part of the day-to-day activities. Employees are required to comply with safety policies, including proper operation of machinery and use of safety equipment. Disciplinary action may be taken where unsafe practices are observed.

When an accident or qualifying illness occurs while at or the result of work, an employee may be entitled to compensation to help offset the loss of wages during the period that the employee is unable to work. The employee must report any work-related accident to the supervisor, no matter how insignificant. In case of a life or limb threatening emergency, the employee's supervisor should call 911.

State law allows the County to designate physicians that will treat Workers' Compensation illnesses/injuries. The supervisor will provide the employee with a copy of the Panel of Physicians list and appropriate paperwork and instructions. If an employee chooses to be treated by a physician other than one on the County's panel of physicians, the employee may be responsible for medical expenses related to the treatment. If the injury is determined to be compensable, the injured employee will receive Workers' Compensation benefits in an amount equal to 66 2/3 percent of his/her gross average weekly wage. Workers' Compensation benefits are paid directly to the employee and are non-taxable. If the injury is determined to be non-compensable, all absences will first be charged to accrued sick leave and/or other leave as approved by the supervisor.

Under the Virginia Workers' Compensation Act, a disability of over seven (7) days is required before payment of Worker's Compensation salary benefits can be made. If the disability exceeds twenty-one (21) days, Workers' Compensation will be provided, retroactively for the first seven (7) days (Ref. Code of Virginia, Section 65.2-509).

During the first seven (7) calendar days that an employee is absent from work because of a job-related illness or injury, the County will place the employee on Injury Leave with pay. Absences away from work because of an accident on the job should be recorded on employee time records as a "Workers' Compensation" credit. Should the absences continue for more than seven (7) days, the employee will be placed on leave according to the Injury Leave policy (see section 6.5, Injury Leave).

The injured employee will not accrue sick and annual leave while out on leave without pay. If the employee is not paid wages for the entire day on which the injury occurred, the seven day waiting period shall include the day of the injury regardless of the hour of the injury. All days or parts of days when the injured employee is unable to earn a full day's wages due to injury, shall be counted in computing the seven-day waiting period even though the days may not be consecutive.

The immediate supervisor will periodically monitor the employee's progress and keep lines of communication open so that the employee will feel part of the work group.

The Family and Medical Leave Act requires that the County provide up to 12 weeks of unpaid, job-protected leave to eligible employees when a serious health condition makes an employee unable to perform his or her job. Any Workers' Compensation injury or illness that qualifies as a serious health condition will be designated as FMLA and counted against the employee's

annual FMLA entitlement. For the duration of the FMLA leave, the County will maintain the employee's health and life insurance coverage. The employee must pay for other benefits that are usually deducted from his or her salary.

If an injured employee is unable to return to work at the conclusion of the 12 weeks, the employee will remain on leave of absence for a period not to exceed six months. Subject to applicable law, department heads have the discretion of extending the Workers' Compensation leave based on the needs of the department and any undue hardship created by the continued absence of the injured employee. Should an employee believe he/she is eligible for disability retirement under the Virginia Retirement System, he/she should discuss this with the department head.

#### **19.5 RETURN-TO-WORKPOLICY**

*The medical provider will notify the employer of any changes in the injured worker's physical restrictions, in writing, and will specify the employee's ability to return to work with or without restrictions or reasonable accommodation.*

##### **A. Statement**

The County will make every effort to return injured employees to productive employment as early as possible, compatible with physical restrictions and good medical practices.

A strong return to work effort yields several benefits including:

- acceleration of the injured employee's recovery;
- maintenance of an experienced workforce;
- reductions in claims costs; and
- improved employee relations.

The County's first responsibility is the prevention of occupational injury and illness. The County is committed to providing transitional work, on a temporary basis. The employee will continue to receive pay at his regular pay scale and receive job-related benefits of his original position.

Transitional work is defined as:

- Appropriate work to allow the resolution of the injury and to prevent re-injury.
- Modification of the job according to the medical limitations and needs of the department where the employee may be assigned.
- A meaningful job.
- Temporary transitional work assignments will be reviewed every fourteen (14) days.

##### **B. Procedure**

1. Pittsylvania County shall receive a workers' compensation follow-up form which identifies specific employee restrictions.
2. The County shall review these physical restrictions and plan tasks for the employee on a temporary transitional assignment.
3. The employer and employee will meet to discuss the temporary transitional work assignment and complete a temporary transitional work form.
4. The employer will re-evaluate all temporary work assignments every fourteen (14) days.
5. Every effort shall be made within the employee's department or if necessary within another department to find a suitable modified work assignment for an employee unable to perform his/her regular duties.
6. The modified work assignment shall be based upon the treating physician's medical evaluation (including information on required medical treatments, recovery prognosis, work restrictions, and time frames). The department head, Human Resources Manager and/or the Safety Committee, when needed, shall carefully consider the medical

report(s) and the availability of suitable modified duty prior to initiating a modified work assignment. The Safety Committee may also provide assistance when needed in identifying modified work.

7. An injured employee, who refuses any suitable employment, shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the Virginia Workers' Compensation Commission the refusal was justified.

#### **19.6 VEHICLE SAFETY POLICY AND DRIVER REQUIREMENTS**

County owned vehicles may be operated only by approved County employees. Prior to employment, an applicant for a County position must agree to a license check and a drug screening by executing County approved consent forms. Driver's license checks will be conducted on all employees who operate County vehicles once a year, thereafter. If operation of a County owned vehicle is a primary requirement of an employee's job, a poor driving record could result in disciplinary action including dismissal. In addition, County owned vehicles are to be used only for County sponsored activities. Drug tests may be required for vehicle operators at any time as outlined in Section 11.

##### **A. Purpose**

It is the policy of Pittsylvania County to protect its employees and citizens from injuries caused by motor vehicle accidents involving vehicles owned by the County. The County will ensure compliance with County, state and federal laws and regulations and provide the most effective level of service at the least cost to citizens.

##### **B. Covered Departments**

All County Departments are covered by this policy.

##### **C. County Vehicle Use Policy**

Only County employees may operate County owned vehicles and other motorized equipment

##### **D. Responsibility**

1. All County employees operating county vehicles shall adhere to the stipulations and requirements of this policy.
2. Seat belts are required at all times for the operator and all occupants of County vehicles.
3. Department heads shall be responsible for enforcement of this Policy in relation to their employees.
4. Employees involved in an accident while operating a County vehicle must report it, if possible, to 911 immediately.
5. An employee operating a County vehicle must report any mechanical failure, accident, traffic violation or damage sustained to the vehicle while in the employee's use to the department head or his designee. County employees shall obey all traffic laws while operating a County owned vehicle and focus on driving at all times. Operators should avoid distractions such as cell phone usage and eating while driving in a moving vehicle.
6. A file shall be kept on each vehicle owned by the County by the department to which that vehicle is assigned. This file shall contain maintenance records and other pertinent information associated with the vehicle.
7. County employees and occupants shall not use tobacco products while in a County owned vehicle.
8. County employees shall not use, purchase, or transport alcohol while driving County owned vehicles.
9. Department heads shall ensure that all vehicles assigned to their department will be inspected every two (2) months. The purpose of this inspection is to identify potential safety concerns with the vehicle and to ensure that all necessary equipment remains

with the vehicle. The inspections shall be documented and kept in the vehicle file.

**E. Accident Review**

County drivers who are involved in an accident while operating a vehicle on County business may be interviewed by the County or Departmental Accident Review Committee. The purpose of the review is to learn ways to prevent accidents and to recommend appropriate actions to the County Administrator.

**F. Driver Requirements**

1. Acceptable Driving Record

For the purposes of this policy, the following constitutes an acceptable driving record:

- a) A valid Virginia driver's license with a score of -4 or better.
- b) No license revocations or suspensions within the past three (3) years.
- c) No record of conviction of a felony while operating a motor vehicle.
- d) No Driving under the Influence ("DUI") Driving while Intoxicated ("DWI") convictions in the past three (3) years.

2. Driver Eligibility

- a) In order to operate County owned vehicles, an employee must be twenty-one (21) years of age or have a minimum of three (3) years of acceptable legal driving experience. If the employee's job requires transporting non-County employees in County vehicles, the employee must be at least twenty-one (21) years of age and have a minimum of three (3) years of acceptable, licensed driving experience.
- b) All County employees whose jobs may include driving responsibilities will have their Department of Motor Vehicles ("DMV") driving record reviewed annually by their department head.
- c) A County employee is eligible to operate a vehicle for County business purposes if their DMV driving record is determined to be satisfactory upon review by the department.
- d) The Department will utilize the Virginia Department of Motor Vehicles Driver Improvement Program to assess driver eligibility.
- e) Employees must inform their Supervisor of the following:
  - i. That the operator's DMV driver's license being restricted, suspended, or revoked.
  - ii. Charges for moving violations while operating a vehicle.
  - iii. Legal charges or convictions while operating a vehicle.
- f) Employees who fail to report such offenses outlined may be subject to disciplinary action up to and including termination.

3. Disciplinary Actions Related to Poor Driving Performance:

- a) If a County employee incurs violations while operating a County vehicle the employee may receive the following disciplinary actions:
  - i. Revocation or suspension of their driver's license will result in loss of driving privileges for County vehicles.
  - ii. Failure to report a moving violation while driving on County business will result in disciplinary action as defined by County policy.
  - iii. Failure to report an accident while driving on County business will result in disciplinary action as defined by county policy.

An employee who is charged with a DUI/DWI while on or off the job is prohibited from operating County owned vehicles until a decision on the charge is rendered in Court. If the employee

normally operates a County owned vehicle, an assignment to a non-driving position may be required. If a non-driving assignment is not available, the employee may be required to take appropriate leave, or be placed on administrative leave without pay pending the outcome of the court decision.

## **20. ELECTRONIC COMMUNICATIONS EQUIPMENT**

The County may provide electronic, digital, and wireless communications equipment for county business purposes. Any communication received, sent, and stored on this equipment will be subject to monitoring and in the course of this monitoring may be read for content. **There should be no expectation of privacy in any communications received, sent, or stored on any equipment or service provided by the County.** County provided telephones and radios are for work related purposes. While occasional personal calls may be permitted, the number and duration of such calls should be limited. Failure to follow this guideline is a performance issue and will be addressed by the employee's department head. Other than in emergency situations, use of personal cell phones/personal electronic devices should be limited to lunch time or breaks.

### **20.1 COUNTY COMPUTER USAGE**

The IT policy for the County of Pittsylvania establishes guidelines for the proper and acceptable use of all information systems including e-mail by county employees, elected officials, volunteers, interns, and any other affiliates who may be authorized to use or perform work on hardware, software, devices, and/or network connections provided by the County of Pittsylvania. All electronic data created with, received by, or stored within any of the systems mentioned above, administered by the County of Pittsylvania, are the property of the county, and therefore, are not considered private to an individual, except where legally stated. Employees do not have personal privacy rights in using the county's e-mail system, internet, nor any other hardware or software owned and operated by the county. The County Administrator or Director of Information Technology reserve the right to restrict or remove access or availability of electronic tools for any employee or user of our network or connections as provided by the County of Pittsylvania that violates appropriate use and/or security policies and practices. Refer to the Information Technology Policy you were given at the time of employment, as well as any revisions that may apply, for more specific information as to what is and is not permissible for the systems owned by and administered by the County of Pittsylvania.

Because the public library also provides computers and internet access to the public, its internet requirements meet federal and state requirements and are dictated by the acceptable use policy required by the Commonwealth of Virginia and approved by the Board of Trustees.

## **21. POLITICAL ACTIVITY**

All County employees are encouraged to exercise their right to vote and to express private opinions on candidates and issues. However, to ensure and maintain each employee's individual rights free from interference or solicitation by fellow employees, supervisors or officials, political activities during working hours or when officially representing the County are prohibited. General statements of County policies and practices include:

- A. An employee shall not be coerced to support a political activity or to sign petitions for office.
- B. An employee shall not engage in political activity on work premises during work hours.
- C. An employee shall not use County resources, including but not limited to County vehicles, for political activities.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.
- F. Constitutional Officers and their appointees will conform to the State Board of Election Laws.

**22. SEVERABILITY AND MODIFICATIONS**

**A. Conflicting Policies Repealed**

All prior policies that conflict with the provisions of this policy are hereby repealed.

**B. Severability**

Should any section, subsection or provision of this Manual be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Manual as a whole or any part thereof, other than the part so declared, to be invalid and unconstitutional.

**C. Right to Amend**

The County reserves the right to modify all or any part of this Manual as may become necessary.

**D. Violation of Policy Provisions**

An employee violating any of the provisions of this policy shall be subject to disciplinary action, suspension, and/or dismissal, in addition to any civil or criminal penalty.

**E. Effective Date**

This policy shall become effective upon adoption.

**23. CREDIT CARD POLICY**

**23.1 PURPOSE**

The purpose of this policy is to establish guidelines for Pittsylvania County to be able to issue credit cards to officers and employees for the purpose of covering expenses related to authorized travel and other authorized purchases. This policy will provide guidance to enable a cost effective, convenient and streamlined method of purchasing items for Pittsylvania County. Reports on cardholder activity will enable the County of Pittsylvania to capture information necessary to better manage Pittsylvania County purchasing activities. This policy replaces Section 3 of the Travel Training and Education Policy adopted by the Board of Supervisors on August 5, 2013.

**23.2 GENERAL REQUIREMENTS TO USE CREDIT CARDS**

**A. Under this policy a credit card may be issued to an individual who is:**

1. An employee or elected constitutional officer for the County of Pittsylvania who demonstrates a need to use a County credit card either for authorized travel or an authorized purchase or
2. A member of the Board of Supervisors only for travel outside of the County of Pittsylvania on an "as needed" basis.

**B.** Authorized employees or elected officials may use a county credit card to purchase merchandise or services required as a function of his/her duties for Pittsylvania County. Unauthorized and/or inappropriate credit card use is addressed in Section V of this policy. Disciplinary actions related to unauthorized and/or inappropriate credit card use is addressed in Section VI of this policy.

**C.** An authorized credit card purchase may be made in-store, by telephone, fax, internet or U.S. mail.

**23.3 CARD ISSUANCE:**

Credit cards for the County are maintained by the Purchasing Manager. Employees or elected county officials who have been authorized to utilize a County credit card must check out a credit card from the Purchasing Manager and sign an employee agreement concerning credit card purchases. Only one agreement is necessary per employee not per card use. A sample of the employee agreement form is attached. Cards must be returned to the Purchasing Manager within five (5) business days of the employee's return to work for authorized travel and within one (1) business day when the card is used for other authorized purchases.

**23.4 SECURITY:**

- A. Authorized use of the credit card is limited to the employee or elected official whom the credit card was issued to. The credit card shall not be loaned to another employee or elected official but should first be returned to the Purchasing Manager to be reissued.
- B. It is the responsibility of authorized credit card user to safeguard the credit card and the credit card account number at all times by keeping the card in a secure location at all times. Lost or stolen credit cards must be reported immediately to the Finance Director of Pittsylvania County.
- C. **The Finance Director will notify the County Administrator and the credit card agency of this lost or stolen card.**

**23.5 UNAUTHORIZED AND INAPPROPRIATE USE:**

- A. Credit cards must never be used to purchase items for personal use, even if the employee or elected official intends to reimburse the County of Pittsylvania. Purchases for non-Pittsylvania County purposes include but are not limited to cash advances, food not previously authorized, alcoholic beverages, recreation, entertainment and any other expense considered personal.

**23.6 DISCIPLINARY ACTION:**

- A. An employee or elected official who makes unauthorized or inappropriate purchases with the county credit card will be subject to disciplinary action including but not limited to restitution to the County of Pittsylvania for the unauthorized or inappropriate purchase, possible inability to utilize county credit cards in the future, possible termination of employment at Pittsylvania County and possible criminal prosecution. Restitution for unauthorized/inappropriate purchases shall be paid by the employee or elected official by check or salary deduction.
- B. Unacceptable or unauthorized purchases **MUST** be reported immediately to the County Administrator. The Board of Supervisors will subsequently be made aware of these charges by the County Administrator even if the affected employee/elected official has made arrangements to make restitution for these unauthorized/unacceptable purchases.
- C. Improper use of the issued credit card may result in prosecution of embezzlement under section 18.2-112 of the Code of Virginia.

**23.7 CREDIT CARD ACCOUNTABILITY:**

In order for spending limits to be monitored and purchasing activity reconciled to the monthly charge card statements, authorized credit cards users must maintain a separate log of purchases made with the credit card. A Credit Card Log Sheet (see attached) should be established with each credit card issuance and submitted to the Accountant in the Finance Department when the card has been turned in to the Purchasing Manager. This must be done within five (5) business days after the employee returns to work for authorized travel and after one (1) business day when the card is used for authorized purchases. To use the card, the authorized user must:

- A. Identify the vendor that accepts VISA and sells the required goods and services.
- B. Call or go to the vendor's place of business and place an order.
- C. Give the vendor the account number and expiration date of the credit card. The vendor will verify the account number with VISA. The spending limit will be checked electronically for compliance with applicable limits. Inform the vendor that the County is tax exempt.
- D. Be sure there is **NO SALES TAX** applied to any purchases. Pittsylvania County is tax exempt from sales tax, but must pay meals tax.
- E. Retain all documents pertaining to the purchase. When the vendor delivers the order, documentation of the purchase, such as sales receipt or packing slip should accompany the order. Detailed receipts must be retained for ALL purchases including meals. Detailed receipts will list individual items purchased. This documentation must be attached to the credit card log sheet and submitted to the Accountant in the Finance Department so that these charges can be reconciled to the monthly credit card statement.

**23.8 DOCUMENTATION, RECONCILIATION, AND PAYMENT PROCEDURES:**

A. Documentation: Any time a purchase is made with the credit card, the authorized user must obtain a customer copy of the charge slip, which will become the accountable document (make sure all carbons are destroyed). The charge slip MUST provide a detailed list of each item purchased including cost. When used to pay for meals, employees may have to specifically request detailed receipts that list each item purchased.

B. Telephone Orders: The authorized user must obtain an invoice from the vendor after the order is placed.

C. Missing Documentation: If the authorized user does not have documentation of the transaction to send with the credit card transaction log (sample log attached) for any transaction other than telephone orders as described above, he or she MUST contact the vendor to get a duplicate receipt. If the purchase cannot be documented you will be responsible for paying the purchase from your own personal funds. Recurring abuse of this provision may result in an employee/elected official's inability to utilize County credit cards in the future.

**23.9 PERIODIC REVIEW:**

The credit card statement will be audited monthly and reconciled with the credit card log sheets and receipts received by the Accountant in the Finance Department. Monthly reports will also be submitted to the Board of Supervisors for review. This report will show the item purchased, amount spent and the name of the individual making the purchase.

**24. RECORD KEEPING POLICY**

The Human Resources (HR) department retains and destroys personnel records in accordance with the Library of Congress policies on business records retention as well as federal and state laws governing records retention. Below is an outline of the HR department's operating procedures for personnel records retention and destruction of documents when such retention periods have passed.

The HR department maintains both employee record information and government compliance reports. Both are subject to the following retention requirements and destruction procedures.

**Maintenance of Employee Records**

The following employee information records are maintained in segregated personnel files:

- 1) Pre-employment information.
- 2) I-9 forms.
- 3) Benefits plan and employee medical records.
- 4) Health and safety records.
- 5) General employee personnel records.

Government compliance reports are maintained in reverse chronological sequence and filed separately from the above employee information records.

**Destruction of Employee and Applicant Records**

All paper personnel records and confidential employee data maintained by the HR department will be destroyed by shredding after retention dates have passed; this procedure pertains to all personnel records, not just those governed by the Fair and Accurate Credit Transactions Act (FACTA).

Application materials submitted by applicants for employment who were never employed are also to be shredded.

Personnel records include electronic as well as paper records. The HR department will work with the IT department periodically, but no less than twice annually to review and ensure that the HR department's electronic records relating to employee information and compliance reports are properly purged.

**Retention of Terminated Employees' Records**

The retention periods for terminated employees' and applicants' records and compliance reports are as follows:

***Pre-employment records:***

Résumés, applications and related employment materials, including interview records and notes, for applicants not hired: 3 years.

Résumés, applications and related employment materials, including interview records and notes, for employees: 4 years after date of termination.

Background checks, drug test results, driving records, company employment verifications, letters of reference and related documents: 5 years.

***Employee records:***

Terminated employee I-9 Forms: *The later of* 3 years from date of hire or 1 year following termination of employment.

Compensation, job history and timekeeping records: 4 years after termination.

FMLA and USERRA and related leave records: 3 years after termination.

Performance appraisal and disciplinary action records: 4 years after termination.

Benefit records: 6 years after the filing date of the documents, based on the information they contain, or 6 years after the date on which such documents would have been filed but for an exemption or simplified reporting requirement.

Disputed issues (records relating to issues 2 years after resolution of dispute involving external agencies or parties, wage-hour investigation by DOL, EEOC charge, arbitrations, court actions, etc.), OSHA and employee safety records: 5 years after termination.

Employee personnel records: Long Term – 50 years after separation.

Workers' compensation claims: 30 years after date of injury/illness.

Employee health records: 30 years after separation.

***Compliance reports and records:***

State New Hire reports: 1 year after report was filed.

EEO-1: 2 years after report was filed.

Annual Affirmative Action plans: 2 years after close of AAP year.

OSHA 300/300A: 5 years after posting.

Form 5500: 6 years after report was filed.

Federal/state tax reports: 4 years after report was filed.

**25. EMPLOYEE SERVICE AWARDS & RECOGNITION**

Subject to available funds, regular full-time and part-time employees who meet specific eligibility requirements may be considered for programs which recognize continuous employment or other special employee contributions that the County from time to time develops.

Service awards shall generally be in recognition of continuous employment for five-year increments of time, and as follows:

- A. An employee's service shall be considered continuous so long as his/her name remains in an uninterrupted way on the County's payroll, and/or
  - 1. The employee is on an approved leave of absence under the terms of the County's Employee Manual.
  - 2. The employee has been laid off involuntarily.
  - 3. The employee enters military service and returns to work within ninety (90) days after his/her honorable discharge.
- B. No credit for prior service shall be considered in the award program in a case where an employee is terminated by reason of voluntary resignation or discharge, and then re-hired.

- C. An employee whose service terminates for any reason prior to his/her appropriate employment anniversary date shall not be eligible to receive an award, with certain exceptions as follows:
1. The employee shall receive an award if he/she retires voluntarily or is required by reason of physical disability to retire within ninety days of the appropriate anniversary date.
  2. The employee's family shall receive the award if he/she dies within ninety days of the appropriate anniversary date.

## 26. INTERNSHIPS

Departments within Pittsylvania County have the option of using interns to assist in meeting their goals and objectives. It is important the selection and use of interns is consistent among each department. The framework of our internship administrative policy and procedure is outlined below.

### I. Policy

Pittsylvania County supports internship programs sponsored by colleges, universities, local government or affiliated entities. In addition, if there is a specific department need, a department, upon notification to the Human Resources Department, may advertise for interns to assist with special projects. The County may provide for paid or unpaid internship opportunities. Internships are designed to provide a hands-on learning experience for the participant and, if paid, should meet the following criteria outlined by the Fair Labor Standards Act:

- The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
- The internship experience is for the benefit of the intern;
- The intern does not displace regular employees, but works under close supervision of existing staff;
- The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
- The intern is not necessarily entitled to a job at the conclusion of the internship; and
- The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If these criteria cannot be met, then the internship must be a paid internship. Departments must work with the Director of Finance to ensure they have funding available in their budget for paid interns.

Interns utilized by the County must be at least 18 years old, currently enrolled in a degree program that is relevant to the internship, be in good academic standing, and be registered for courses during the internship period. Summer interns must be enrolled in the upcoming Fall semester. Interns are required to complete a County application and submit an official transcript. Interns must also be lawfully authorized to work in the United States and are required to provide proof of authorization. The Human Resources Manager must approve all interns prior to their start date.

### II. Responsibility

**Department Directors:** Department Directors are responsible for ensuring their department can meet the specific objectives of the student and educational institution when utilizing a sponsored internship. Department Directors are also responsible for managing interns and completing all necessary recordkeeping related to the performance and experience of interns in their department. This includes completing any required reports and providing feedback to the sponsoring agency. In addition, Department Directors are responsible for ensuring interns are selected and utilized within the framework of this administrative policy and procedure.

**Human Resources:** Human Resources is responsible for oversight of the hiring and use of interns.

### III. Procedure

- A. Special Projects

- 1) If a department has a need for an intern to assist with a special project, then the Department Director should provide written justification to the Human Resources Manager for approval. The justification must include the need for an intern, how the intern will be utilized, length of time required, and whether or not the intern will be paid.
  - 2) If approved, the department will create a request to the Human Resources Manager to advertise for an intern on the company website.
  - 3) Human Resources will accept applications and monitor the recruitment process. The department is responsible for screening applications received for internships and conducting interviews with guidance from the Human Resources Manager.
  - 4) Once an intern is selected, the recommendation should be sent to the Human Resources Department for approval and necessary screenings. Interns must satisfactorily complete a back ground check prior to their first work day with the County.
  - 5) Human Resources will alert the department when their interns are able to begin their assignment.
- B. Sponsored Internships
- 1) The Human Resources Department will notify Department Directors of internship opportunities available to them through colleges, universities, or other government or affiliated entities.
  - 2) Department Directors wishing to participate should notify the Human Resources Manager.
  - 3) The Human Resources Manager, or designee, serves as the liason between the organization providing the intern and the department, and is responsible for oversight of the process.
  - 4) Department Directors will interview interns provided by the organization and make a final selection.
  - 5) Once a selection is made, the Human Resources Department will conduct necessary screenings. Interns must satisfactorily complete a back ground check prior to their first work day with the County.
  - 6) Human Resources will alert the department when their interns are able to begin their assignment.



## APPENDIX

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**This appendix is not part of the personnel policy but is to be used in accordance with the policy. Forms found here may be modified or changed without approval of the Board of Supervisors.**

Appendix A	
Receipt of Pittsylvania County's Personnel Policies Manual.....	A-1
Appendix B	
Determination of Grievability Form.....	B-1
Appendix C	
Grievance Form	
Step One.....	C-1
Step Two.....	C-3
Step Three.....	C-5
Step Four.....	C-6
Appendix D	
Employee Performance Evaluation.....	D-1

**RECEIPT OF PITTSYLVANIA COUNTY'S PERSONNEL POLICIES MANUAL**

I, \_\_\_\_\_, have received a copy of the Personnel Policies Manual of Pittsylvania County on the date shown below. I agree to comply with the provisions of the Manual. This manual is not and shall not be construed as an explicit or implied contract of employment for a specific period of time, shall not modify any existing "at will status" of any County employee, and shall not create any due process requirement in excess of Federal or State Constitutional or Statutory requirements. In addition, I specifically agree to the following:

I consent to monitoring of electronic communications as described in the Manual.

Signed, the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Employee's Signature

*This receipt will be kept in the employee's personnel file.*















**PITTSYLVANIA COUNTY, VIRGINIA  
EMPLOYEE PERFORMANCE EVALUATION**

NAME: \_\_\_\_\_ FROM: \_\_\_\_\_ TO: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

CHECK ONE:  Annual  6 Month  Other DATE OF HIRE: \_\_\_\_\_

**Performance evaluations should measure both the employee's activities and the results. Concentrate on the actions of the individual, not the person. Evaluate performance as compared to the requirements of the job / position description. The interview should cover plans for improvement and allow feedback.**

Ratings: (3) Excellent = Exceeds expectations (2) Good = Meets all expectations (1) Needs improvement = Meets most expectations (0) Unacceptable = Falls short of expectations

	(0) Unacceptable	(1) Needs Improvement	(2) Good	(3) Excellent
<b>Job Knowledge:</b> Technical experience, possesses skills to accomplish job, familiar with procedures and objectives, understands scope and interrelationship to others.	___Lacks sufficient knowledge to perform the job.	___Knowledgeable in some aspects of the job. Needs training. Often requires guidance to apply procedures to new situations.	___Knowledgeable in most aspects of the job. Guidance required to apply procedures to new situations.	___ Knowledgeable in all aspects of the job. Applies knowledge to new situations with minimal guidance.
<b>Quality of Work:</b> Accurate, thorough, neat, careful.	___Does not meet minimal quality expectations for the job.	___Occasionally does not complete work accurately and neatly. Needs to check work more carefully. Occasionally falls short of quality standards.	___ Completes work accurately and neatly. Meets quality standards.	___Frequently demonstrates high degree of accuracy and neatness. Frequently exceeds quality standards.
<b>Quantity of Work:</b> Productive.	___Produces volume of work that does not meet minimum expectations.	___Produces the volume of work necessary to meet minimum standards. Occasionally misses assigned deadlines.	___Produces the volume of work necessary to meet standards. Meets assigned deadlines.	___ Produces high volume of work. Frequently exceeds assigned deadlines.
<b>Need for Supervision:</b> Works independently; organizes and plans work; recognizes priorities.	___Requires constant supervisory follow-up in order to get scheduled work done.	___Work is completed with repeated supervisory observation or control.	___Works on own assignment under normal, prearranged supervisory follow-up.	___Requires little supervision; is reliable.
<b>Dependability:</b> Accepts responsibilities; meets deadlines; perseveres; follows instructions.	___Requires close supervision; is unreliable	___Sometimes requires prompting	___Usually talks care of necessary tasks and completes with reasonable promptness.	___Reliable in job. Regularly completes work on schedule.
<b>Initiative:</b> Acts independently; able to originate and develop useful ideas; self-starter, resourceful.	___ Shows little initiative. Never volunteers. Sticks closely to job routine.	___ Shows some initiative. Should do more without having to be told.	___ Does not shirk. Voluntarily attempts to solve non-routine job problems as they occur.	___ Above average. A self-starter. Will generally volunteer.
<b>Adaptability:</b> Quick to learn new practices; adjusts to changes in assignments or working conditions; applies job knowledge.	___ Does not retain instructions. Does not adjust well to change. Does not apply job knowledge.	___ Learns new practices after much instruction. Accepts change with hesitancy; minimum application of job knowledge.	___ Routinely learns new practices, adjusts well to change. Good application of job knowledge.	___ Quickly learns new practices. Has a positive attitude about change. Exceptional application of job knowledge.

Appendix D-1

<b>Judgment:</b> Capacity to make reasonable decisions.	___ Frequently makes irrational decisions; poor judgement.	___ Too often selects wrong alternative.	___ Usually exercises sound judgement.	___ Above average reasoning, seldom errs in judgement.
<b>Interpersonal skills:</b> The ability to interact in a positive manner with internal and external customers; includes ability to communicate.	___ Does not interact well with others, frequent conflicts, uncooperative.	___ Sometimes has difficulty interacting with others. At times is uncooperative.	___ Generally gets along with others with only occasional conflicts.	___ Gets along with others. Very infrequent conflicts. Often shows strong interpersonal skills.
<b>Attendance and Punctuality:</b> Adheres to schedule and reasonable time frames.	___ Often absent without good excuse and/or frequently reports to work late.	___ Lax in attendance and/or reporting for work on time.	___ Satisfactory Attendance record, generally accepts overtime if requested.	___ Rarely tardy or absent, almost always accepts overtime work, if requested.
<b>OVERALL RATING (CHECK BOX)</b>				

General comments concerning performance and employee strengths and weaknesses:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Did employee reach previous improvement/development objectives:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Plans for improvement/development objectives:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**RATED BY IMMEDIATE SUPERVISOR:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EMPLOYEE COMMENTS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVED BY DEPARTMENT HEAD:**

**COMMENTS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Received by Human Resources Manager: \_\_\_\_\_

Date Evaluation Received: \_\_\_\_\_

**PERFORMANCE RATINGS**

All ratings must be factually based on the employee's current performance in conjunction with the requirements of the position description, not based on employee's potential nor performance on previous job(s). It is inappropriate to allow a performance rating on one factor or color the ratings on other factors.

**RATINGS**

**DEFINITIONS**

Unacceptable	Achieves far less than results expected from job requirements. Requires more assistance and supervision than is acceptable on a continuing basis. Overall performance is not acceptable.
Needs Improvement	Achieves results which fail to meet job requirements. Requires more than normal assistance or supervision. Exhibits potential to become fully satisfactory performer with coaching and establishment of improvement objectives.
Good	Achieves results which meet or occasionally exceed all standards and job requirements. Demonstrates effective working knowledge, judgement and control of the position. Requires no more than normal assistance and supervision. This rating reflects performance that meets all standards and requirements of the position.
Excellent	Achieves results which generally exceed most job requirements. Demonstrates a high degree of initiative, application, or significant depth to knowledge in the field. Contributes worthwhile new ideas and continuous sound judgement. Is highly effective and produces work of high quantity and quality. Requires less than normal assistance and supervision.

PITTSYLVANIA COUNTY

EXECUTIVE SUMMARY

<b><u>AGENDA TITLE:</u></b> Donation of Surplus Vehicles to Piedmont Training Academy	<b><u>AGENDA DATE:</u></b> 05-02-2016	<b><u>ITEM NUMBER:</u></b> 11
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Donation of Surplus Vehicles to Piedmont Training Academy	<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> Mr. Monday	<b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b>	
	<b><u>INFORMATION:</u></b>	
	<b><u>ATTACHMENTS:</u></b> 1) Letter from Captain Donald Motley, Pittsylvania County Sheriff's Department	
	<b><u>REVIEWED BY:</u></b>	

**BACKGROUND:**

**DISCUSSION:**

Staff received a letter from the Sheriff's Office (see attached) requesting consideration of three (3) of its surplus vehicles be donated to the Piedmont Training Academy that would be used for the Emergency Vehicle Operations Course at the academy.

**RECOMMENDATION:**

Staff submits this to the Board of Supervisors for their review, consideration and approval. **A Roll Call Vote is required.**



Michael W. Taylor  
Sheriff

# The Office of the Sheriff

## Pittsylvania County

Phone (434) 432-7800 or (434) 656-6211 Fax (434) 432-7823

Email - [pcso@pittgov.org](mailto:pcso@pittgov.org) Website - [www.pittsylvaniaSheriff.org](http://www.pittsylvaniaSheriff.org)



P.O. Box 407  
Chatham, VA 24531

Mr. Clarence Monday  
County Administrator  
P.O. Box 426  
Chatham, VA 24531

April 14, 2016

Mr. Monday:

This letter is a request from the Pittsylvania County Sheriff's Office to donate three of its vehicles to the Piedmont Training Academy. These cars are as follows:

2007 Crown Victoria – VIN 2FAHP71W77X160548

2007 Crown Victoria – VIN 2FAHP71W97X160552

2007 Crown Victoria – VIN 2FAHP71W77X160551

In donating these cars, I am also asking the insurance be cancelled. These cars will be used for EVOC (Emergency Vehicle Operations Course) at the academy. I respectfully ask of this request.

Best Regards,

A handwritten signature in black ink, appearing to read "D. H. Motley".

Captain D. H. Motley  
Pittsylvania County Sheriff's Office

DHM/tw

**PITTSYLVANIA COUNTY**

**Board of Supervisors**

**EXECUTIVE SUMMARY**

<b><u>AGENDA TITLE:</u></b> Community Foundation Grant Appropriation – <i>Requires a Roll Call Vote</i>	<b><u>AGENDA DATE:</u></b> 5-02-16	<b><u>ITEM NUMBER:</u></b> 12
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Appropriation of Community Foundation Grant Funds for the purchase of a Sani-Cage	<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> Monday, Van Der Hyde	<b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>
	<b><u>ATTACHMENTS:</u></b> Community Foundation Award Letter	
	<b><u>REVIEWED BY:</u></b> 	

**BACKGROUND:**

**DISCUSSION:**

Mr. Mark Naron, Animal Shelter Manager, recently received grant funding in the amount of \$2,500 from The Community Foundation of the Dan River Region to be used to purchase one molded composite Sani-Cage to house puppies. The attached award letter has been included for your review.

**RECOMMENDATION:**

Staff recommends that the Board of Supervisors approve an appropriation of \$2,500.00 to the Community Foundation Grant. *Requires a Roll Call Vote.*



541 Loyal Street • Danville, Virginia 24541  
434.793.0884 • Fax 434.793.6489 • www.cfdr.org

*Improving and enriching area lives through the generosity of donors*

March 31, 2016

Mr. Mark Narron  
Pittsylvania County  
P.O. Box 426  
Chatham, VA 24531

Dear Mr. Narron,

We are pleased to report that **Pittsylvania County** has been identified as a grant recipient from the **Pittsylvania County Animal Shelter Fund** of The Community Foundation of the Dan River Region.

We are enclosing a check in the amount of \$2,500 that may be used *to purchase one molded composite Sani-Cage to house puppies*. We understand that the unit will be transferred to the new animal shelter upon its completion.

We would appreciate any recognition you could give to The Community Foundation in your ongoing publications. Please send a final reporting once the unit is purchase and in place, along with photos, if possible.

Please do not hesitate to call us if you have concerns or questions. We are so pleased to help our donors improve the quality of life through organizations and projects such as yours.

Sincerely,

A handwritten signature in blue ink that reads "Blair Lumpkins". The signature is written in a cursive style.

Blair Lumpkins  
Program Officer

Enclosure

PITTSYLVANIA COUNTY  
Board of Supervisors

EXECUTIVE SUMMARY

<p><b><u>AGENDA TITLE:</u></b> Request for Road Abandonment – Wildlife Foundation of Virginia (Georges Lane)</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Request for Road Abandonment (approximately 640 feet of Georges Lane, from the end of state maintenance to the northeast boundary line of GPIN #2421-35-4527)</p> <p><b><u>STAFF CONTACT(S):</u></b> Mr. Monday ; Mr. Sides</p>	<p><b><u>AGENDA DATE:</u></b> 05-02-2016</p> <p><b><u>ACTION:</u></b> Yes</p> <p><b><u>ATTACHMENTS:</u></b> 1) Resolution 2016-05-01 2) Notice of Intent to Abandon 3) Area Map 4) Executive Summary from 03-07-2016 BOS Regular Meeting 5) 5) Newspaper Ads</p> <p><b><u>REVIEWED BY:</u></b> </p> <p><b><u>ITEM NUMBER:</u></b> 13</p> <p><b><u>INFORMATION:</u></b></p>
---	---

**BACKGROUND:**

The Pittsylvania County Board of Supervisors, at its regularly scheduled meeting on March 7, 2016, unanimously determined that no public necessity exists for the continuation of the portion of State Route 946, described on the attached plat. Accordingly, the Board authorized County Staff to send its Notice of Intent to Abandon said road to the Virginia Department of Transportation (VDOT) Commissioner, post notice of same for a thirty (30) day period, and run newspaper ads as required by Virginia Code § 33.2-909. During said posting period, no interested person requested a public hearing regarding this matter.

**RECOMMENDATION:**

For the Board's potential action. If the Board desires to abandon said road, Resolution 2016-05-01 is requested to be passed via a majority affirmative vote.

# Pittsylvania County Board of Supervisors

## RESOLUTION

2016-05-01

The Board of Supervisors of Pittsylvania County, Virginia (the "Board"), at its regular meeting on the 2<sup>nd</sup> day of May, 2016, adopted the following:

WHEREAS, public notice was posted as prescribed under § 33.2-909, Code of Virginia, 1950, as amended, announcing the Board's intent to abandon the road described below from the secondary system of state highways, and offering to hold a public hearing on the same, if so requested by any interested party; and

WHEREAS, the Commissioner of the Virginia Department of Transportation ("VDOT") was provided the prescribed notice of this Board's intent to abandon the subject section of road; and

WHEREAS, no person requested a public hearing on this matter during the statutory posting notice period; and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 946, approximately 640 feet of Georges Lane, from the end of state maintenance to the northeast boundary line of GPIN # 2421-35-4527 in the Chatham-Blairs Magisterial District of Pittsylvania County, Virginia.

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above-described section of road and removes it from the secondary system of state highways, subject to VDOT approval, pursuant to § 33.2-909, Code of Virginia, 1950, as amended; and

WHEREAS, this Board has provided VDOT with a plat dated May 27, 2014, depicting the above-referenced portion of the secondary system of state highways to be abandoned, which plat is hereby incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, this Board requests that VDOT abandon the portion of the secondary system of state highways identified on the attached plat, pursuant to §33.1-229, Code of Virginia, 1950 as amended; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is forwarded to the VDOT Commissioner.

### Certification

I hereby certify that the foregoing Resolution was duly considered by the Board of Supervisor of Pittsylvania County, Virginia, at the regular meeting in Pittsylvania County, Virginia, at which a quorum was present and that same was passed by a vote of \_\_\_ in favor and \_\_\_ opposed, this 2<sup>nd</sup> day of May, 2016.

\_\_\_\_\_  
Jessie L Barksdale, Chairman

ATTEST:

\_\_\_\_\_  
Clarence C. Monday, County Administrator/BOS Clerk

### Recorded Vote:

Moved by Supervisor:

Second by Supervisor:

Yeas:

Nays:

## **NOTICE OF INTENTION TO ABANDON ROAD**

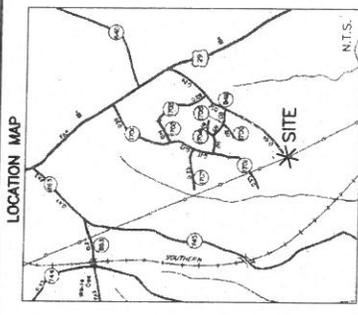
Pursuant to § 33.2-909 of the Code of Virginia, 1950, as amended, the Pittsylvania County Board of Supervisors (“BOS”), at its regularly scheduled meeting on Monday, March 7, 2016, unanimously determined that no public necessity exists for the continuation of the following road, and therefore directed its notice of willingness to abandon the same be sent to the VDOT Commissioner. The road the BOS intends to abandon, subject to VDOT approval, is described as follows: approximately 640 feet of Georges Lane (State Rte. No. 946) in the Chatham-Blairs Magisterial District of Pittsylvania County, Virginia, from the end of state maintenance to the northeast boundary line of GPIN # 2421-35-4527. The complete road abandonment file, including a detailed plat, is available for inspection in the Office of the Pittsylvania County Administrator, 1 Center Street, Chatham, Virginia, Monday through Friday between the hours of 8:00 a. m. and 5:00 p.m. If any individual wishes to petition for a public hearing before the BOS of or related to the above-referenced road abandonment, please contact the Pittsylvania County Administrator at [Clarence.Monday@pittgov.org](mailto:Clarence.Monday@pittgov.org) , or (434) 432-7710.

**DICKERSON SURVEYING LLC**  
 500 Court Street P.O. Box 112  
 Appomattox, Virginia 24522  
 434-352-8560  
 Michael Roy, Co. Land Surveyor

- NOTE: 1. THIS IS A BOUNDARY SURVEY. ALL EASEMENTS, ENCROACHMENTS, AND/OR IMPROVEMENTS MAY NOT BE SHOWN.  
 2. THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE RETRAIT.  
 3. THIS PLAT IS BASED ON A BUREAU OF FIELD SURVEY MARKED ON THE GROUND WITH THE PHYSICAL MONUMENTS INDICATED.  
 4. G.P.N.: 2421-35-4527  
 5. REFERENCE PLAT DESC.: INST. NO. 130007697

**ADJOINING OWNERS**

- (A)** WHITT BUILDINGS CORP.  
 D.B. 892 P. 433  
 P.C. 2-211A  
 G.P.N.: 2421-27-6162
- (B)** STONE DISMORSON, JR.  
 D.B. 1319 P. 294  
 P.C. 2-211A  
 G.P.N.: 2421-27-6162
- (C)** MICHAEL A. WHITE  
 D.B. 1039 P. 624  
 P.C. 2-211A  
 G.P.N.: 2421-27-6162
- (D)** MICHAEL D. DUNLEAVY  
 D.B. 1486 P. 482  
 P.C. 2-211A  
 G.P.N.: 2421-37-0270
- (E)** NORMA THORNTON COUSINO  
 INST. NO. 090006277  
 P.C. 2-211A  
 G.P.N.: 2421-37-2248
- (F)** JOHN SCOTT LONGERBEN  
 INST. NO. 120001005  
 P.C. 2-211A  
 G.P.N.: 2421-37-3022
- (G)** TONY & MICHELLE GUNTER  
 INST. NO. 060001029  
 P.C. 2-211A  
 G.P.N.: 2421-37-4327
- (H)** AUBREY L. CUNDOFF  
 D.B. 1028 P. 548  
 P.C. 2-211A  
 G.P.N.: 2421-37-5411
- (I)** MONICA P. RANDOLPH  
 D.B. 1482 P. 649  
 P.C. 2-211A  
 G.P.N.: 2421-37-6406
- (J)** PETER L. & SHANNON M. BARKER  
 INST. NO. 110000412  
 P.C. 2-211A  
 G.P.N.: 2421-37-6590
- (K)** WHITT BUILDING CORP.  
 D.B. 828 P. 469  
 P.C. 2-211A  
 G.P.N.: 2421-37-8514
- (L)** JULIE DALE SMITH & JACKIE T. SMITH  
 D.B. 924 P. 489  
 P.C. 2-211A  
 G.P.N.: 2421-47-0634



Course	Bearing	Distance
L.1	S 45°24'00" W	36.80'
L.2	S 79°39'47" W	168.50'
L.3	S 82°51'02" E	50.00'
L.4	N 29°39'47" E	168.50'
L.5	N 45°24'00" E	9.64'

**REDUCED COPY**  
**BOUNDARY SURVEY**  
 SCALE: 1 IN. = 400 FT.  
**212.70 ACRES**

SURVEYED FOR: THE WILDLIFE FOUNDATION OF VIRGINIA  
 SOURCE OF TITLE: THE WILDLIFE FOUNDATION OF VIRGINIA  
 INSTRUMENT NO. 130007697  
 BLAIRS DISTRICT PITTSYLVANIA COUNTY  
 VIRGINIA  
 MAY 27, 2014



Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	2989.91'	16.32'	0°18'46"	N 42°36'26" W	
C2	4529.20'	510.00'	6°27'06"	S 08°23'15" W	
C3	4529.20'	266.96'	3°22'38"	N 13°21'52" W	
C4	4678.20'	499.22'	6°06'46"	S 39°42'25" E	
C5	572.25'	342.48'	34°15'38"	S 62°31'58" W	
C6	87.06'	110.19'	72°30'49"	S 43°24'22" E	
C7	37.06'	46.91'	72°30'49"	N 43°24'22" E	
C8	622.25'	372.38'	34°15'38"	N 62°31'58" E	

**PITTSYLVANIA COUNTY  
Board of Supervisors**

**EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b> Request for Road Abandonment – portion of Georges Lane, Route 946</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Begin Process for Road Abandonment – End of Georges Lane</p> <p><b><u>STAFF CONTACT(S):</u></b> Mr. Monday; Mr. Sides</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b><u>AGENDA DATE:</u></b> 03-07-2016</td> <td style="width: 50%;"><b><u>ITEM NUMBER:</u></b></td> </tr> <tr> <td><b><u>ACTION:</u></b> Yes</td> <td><b><u>INFORMATION:</u></b></td> </tr> <tr> <td><b><u>CONSENT AGENDA:</u></b></td> <td><b><u>INFORMATION:</u></b></td> </tr> <tr> <td><b><u>ACTION:</u></b></td> <td><b><u>INFORMATION:</u></b></td> </tr> <tr> <td colspan="2"><b><u>ATTACHMENTS:</u></b> Yes</td> </tr> <tr> <td colspan="2"><b><u>REVIEWED BY:</u></b></td> </tr> </table>	<b><u>AGENDA DATE:</u></b> 03-07-2016	<b><u>ITEM NUMBER:</u></b>	<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>INFORMATION:</u></b>	<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>	<b><u>ATTACHMENTS:</u></b> Yes		<b><u>REVIEWED BY:</u></b>	
<b><u>AGENDA DATE:</u></b> 03-07-2016	<b><u>ITEM NUMBER:</u></b>												
<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>												
<b><u>CONSENT AGENDA:</u></b>	<b><u>INFORMATION:</u></b>												
<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>												
<b><u>ATTACHMENTS:</u></b> Yes													
<b><u>REVIEWED BY:</u></b>													

**BACKGROUND:**

The Wildlife Foundation of Virginia (the “Foundation”) owns 845 Georges Lane in Blairs, GPIN 2421-35-4527, measuring 212.7 acres in size. The Foundation intends to operate the property as a wildlife management area with restricted access to the public. Currently, the state maintained Georges Lane extends over 650 feet into the Foundation property before it dead ends. In order to place a gate at the entrance to the Foundation property, the last approximately 650 foot section of said road needs to be abandoned and removed from the public highway system. There are no other properties served by the section of road proposed for abandonment.

**DISCUSSION:**

Per Virginia Code § 33.2-909, the procedure for the Board of Supervisors (the “BOS”) to abandon an existing road, or portion of a road, is as follows:

- 1) The BOS must decide that no public necessity exists for the continuance of the public road;
- 2) After such an affirmative majority vote, the BOS must send a formal notice of its intent to abandon the road to the VDOT Commissioner;
- 3) The BOS must post notice in at least three (3) places on and along the road sought to be abandoned for at least thirty (30) days;
- 4) The BOS must publish notice of its intent to abandon the road in two (2) or more issues of a newspaper having general circulation in the County;
- 5) The BOS must then wait thirty (30) days for any interested party to request a public hearing of or related to the road abandonment; and
- 6) If a request for a public hearing does not occur, the BOS, within the four (4) months of the thirty (30) day posting period, must pass an ordinance or resolution requesting VDOT to abandon the road.

**RECOMMENDATION:**

If the BOS determines abandonment of the portion of Georges Lane, as shown on the attached plat, is appropriate, a motion needs to be made stating that the BOS has determined that no public necessity exists for the continuance of the public road, as delineated on the attached plat, and authorizing posting and publishing a Notice of Intent to Abandon, including a willingness to hold a public hearing, and authorizing the County Administrator to forward the required documentation to VDOT.

# STAR-TRIBUNE

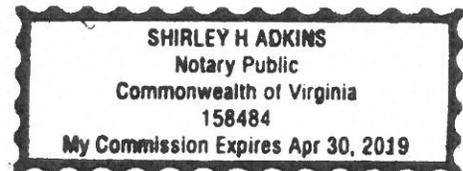
Serving Pittsylvania County Since 1869

## Certificate of Publication

I hereby certify that the attached order of publication has been published once a week for 2 successive weeks in the Star-Tribune, a newspaper published at the Chatham office in Pittsylvania County, Virginia, beginning on March 23, 2016, and ending on March 30, 2016.

Chad Harrison, Publisher

Susan Light Editor, acting agent for the publisher  
April 22, 2016



STATE OF VIRGINIA, AT LARGE

County of Pittsylvania, To-wit:

The foregoing instrument was acknowledged before me this 22 day of April 22, 2016 by SUSAN LIGHT.  
My commission expires April 30, 2019.

\_\_\_\_\_  
Notary Public

28 N. Main Street  
P.O. Box 111  
Chatham, VA 24531

Tel.: (434) 432-2791  
Fax: (434) 432-4033  
legals@chathamstartribune.com

PITTSYLVANIA COUNTY

EXECUTIVE SUMMARY

<b><u>AGENDA TITLE:</u></b> Banister River Extension – <i>Virginia Treasures</i> Designation Signs	<b><u>AGENDA DATE:</u></b> 05-02-2016	<b><u>ITEM NUMBER:</u></b> 14
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Banister River Extension – <i>Virginia Treasures</i> Designation Signs	<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACT(S):</u></b> Mr. Monday	<b><u>CONSENT AGENDA:</u></b> <b><u>ACTION:</u></b>  <b><u>INFORMATION:</u></b>	
	<b><u>ATTACHMENTS:</u></b> 1) Letter from the Honorable Terence R. McAuliffe, Governor of Virginia 2) Copy of Commonwealth of Virginia Certificate of Approval – Confirmation of inclusion as a <i>Virginia Treasures</i> 3) Purchase form for <i>Virginia Treasures</i> Sign 4) Description of <i>Virginia Treasures</i> Program	
	<b><u>REVIEWED BY:</u></b> 	

**BACKGROUND:**

County Administration staff was informed via a letter from Governor Terence McAuliffe that the Banister River Extension had been approved for inclusion to the *Virginia Treasures* Program. The purpose of the program is to preserve, protect and highlight Virginia’s most important ecological, cultural, scenic and recreational assets as well as its special lands.

**DISCUSSION:**

The County has the option to purchase a *Virginia Treasures* Sign to showcase the Banister River Extensions’ inclusion in this program. Thus far, the Banister River Extension is one of 67 natural, cultural and recreational treasures included in the program. Should the Board of Supervisors approve the purchase of 2 *Virginia Treasures* signs, the price of each would be \$100 and they would be placed at the bridge on U.S. 29 that crosses the Banister River, along with the *Scenic River Designation* Signs are located there, contingent on site approval by VDOT. Funds for the purchase are available in the Buildings & Grounds budget, in the Sign Line Item.

**RECOMMENDATION:**

Staff recommends the Board of Supervisors approve the purchase of two *Virginia Treasures* signs for a total cost of \$200 and authorize the County Administrator to sign any necessary documentation.



# COMMONWEALTH of VIRGINIA

Office of the Governor

Terence R. McAuliffe  
Governor

April 1, 2016

Mr. Clarence Monday  
Pittsylvania County Administrator  
Post Office Box 426  
Chatham, Virginia 24531

Dear Mr. Monday:

Thank you and congratulations on the designation of the Banister River Extension as a state Scenic River under the Virginia Treasures initiative. I am pleased to present you with the enclosed certificate of recognition.

For centuries and around the world, our Commonwealth has been known for the beauty of our environment and for the rich diversity found in our forests, wetlands, streams and fields. These treasures benefit all Virginians and are economic and environmental assets. Most importantly, they are a huge part of our culture.

Whether it is through land conservation, establishment of new parks or park facilities, trails, wildlife habitats, or protection of historic or scenic resources, the actions you have taken join you with others across Virginia in fostering a stewardship ethic for our natural and cultural resources. Thank you for taking this step to help protect and showcase Virginia's many and diverse treasures.

It is my hope that as more citizens become aware of our natural and cultural resources, they will be inspired to protect and preserve Virginia's many treasures for future generations to enjoy.

Thank you again for being a part of this legacy.

Sincerely,

A handwritten signature in black ink, appearing to read "Terence R. McAuliffe".

Terence R. McAuliffe

Enclosure

# COMMONWEALTH OF VIRGINIA

## CERTIFICATE OF APPROVAL

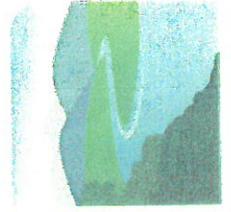
*Presented to*

Pittsylvania County

for Designation of the Banister River Extension as a State Scenic River

This confirms that your property has been listed as a Virginia Treasure.

Thank you for contributing to this initiative to recognize significant natural and open space lands, cultural resources and public recreational lands in the Commonwealth.



Virginia  
**Treasures**

Conservation • Cultural Heritage • Recreation

Terence R. McAuliffe  
GOVERNOR OF VIRGINIA

# Show your Virginia Treasures pride!

You now have the option to purchase a Virginia Treasures sign for your property.

## Signs are available in two sizes:

36 x 24 inches \$100

18 x 12 inches \$50

To order, fill out and return the form on the back.



This site is a designated Virginia Treasure. Learn more about this initiative at [www.dcr.virginia.gov](http://www.dcr.virginia.gov).

## Virginia Treasures Sign Order Form

Enter quantity of signs:

36 x 24 inch sign(s) at \$100 each

18 x 12 inch sign(s) at \$50 each

Payment by credit card or check is required in advance. If paying by credit card, call **804-692-0544** to pay over the phone.

If paying by check, make checks payable to VIRGINIA STATE PARKS. **Mail with this form to:**

Virginia State Parks Customer Service Center  
9960 Mayland Drive  
Richmond, VA 23233

For questions, contact Bryan Anderson at 804-796-4256 or [Bryan.Anderson@dcr.virginia.gov](mailto:Bryan.Anderson@dcr.virginia.gov).

Name \_\_\_\_\_

Organization (if applicable) \_\_\_\_\_

Street Address (For UPS delivery, P.O. Box not accepted) \_\_\_\_\_

City, State and ZIP \_\_\_\_\_

Telephone \_\_\_\_\_

Sign(s) will be posted at the following site(s): \_\_\_\_\_

Our goal is to identify, preserve and protect at least 1,000 Treasures in Virginia during my administration. Every Treasure attained - from my first day in office to my last - will be added to our list. This list will become the scorecard by which my administration measures success at protecting land, water and recreational space.

**Governor Terry McAuliffe**



**Virginia Treasures** Goal 1,000

Natural, Cultural and Recreational Treasures **67**

Land Conservation Treasures **393**

## A focus on quality

The Virginia Treasures initiative focuses on quality rather than just quantity. The program stresses safeguarding significant sites and assets rather than just the numbers. The idea is to preserve, protect and highlight Virginia's most important ecological, cultural, scenic and recreational assets as well as its special lands.

The conservation of working farms, forests, waterways and open space will continue. Most of this effort will be accomplished through conservation easements, which preserve land and improve the health of waterways, including that of the Chesapeake Bay. Particular attention will be paid to land with rare and endangered species and habitat.

The initiative also aims to identify and expand public access to the great outdoors through playgrounds, boat ramps, scenic byways, public gardens and so on. By increasing public access to and appreciation for Virginia's outdoor treasures, public support for conserving, protecting and maintaining Virginia's natural resources will likewise grow.

Virginia Treasures will be the scorecard by which the McAuliffe administration measures success at protecting land, water and recreational space. The goal is to identify, conserve and protect at least 1,000 treasures by the end of the governor's term.

## Land Conservation Treasures

A land protection treasure is one permanent, fee-simple conservation or open-space easement, or an amendment of an existing easement that permanently protects significant resources. Significant resource protection is measured by means of 14 metrics; a treasure must protect at least one metric.

- Cultural or historical assets
- Agricultural land
- Local agricultural and forest districts
- Forest land
- Virginia Natural Landscape Assessment
- Natural Heritage Conservation Sites
- Wetlands
- Forest land with high water quality value
- Riparian buffers
- Recreation land
- Land near protected land
- Land near scenic rivers, scenic byways, the Appalachian Trail or the Potomac National Scenic Trail
- Virginia Outdoors Foundation special project areas
- The Nature Conservancy Focus Areas

Contact DCR's Natural Heritage Program staff for details about the above metrics.

### A few land conservation treasure examples

- Natural Bridge and more than 1,600 acres of wildlife habitat, streams and caves that are home to hundreds of wildlife species, rare bats, invertebrates and unusual communities of plants.
- Dundas Granite Flatrock Natural Area Preserve in Brunswick County, which supports a globally rare plant community and two rare plant species.
- Richmond National Battlefield Park, which added nearly 300 acres in 2014 through a partnership between the Civil War Trust and the National Park Service.

## Natural, Cultural and Recreational Treasures

A recreational treasure is a one that provides new public access to a natural, cultural or scenic outdoor recreation resource. These are projects that help the public by enhancing outdoor recreation and foster stewardship of natural and cultural resources. Emphasis is on ventures that meet the public's most needed outdoor recreational offerings. Treasures are

added when they are opened to the public. To be eligible, recreational or cultural treasures must be owned by the federal, state or local government or, if privately owned, accessible to the public.

An asset must consist of at least one of the following:

#### **New facilities**

- Trails
- Water access
- New park facilities
- Gardens and arboretums
- Playgrounds and natural play areas
- Historic rehabilitation
- Newly restored habitat for wildlife viewing

#### **Special designations**

- Historic or cultural sites that receive state or national register designation and provide public access
- Trails special recognition, such as national trail designations
- Scenic river and scenic byway
- Scenic viewshed
- Recreational use agreement

#### **A treasure is *not***

- An event or program
- A management or maintenance function (e.g., stocking a lake with fish, bush-hogging an existing viewshed, painting a building, dredging a boat ramp or conducting a routine prescribed burn)
- Ball fields, golf courses, sports facilities, zip lines... i.e., facilities in which the primary focus is not on natural or cultural resources

Contact DCR's Planning and Recreational Resources staff for details on recreational treasure criteria.

#### **A few recreation treasure examples**

- Tobacco Heritage Trail, a 17-mile multi-use trail in Southern Virginia.

- Pitts Landing Boat Ramp, providing universal access to the Chesapeake Bay in Accomack County.
- Canoe access at Crow's Nest Natural Area Preserve in Stafford County, providing access to the Captain John Smith Trail, the Potomac Heritage Trail and the Star Spangled Banner Trail.

# **REPORTS FROM BOARD MEMBERS**

# **REPORTS FROM LEGAL COUNSEL**

**REPORTS FROM  
COUNTY  
ADMINISTRATOR**

**PITTSYLVANIA COUNTY**  
*VIRGINIA*

Darrell W. Dalton, Director of Buildings &  
Properties  
Building & Grounds Department  
51 N. Main St.  
P.O. Box 426  
Chatham, Virginia 24531  
E-mail: darrell.dalton@pittgov.org



Phone (434) 432-1768  
Fax (434) 432-7714  
Gretna/Hurt (434) 656-6211  
Bachelors Hall/Whitmell (434) 797-951

**MEMORANDUM**

To: Otis S. Hawker, Assistant County Administrator

From: Kaylyn Myers, Administrative Assistant III, County Administration *Kaylyn Myers*

Date: April 29, 2016

Subject: **COMPLETED WORK ORDERS – APRIL 2016**

Attached please find a listing, by department, of completed work orders for the month of April. This list does not reflect work orders in progress but not yet completed, actual expenses incurred, or routine maintenance necessary for the smooth operation of the County facilities. However, it does reflect the total number of man-hours.

Presently, there are approximately 9 work orders still outstanding.

If you have any questions concerning this, please do not hesitate to contact me.

KM  
Attachment

cc: Clarence Monday, County Administrator  
Darrell W. Dalton, Superintendent of Building & Grounds

BUILDING & GROUNDS MAINTENANCE  
WORK ORDERS COMPLETED FOR MONTH OF APRIL 2016

	NO. W/O	MAN-HOURS
ANIMAL CONTROL		
ARMORY		
A S C S / EXTENSION / USDA-FSA		
BOARD OF SUPERVISORS		
BUILDING & GROUNDS		
BUILDING INSPECTIONS		
CAPTAIN MARTIN BLDG	1	6
CENTRAL ACCOUTING		
CENTRAL PURCHASING		
CIRCUIT COURT	1	2
CLERK OF COURT		
CODE COMPLIANCE (PLANNING COMMISSSION & ZONING)		
COMMISSIONER OF REVENUE	5	6
COMMONWEALTH ATTORNEY		
COMPACTOR SITE		
COUNTY ADMINISTRATOR AND ASST. COUNTY ADMIN.		
COUNTY ATTORNEY		
COURTHOUSE (1968 ANNEX)		
COURTHOUSE (EDWIN R. SHIELDS)		
CSA - CPMB		
DEPOT BUILDING		
EMERGENCY 911 FACILITY	1	1
ENVIRONMENTAL HEALTH		
FINANCE		
FIRE MARSHAL		
GENERAL DISTRICT COURT		
GRANTS ADMINISTRATION		
HEALTH DEPARTMENT		
HUMAN RESOURCES		
HUMAN SERVICES FACILITY		
INDUSTRIAL PARKS		
INFORMATION TECHNOLOGY		
JAIL	17	16
JUVENILE & DOMESTIC COURT		
JUVENILE & DOMESTIC COURT SERVICES UNIT		
LANDFILL		
LIBRARY	6	9
LITERACY		
MAGISTRATE		
MOSES BUILDING		
OLD DOMINION AG. COMPLEX		
PCED BUILDING		
PURCHASING		
REASSESSMENT		
RECREATION: RAIL-TRAIL & WAYSIDE PARK		
RECREATIONAL		
REGISTRAR-VOTING PRECINCTS	1	1
SHERIFF	2	5
SOCIAL SERVICES	4	4
TREASURER	1	1
VICTIM WITNESS		
OTHER: 4380 BERRY HILL RD		
RINGGOLD DEPOT		
CALLANDS CLERKS OFFICE		
OLD BLAIRS SCHOOL		
DAN RIVER MIDDLE SCHOOL TOWER	1	2
KENTUCK WALKING TRAIL		
<i>TOTAL WORK ORDERS COMPLETED - APRIL 2016</i>	48	53
<i>YEAR TO DATE 07/01/2015 - 06/30/2016</i>	751	1,128

# PITTSYLVANIA COUNTY

## VIRGINIA

Otis Hawker, Interim  
 County Administrator  
 P.O. Box 426  
 Chatham, Virginia 24531  
 e-mail: dsleeper@pittgov.org



Phone (434) 432-7710  
 Fax (434) 432-7714  
 Gretna/Hurt (434) 656-6211

### MEMORANDUM

To: Otis S. Hawker, Assistant County Administrator  
 From: Pete Boswell., Chief Animal Control Officer  
 Date: April 27, 2016 , Subject: **Animal Control Activity Report**

During the period of April 27, 2016\_, through April 27, 2016\_, the Animal Control Officers responded to calls;293 and 105 follow up calls as per Pete Boswell, Chief Animal Control Officer, resulting in the following:

Description	Number	Remarks
<b>Animals taken into custody:</b>	68	
<b>Dogs</b>	38	
<b>Cats</b>	25	
<b>Other</b>	5	2- OPOSSUMS -----1 deer----- 2 pythons
<b>Animals on hand at month end</b>	18	
<b>Animals dispatched</b>	7	6 dogs- 2 due to illness.
<b>Licenses checked</b>	47	
<b>Court cases</b>	11	
<b>Summons</b>	10	
<b>Animals Adopted</b>	0	
<b>Animals returned to owners</b>	10	
<b>Cats taken to the Humane Society</b>	25	
<b>Animals Transferred</b>	20	8-FCHS 8 MHSPCA 2 lap 2 DAHS
<b>Injured animals picked up</b>	4	3 dogs 1 deer
<b>Animals found in traps</b>	20	
<b>Exposures: Human/Saliva</b>	0	
<b>Exposures: Dogs/Cats/Wildlife</b>	0	
<b>Dog Bites</b>	3	
<b>Cat Bites</b>	0	
<b>Cruelty Checks</b>	3	
<b>Well-being Checks</b>	11	
<b>Cat/Dog Fights</b>	3	
<b>Investigated killings by dogs/cats</b>	1	
<b>Investigate killings by Coyotes</b>	0	

If you have any questions concerning this, please do not hesitate to contact me.

# PITTSYLVANIA COUNTY

## VIRGINIA

Otis Hawker, Interim  
County Administrator  
P.O. Box 426  
Chatham, Virginia 24531  
e-mail: dsleeper@pittgov.org



Phone (434) 432-7710  
Fax (434) 432-7714  
Gretna/Hurt (434) 656-6211

### MEMORANDUM

To: Otis S. Hawker, Assistant County Administrator

From: Pete Boswell., Chief Animal Control Officer

Date: April 27, 2016

Subject: **Conservators of the Peace  
Solid Waste Monitoring Report**

The Animal Control Officers whom have been appointed to the position of Conservators of the Peace monitoring solid waste sites in Pittsylvania County, as per Pete Boswell, Chief Animal Control Officer, for the period of April 1 through, April 27,2016

Description	Number	Remarks
Total hours monitored	5 hrs	.
Vehicles entering sites	33	
Vehicles checked	6	
Summons' issued	0	
Court Cases	0	
Convictions	0	

If you have any questions concerning this, please do not hesitate to contact me.

## NEXT STEPS

We are currently conducting our environmental analysis of the Projects, based on the information filed in Mountain Valley's and Equitrans' applications, their responses to our post-application EIRs, and comments we have received from stakeholders. The results of our analysis will be published as a draft EIS, sent out for a comment period. During that period we will again hold public meetings in the Project area to take oral comments on the draft EIS. When we have all of the information necessary to complete our analysis and write the EIS, we will issue a Notice of Schedule for Environmental Review that will identify the date for issuing the final EIS. The final EIS will address comments on the draft.

## HOW TO STAY INFORMED

Go to the FERC website at <http://www.ferc.gov>. Under "Documents & Filings," click on the eLibrary link, click on General Search and enter the docket number (i.e., CP16-10 or CP16-13). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676. For TTY, contact 202-502-8659.

In addition, the FERC offers a free service called eSubscription that allows you to keep track of all issuances and submittals in specific dockets. This service will provide you with electronic notification when new items are posted and provide direct links to the documents. To register for this service, go to: <http://www.ferc.gov/docs-filing/esubscription.asp>.

Company Project web pages can be viewed at: <http://mountainvalleypipeline.info/> or <http://equitransproject.com/>.

While we believe that the Internet is the best way to stay informed of the Projects, we realize that not everyone has Internet access. Selected issuances by the FERC for these Projects, including the EIS, will be mailed to the environmental mailing list in either hard copy or compact disc format.

Copies of the Mountain Valley and Equitrans applications were also deposited at local libraries in the Project area.

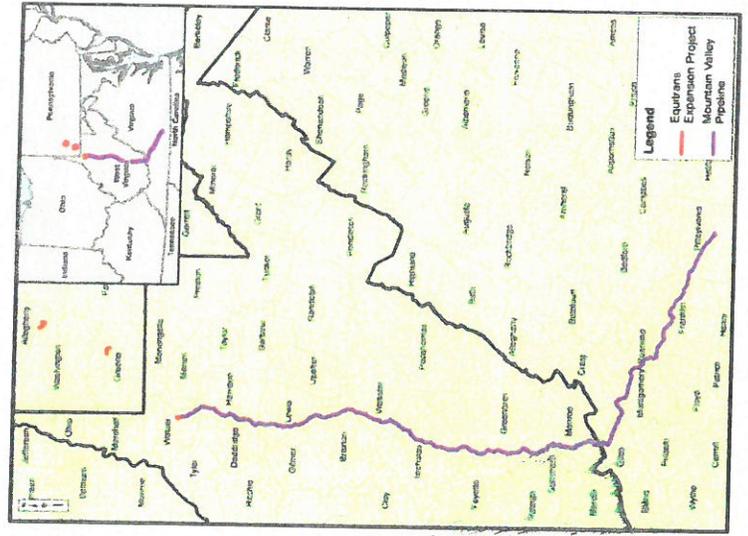


Federal Energy  
Regulatory  
Commission  
Office of Energy  
Projects

# PROJECT UPDATE FOR THE MOUNTAIN VALLEY PIPELINE and EQUITRANS EXPANSION PROJECTS

DOCKET Nos. CP16-10-000  
and CP16-13-000

April 2016



MAILING LIST

County Administrator  
Clarence Monday  
Roanoke County  
PO Box 426  
Chatham, VA 24531

FIRST CLASS MAIL  
U.S. POSTAL PAID  
SOUTHERN, MD 20790  
PERMIT NO. 4004

FEDERAL ENERGY  
REGULATORY COMMISSION  
Washington, DC 20426

## PURPOSE

The purpose of this mailing is to provide you with an update on the environmental review of the proposed Mountain Valley Pipeline Project (MVP Project) and the Equitrans Expansion Project (EEP), explain the Federal Energy Regulatory Commission (FERC or Commission) environmental review process, identify the issues raised, and give you an idea of what's next in our review process.

## DESCRIPTION OF THE PROJECTS

The MVP Project, proposed by Mountain Valley Pipeline LLC (Mountain Valley), is a joint venture between affiliates of EQT Midstream Partners, LP; NextEra Energy US Gas Assets, LLC; WGL Midstream, Inc.; Vega Energy Midstream MVP, LLC; RGC Midstream, LLC; and Con Edison Gas Midstream, LLC. Mountain Valley seeks Commission authorization to construct and operate about 301 miles of new 42-inch-diameter natural gas pipeline in West Virginia and Virginia. Additional aboveground facilities would include 3 new compressor stations in Wetzel, Braxton, and Fayette Counties, West Virginia; 6 new meter stations, interconnections, or taps; 36 mainline valves; and 5 pig launchers and receivers.

The EEP, proposed by Equitrans, L.P. (Equitrans), would consist of six pipeline segments totaling about eight miles of 6-, 12-, 16-, 20-, 24-, and 30-inch-diameter natural gas pipeline in Pennsylvania and West Virginia. Additional aboveground facilities would include one new compressor station, decommissioning of an existing compressor station, two interconnects, and three pig launcher and receiver sites.

According to Mountain Valley, the MVP Project is designed to transport about 2.0 billion cubic feet per day (Bcf/d) of natural gas from the Appalachian Basin to markets in the Mid-Atlantic and Southeastern United States. According to Equitrans, the addition of 0.4 Bcf/d of natural gas via the EEP would allow for greater north-south system reliability and through interconnections with the MVP Project, and other existing pipelines that would provide transportation to markets along the East Coast.

## WHERE WE ARE IN THE ENVIRONMENTAL REVIEW PROCESS

The FERC is the lead federal agency responsible for conducting the environmental review of the Projects. In compliance with the National Environmental Policy Act, the FERC will prepare an environmental impact statement (EIS) for the Projects. The U.S. Forest Service, the U.S. Army Corps of Engineers, the U.S. Bureau of Land Management, the U.S. Environmental Protection Agency, the U.S. Department of Transportation, the West Virginia Department of Environmental Protection, and the West Virginia Division of Natural Resources have agreed to be cooperating agencies in the production of the EIS.

Between October 2014 and October 2015, we<sup>991</sup> conducted a pre-filing environmental review of the Projects to engage stakeholders. During pre-filing, the MVP Project was assigned temporary docket number PF15-3-000 and the EEP was assigned temporary docket number PF15-22-000. We issued a Notice of Intent to Produce an EIS, held public scoping meetings, and issued environmental information requests (EIR) in review of the draft reports submitted by Mountain Valley and Equitrans. With the filing of formal applications by Mountain Valley and Equitrans in October 2015 the pre-filing process ended. On November 5, 2015, the FERC issued a Notice of Application and assigned permanent docket numbers CP16-10-000 (MVP Project) and CP16-13-000 (EEP) to the Projects. The FERC issued post-application EIRs to Mountain Valley on December 24, 2015 and March 31, 2016; and to Equitrans on December 29, 2015 and March 31, 2016. Mountain Valley responded to our first post-application EIR on January 19 and 27, and March 1 and 15, 2016. Equitrans responded on January 22, February 5 and 26, 2016.

## ISSUES IDENTIFIED

The following sub-set of environmental concerns have been raised during scoping on the Projects, including but not limited to:

- Impacts on residences, property values, mortgages, and insurance
- Impacts on groundwater, surface waters, and springs
- Crossing of karst terrain
- Construction on steep mountainous slopes
- Impacts on National Register of Historic Places listed historic districts and "cultural attachment" to places
- Crossings of the Appalachian Trail, Jefferson National Forest, and Blue Ridge Parkway
- Clearing of forest and impacts on special status species

## FERC's Environmental Review Process (dates of completed activities are noted)

Approved the Applicants pre-filing requests and assigned Docket Nos. PF15-3 (10/31/14 - MVP) and PF15-22 (4/9/15 - EEP)

Participated in the Applicants' open houses (12/14; 1/15; 4/15; & 5/15)

Issued Notice of Intent to Prepare an EIS and opened the scoping period to seek public comments (4/17/2015 - MVP and 8/11/15 - EEP)

Conducted public scoping meetings and consulted with interested stakeholders (5/15)

Issued Notice of Application (11/5/15) and assigned Docket Nos. CP16-10 (MVP) & CP16-13 (EEP) after the Applicants filed formal applications (10/23/15 for MVP & 10/27/15 for EEP)

Analyze data and prepare draft EIS

Issue draft EIS and open public comment period.  
Hold public comment meetings in the Project area to gather comments on the draft EIS

Respond to comments, revise draft EIS, issue final EIS

Commission issues Order approving or denying the applications

Parties can request rehearing of the FERC decision

If approved and once certain conditions are met, FERC issues Notice to

 We are here

**PITTSYLVANIA COUNTY CODE COMPLIANCE  
MONTHLY REPORT & FEES  
April 2016**

**TYPES OF PERMITS**

81	BUILDING PERMIT FEES COLLECTED	\$6,846.37
81	LEVY COLLECTED	\$137.17
0	SUBDIVISION FEES COLLECTED	\$0.00
28	ZONING PERMIT FEES COLLECTED	\$135.00
0	REINSPECTION FEES COLLECTED	\$0.00
28	LAND DISTURBING FEES COLLECTED	\$135.00
218	<b>TOTAL FEES COLLECTED</b>	<b>\$7,253.54</b>

**MONTHLY BUILDING VALUES**

0	NEW DWELLINGS	\$0.00
4	MOBILE HOMES/OFFICE TRAILERS	39,000.00
2	DOUBLE-WIDE MOBILE HOMES	136,000.00
4	MODULAR	609,570.00
9	COMMERCIAL CONSTRUCTION	487,181.00
62	MISCELLANEOUS	623,622.00
81	<b>TOTAL</b>	<b>\$1,895,373.00</b>
	<b>NONTAXABLE: \$98,230.00</b>	<b>\$9,833,814.00</b>

**MONTHLY ACTIVITY REPORT**

NUMBER OF BUILDING INSPECTIONS MADE	230
NUMBER OF REJECTIONS OF WORK	42
NUMBER OF E & S INSPECTIONS	45
NUMBER OF MILES INSPECTORS TRAVELED	4,120

**MONTHLY ZONING FEES**

1	REZONING FEES COLLECTED	\$180.93
0	SPECIAL USE PERMIT FEES COLLECTED	0.00
0	VARIANCE & APPEAL FEES COLLECTED	0.00
0	APPEALS	0.00
1	<b>TOTAL</b>	<b>\$180.93</b>

Respectfully Submitted,

*Odie H. Shelton, Jr.*  
Odie H. Shelton, Jr.  
Director of Code Compliance/  
Zoning Administrator

# ADJOURNMENT