

VIRGINIA:

An Organizational Meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room and via conference call through the Zoom platform on Thursday, December 10, 2020.

Members Present: Jason D. Bellows, Chair

Ernest W. Palin, Jr., Vice Chair

Jack D. Larson, Board Member

William R. Lee, Board Member

Robert S. Westbrook, Board Member

Staff Present: Don G. Gill, County Administrator

James Cornwell, County Attorney

Brian Barnes, Planning/Land Use Director and Environmental Codes Compliance Officer

Glenn Rowe, Information Technology Director

Crystal Whay, Clerk to the Board and Building/Land Use Assistant

Mr. Gill called the meeting to order at 8:49 p.m.

ELECTION OF OFFICERS

Dr. Westbrook nominated Mr. Larson to serve as Chairman of the Board of Supervisors for 2021.

Mr. Bellows nominated Mr. Palin to serve as Chairman of the Board of Supervisors for 2021.

There were no other nominations.

Mr. Larson stated that he was aware that he did not enjoy the support of the majority of the Board. He stated that he was extremely grateful to Dr. Westbrook for his support and endorsement, but he respectfully declined the nomination of Chairman. He stated that he would ask, with the one remaining nominee, that all Board members give him a positive affirmation in electing him.

Mr. Gill asked for all of those in favor for Mr. Palin to serve as Chairman of the Board of Supervisors for 2021 to raise their hand.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

Mr. Palin was elected Chairman for the calendar year 2021.

Mr. Palin thanked his fellow Board members for their support and stated that he would do his best.

Vice-Chairman

Mr. Palin nominated Mr. Bellows to serve as Vice-Chairman of the Board of Supervisors for 2021.

There were no other nominations.

Mr. Gill asked for all those in favor for Mr. Bellows to serve as Vice-Chairman of the Board of Supervisors for 2021 to raise their hand.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

Mr. Bellows was elected Vice-Chairman for the calendar year 2021.

MEETING DATES

Mr. Gill stated that the next item of business was to schedule the dates, time and location of the Board's regular monthly meetings for calendar year 2021. He stated that there was a list of the dates included in the Board members' packages. He stated that the regular meetings are held

on the last Thursday of every month, with the exception of November and December, due to holidays.

Mr. Bellows made a motion to accept the proposed meeting dates for the Board of Supervisors for calendar year 2021. Each regular meeting will be held at 7:00 p.m. in the Board/Commission Meeting Room, 8311 Mary Ball Road, Lancaster, Virginia. Prior to the meeting, the Board of Supervisors may meet at 6:30 p.m. in the County Administrator's Office at 8311 Mary Ball Road in the Administrative Building to review and, if necessary, modify the tentative agenda for the regular meeting. This meeting shall be open to the public, except for those portions that may be lawfully closed in conformance with the Virginia Freedom of Information Act.

January 28	April 29	July 29	October 28
February 25	May 27	August 26	November 18
March 25	June 24	September 30	December 9

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye
	Jack D. Larson	Aye
	William R. Lee	Aye
	Robert S. Westbrook	Aye

APPOINTMENTS TO BOARDS AND COMMISSIONS-2021

Mr. Gill stated that, in the Board package, is the list of the current representatives for each of the boards and commissions.

Mr. Palin made a motion to approve the slate of representatives.

Mr. Bellows stated that one change would be that the Finance Steering Committee always has the chairman included.

Mr. Gill stated that another change would be that the Bay Consortium Workforce Development Board includes the chairman as well.

Mr. Gill stated that the motion had been made to adopt the slate of current representatives with the two changes that were just mentioned.

VOTE:	Jason D. Bellows	Aye
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Ernest W. Palin, Jr.	Aye
Jack D. Larson	Aye
William R. Lee	Aye
Robert S. Westbrook	Aye

The committee appointments for calendar year 2021 will be as follows:

Planning Commission – Mr. Lee

NN Planning District Commission – Mr. Bellows and Mr. Larson

Social Services Board – Mr. Palin

Emergency Services Director – Dr. Westbrook

Historic Resources Commission – Dr. Westbrook

VACo Representative/Legislative Contact – Mr. Bellows

Finance Steering Committee – Mr. Palin and Mr. Larson

Rappahannock River Basin Commission – Mr. Bellows

Northern Neck Chesapeake Bay Region Partnership – Mr. Palin and Mr. Lee

Bay Consortium Workforce Development Board – Mr. Palin

Broadband Authority – Dr. Westbrook

BY-LAWS AND RULES OF ORDER

Mr. Gill stated that the last item for consideration was the adoption of the by-laws. He stated that this year, with the COVID-19 crisis, the Board adopted a policy, in accordance with the Code of Virginia Section 2.2-3708.2, to allow no more than one of its members to participate electronically in any of its meetings when that member is not physically present at the meeting location. He stated that he has added this language to the by-laws.

Mr. Cornwell stated that he thought that statute may be in the process of being amended in the General Assembly, so they can revisit it later. He stated that the last thing he heard was they were considering changing it to up to twenty-five percent of the meetings. He stated that the statute has not changed yet.

Dr. Westbrook stated that he would like it amended because they are taking it for granted that no more than one member would ever be sick at one time.

Mr. Cornwell stated that he would check the statute to see if there had been any other changes and let them know.

Dr. Westbrook referred to the meeting agenda and stated that he thought they should make space for old business. He stated that would let them keep up with what they said they were going to do.

Mr. Larson stated that he would support that. He stated that he recalled when he first came onto the Board that they took some criticism about the public input sessions. He stated that a citizen had stepped up and said that they come and talk to the Board about issues, but don't get any feedback. He stated that they restrict people to five minutes, but there should be some time for a Board member to comment.

There was some discussion about where the old business agenda item should be placed.

Mr. Gill asked if it was the consensus of the Board to place the old business item after public input.

That was the consensus of the Board.

Mr. Gill stated that the old business item would become number three on the agenda.

Mr. Bellows stated that the Board had developed its strategic plan and it should be adopted and codified as part of this process each year. He stated that he would like to see that plan put on January's agenda as an action item. He stated that it needed to be reviewed and perhaps be a consideration item. He stated that it was a living document and the Board should be constantly looking at it to see what they have accomplished and set new goals.

Dr. Westbrook stated that, in his opinion, the strategic plan should be referred to whenever the Board has a major decision to make. He stated that the document should be in front of them at all times.

Mr. Gill stated that there were two proposed revisions to the by-laws and he will bring back the strategic plan in January as a consideration item. He asked if there were any other proposed revisions to the by-laws. He asked for a motion to accept the by-laws, if there were no other revisions.

Mr. Bellows made a motion to Accept the By-Laws and the Rules of Order with the two proposed revisions.

VOTE:	Jason D. Bellows	Aye
	Ernest W. Palin, Jr.	Aye

Jack D. Larson	Aye
William R. Lee	Aye
Robert S. Westbrook	Aye

BY-LAWS AND RULES OF ORDER

OF THE

BOARD OF SUPERVISORS OF LANCASTER COUNTY, VIRGINIA

1. By Laws and Rules of Order. In order to provide for the ease and manner in which the meetings of the Board of Supervisors of Lancaster County, Virginia, are conducted, the following by-laws and rules for internal organization and procedure are adopted. Reference is made to the Constitution of Virginia (1971), the Code of Virginia, 1950, as amended, and the Opinions of the Attorney General as they may apply. In matters of procedure not covered, the latest edition of Robert's Rules of Order shall apply.

The by-laws and rules of order of this Board may be amended by a majority vote of the Board and shall be adopted and re-adopted at the organizational meeting of the Board annually.

2. Resolutions and Ordinances. The business and powers of the Board shall be exercised through resolutions and ordinances duly adopted by the Board in compliance with the provisions of the statutes of the Commonwealth of Virginia and paragraph 7 of these By-Laws and Rules of Order.

Resolutions, or orders, shall be used for all county business that is essentially administrative, including internal or housekeeping matters and temporary concerns of the Board. Resolutions shall not be required to meet any strict standards as to their form and content, but they shall be clear enough to establish the intent of the Board. In most cases a public hearing shall not be required prior to the adoption of a resolution. Ordinances, which are more formal enactments than resolutions, shall be used for most governmental or legislative matters that control the lives, liberties or property of citizens, that have a permanent effect, or that deal with subjects of county-wide concern.

The procedure for enacting an ordinance shall require compliance with strict statutory rules. Descriptive notice of the Board's intention to propose an ordinance shall be published once a week for two successive weeks prior to passage. Emergency ordinances may be adopted without notice, but they may not be enforced for more than 60 days unless re-adopted in the manner required by law. Land use controls and

certain tax ordinances shall be subject to more stringent procedural requirements than other ordinances.

3. Chairman and Duties. A chairman and vice-chairman of the Board shall be elected by the affirmative majority vote of the Board at the annual organizational meeting of the Board. Their term shall be for one year or until a successor is elected. It shall be the duty of the chairman to preside over all meetings of the Board and to discharge any other duties as become necessary and are permitted. The vice-chairman shall act in the absence or disability of the chairman. The chairman shall be authorized to administer oaths to persons concerning any matters submitted to the Board or connected with its powers and duties. The chairman and/or the vice-chairman are permitted to make motions at their discretion. The chairman may sign all orders issued by the Board, but the Board assigns this duty to the County Administrator. The chairman, or the county administrator as designated, shall sign the records of proceedings of the Board's meetings and the monthly list of salaries/invoices.
4. Meetings. The Board shall hold a regular meeting at least monthly on a day and at a time set at the annual organizational meeting. The regular meeting of the Board may be adjourned from day to day, from time to time and from place to place, but not beyond the date set for the next regular meeting, until all business is completed. The regular meetings of the Board shall be held at the County Administrative Building in Lancaster. If the Board finds it necessary to hold a regular meeting at a time or public place different from the County Administrative Building, such new time and place may be designated by duly passed resolution posted on the door of the County Administrative Building and advertised in a newspaper having general circulation in the County once a week for two successive weeks before such meeting.

Special meetings of the Board may be called by the Chairman or requested by two or more of the members of the board of supervisors. The call or request shall be made to the county administrator (clerk of the board) and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the county administrator, after consultation with the chairman of the board, shall immediately notify each member of the board of supervisors and the county attorney in writing delivered in person or to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the board of supervisors attend the special meeting or sign a waiver (§15.2-1418).

It shall be the policy of the Lancaster County Board of Supervisors to allow no more than one of its members to participate electronically in any of its meetings when that member is not physically present at the meeting location pursuant to the terms and conditions of the Code of Virginia Section 2.2-3708.2.

5. Open Meetings. All meetings of the Board shall be held pursuant to the provisions of the Virginia Freedom of Information Act which provides explicit directions for holding open meetings. An “open meeting” or “public meeting” means a meeting at which the public may be present to observe the operations of government.
6. Closed Meetings. A “closed meeting” means a meeting from which the public is excluded. A closed meeting of the Board may be held only for those purposes specifically provided by law, as follows or as specifically provided for in the Code of Virginia (1950), as amended:
 1. Discussion or consideration of specific personnel cases, that is, of the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or employees of the public body;
 2. Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or the disposition of publicly held property;
 3. The protection of the privacy of individuals and personnel matters not related to public business;
 4. Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community;
 5. Consideration of the investment of public funds when publicity might adversely affect the financial interest of the governmental unit involved;
 6. Consultation, with or without legal counsel and staff, with respect to actual or potential litigation or other legal matters in the public body’s jurisdiction;
 7. Discussion or consideration of tests or examinations used by a public body to evaluate employee qualifications or aptitude for employment, retention, or promotion and evaluate qualifications for any license or certificate issued by the public body.

The substantive and procedural requirements established for closed meetings shall be strictly observed. Prior to each closed meeting, the Board of Supervisors shall vote in open meeting to hold a closed meeting. That vote, as well as a statement specifying precisely the statutory basis for the closed meeting, shall be recorded in the minutes of the open meeting. When in a closed meeting, the Board may consider only those specified matters. For any action agreed to in an executive session to become effective, the Board of Supervisors shall reconvene in an open meeting and take a vote of its membership on the particular action, the substance of which must be reasonably identified in the open meeting.

7. Quorum and Method of Voting. A majority of the members of the Board constitutes a quorum. Unless a greater requirement exists pursuant to the statutes of the Commonwealth, all questions submitted to the Board for decision shall be determined by a majority of the supervisors voting on a question by voice vote or by other method which sufficiently identifies the matter upon which a vote is being taken. Individual votes of the Board members shall be recorded. A motion by a member of the Board shall not require a second. Abstention from voting shall not constitute a

negative vote. The vote of a member of the Board shall become final once the decision of the question has been finally and conclusively pronounced by the chairman and cannot be changed except after adoption of a motion to reconsider the action. If one or more members of the Board is disqualified from voting under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of Supervisors required for action, the remaining member or members may act by majority vote. A tie vote shall defeat the motion, resolution or issue voted upon.

8. Records. Minutes shall be taken of all actions taken during meetings of the Board of Supervisors, except during closed meetings, and shall be recorded in bound volumes. These minutes shall include a description of the issue being considered by the Board of Supervisors, any motion made regarding the issue and a record of the vote of each member of the Board of Supervisors. Incomplete volumes shall remain in the County Administrator's office; completed volumes shall be filed in the record room of the Clerk of the Circuit Court. Copies of the minutes shall be available to the public, at the normal charge for copying, after the minutes have been approved by the Board and signed by the County Administrator. The books, records and accounts of the Board of Supervisors, except those excluded by the Virginia Freedom of Information Act, shall be open to the examination of all persons and at all reasonable times.

9. Order of Business and Agenda. The order of business at all regular meetings shall be as follows unless changed by Board action:
 1. Call to order
 2. Public Input Session
 3. Old Business
 4. Presentations
 5. Public Hearings
 6. Consensus Docket
 7. Consideration Docket
 8. Board Reports
 9. County Administrator Report
 10. Closed Meetings
 11. Adjournment

A detailed agenda shall be distributed in advance of each regular meeting to the members of the Board. This shall include the minutes, salaries/expenditures and correspondence/reports for reading and review in advance of the meeting in an effort to conserve time during the meeting. A copy of the agenda shall be made available in the County Administrator's office for examination by the public and a copy shall be delivered to the local newspaper for publication whenever possible.

10. The Right to Require Information. The Board of Supervisors shall have the right to require monthly financial reports from any officer or office of the County or district

thereof, may investigate bills and receipts thereof and may, for these purposes, require the production of books, papers and other evidence.

For the purpose of preparing and approving the County's annual budget, the Board of Supervisors may require the heads or other responsible representatives, of all offices, departments, divisions, boards, commissions, agencies and all other recipients of County funds or appropriations to furnish financial reports and such other information as may be deemed necessary, and in such form as may be required in relation to their affairs and activities.

The Board may subpoena witnesses and administer oaths for the purpose of acquiring information for making financial decisions in line with its function and duties as the governing body.

11. County Administrator. The Board of Supervisors shall appoint an executive secretary, who shall be designated County Administrator and such appointment shall be evidenced by a resolution. The County Administrator shall not be appointed for a definite tenure, but shall be removable at the pleasure of the Board.

The County Administrator may be the clerk to the Board and his/her duties shall be those as prescribed by law.

12. Legal Counsel. The Board of Supervisors may create the office of County Attorney and appoint an attorney to handle its legal affairs. The County Attorney shall serve at the pleasure of the Board and his/her salary shall be set by the Board.

His/her responsibility shall be in matters including, but not limited to the following:

1. Advising and representing the Board of Supervisors and its boards, departments, agencies, officials and employees.
2. Drafting and preparing county ordinances, contracts and agreements.
3. Defending or bringing actions in which the County or any of its boards, departments, agencies, officials or employees is a party.
4. Prosecuting violations of orders of the Board of Supervisors, resolutions or ordinances. In addition, the Board may employ separate counsel when it deems necessary in any suit against the County, in matters concerning County property, in collection of delinquent taxes, as well as in other matters concerning the County's interests.

ADJOURNMENT

Mr. Lee made a motion to adjourn.

VOTE: Jason D. Bellows Aye

Ernest W. Palin, Jr.	Aye
Jack D. Larson	Aye
William R. Lee	Aye
Robert S. Westbrook	Aye