

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR ORGANIZATIONAL MEETING ON MONDAY, JANUARY 5, 2021, AT 4:00 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE FRANKLIN COUNTY GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT: Ronald Mitchell
Lorie Smith
Mike Carter
Ronnie Thompson
Leland Mitchell- via teleconference
Tommy Cundiff
Tim Tatum

OTHERS PRESENT: Christopher Whitlow, County Administrator
Jim Guynn, Legal Counsel
Madeline L. Sefcik, CMC, Clerk

Christopher Whitlow, County Administrator, called the meeting to order.

Invocation was given by Supervisor Tim Tatum

Pledge of Allegiance was led by Supervisor Lorie Smith

Jim Guynn, County Attorney spoke to the Board and explained the remote participation rule found within the Board of Supervisors' Rules and Procedures. He suggested the Board review and adopt the policy if they found it acceptable.

10. REMOTE PARTICIPATION (Amended/Resolution #22-05-2015, #1-01-2022)

- A. As authorized by the Virginia Freedom of Information Act, Chapter 37 of Title 2.2 of the Code of Virginia, 1950, as amended, the Franklin County Board of Supervisors (Board) shall allow the participation of members of the Board in a meeting through electronic communication means provided that a quorum of members is physically present at the primary or central meeting location and subject to complying with all parts of this policy.
- B. On or before the day of a meeting (no less than 1 hour prior to the start of the meeting), the Board member shall notify the Chair of the Board or the County Administrator who will then notify the Chair, that:
 1. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or
 2. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
 3. A majority of the Board that is present at the primary or central meeting location must approve by voice vote the absent Board member's remote participation. The Board shall record in its minutes the remote location from which the member participated; however, the location need not be open to the public. If participation is approved, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to circumstances described in subdivision 2a or 2b. If participation is approved pursuant to subdivision 2b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

4. The Board shall make arrangements for the voice of the absent Board member to be heard by all persons in attendance at the primary or central meeting location.
5. Any votes taken during such a meeting where there is a remote participant shall be by roll call vote so as to accurately record all votes taken.

(RESOLUTION #01-01-202)

BE IT THEREFORE RESOLVED by the Board to adopt the above policy for remote participation.

MOTION BY: Ronnie Thompson
SECONDED BY: Tim Tatum
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Tatum, Thompson, Smith

Roll call was taken

CHAIRPERSON NOMINATIONS

Jim Guynn, County Attorney, opened the floor for nominations for 2022 Board Chairman

Ronnie Thompson Nominated by: Tim Tatum

(RESOLUTION #02-01-2022)

BE IT THEREFORE RESOLVED by the Board to elect Mr. Ronnie Thompson as 2022 Chairman to the Board of Supervisors.

MOTION BY: Tommy Cundiff
SECONDED BY: Tim Tatum
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Tatum, Thompson, Smith

Roll call was taken

VICE-CHAIRPERSON NOMINATIONS

Chairman Thompson opened the floor for nominations for 2022 Vice-Chairman.

Tim Tatum Nominated by: Tommy Cundiff

(RESOLUTION #03-01-2022)

BE IT THEREFORE RESOLVED by the Board to appoint Tim Tatum as the 2021 Vice-Chairman.

MOTION BY: Tommy Cundiff
SECONDED BY: Ronald Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Smith, Tatum, Thompson

Roll call was taken

2022 BOARD MEETING DATES

All County residents are hereby encouraged to attend public meetings of the Franklin County Board of Supervisors. To facilitate this public participation, the Board will meet on the following dates and times in **2022**.

- Tuesday, January 18, 2022 @ 1:30 P.M.
- Tuesday, February 15, 2022 @ 1:30 P.M.
- Tuesday, March 15, 2022 @ 1:30 P.M.
- Tuesday, April 19, 2022 @ 1:30 P.M.
- Tuesday, May 17, 2022 @ 1:30 P.M.
- Tuesday, June 21, 2022 @ 1:30 P.M.
- Tuesday, July 19, 2022 @ 1:30 P.M.
- Tuesday, August 16, 2022 @ 1:30 P.M.
- Tuesday, September 20, 2022 @ 1:30 P.M.
- Tuesday, October 18, 2022 @ 1:30 P.M.
- Tuesday, November 15, 2022 @ 1:30 P.M.
- Tuesday, December 20, 2022 @ 1:30 P.M.

(RESOLUTION #04-01-2022)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned meeting dates for the Board of Supervisors meetings for 2022.

MOTION BY: Tim Tatum
SECONDED BY: Mike Carter
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Smith, Tatum, Thompson

2022 HOLIDAY SCHEDULE FOR COUNTY EMPLOYEES

The Board will adopt 2022 Commonwealth of Virginia's legal holidays plus any changes made by the Governor during the year for Commonwealth employees.

The following list is found in the Code of Virginia Section 2.2-3300.

- Monday, January 17, 2022
- Monday, February 21, 2022

Monday, May 30, 2022
Monday, June 20, 2022
Monday, July 4, 2022
Monday, September 5, 2022
Monday, October 10, 2022
Tuesday, November 8, 2022
Friday, November 11, 2022
Wednesday, November 23, 2022 (1/2 day)
Thursday, November 24, 2022
Friday, November 25, 2022
Friday, December 23, 2022
Monday, December 26, 2022

(RESOLUTION #05-01-2022)

BE IT THEREFORE RESOLVED by the Board to approve the aforementioned proposed holiday listing for 2022 plus any changes made by the Governor during the year for State employees.

MOTION BY: Tommy Cundiff
SECONDED BY: Mike Carter
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Smith, Tatum, Thompson

Roll call was taken

BOARD RULES OF PROCEDURE

**FRANKLIN COUNTY BOARD OF SUPERVISORS
RULES OF PROCEDURE**

The following Rules of Procedure are adopted by the Franklin County Board of Supervisors to enable the Board to discharge its duties and responsibilities effectively and efficiently and to facilitate the exercise of its authority and powers in the Code of Virginia. It is the Board's intent to generally follow Robert's Rules of Order (Newly Revised, 11th Edition) unless superseded by state law or *written* Board practice. **(Amended /Resolution #06-01-2012)**

MEETINGS:

1. ORGANIZATIONAL MEETING

The Board shall elect a chairman and vice chairman at the Board's Organizational Meeting to be held on the first business day of January. Terms for chairman and vice chairman shall be for a one (1) year term.

In the event the Board is unable to hold its organizational meeting, or at the organizational meeting the Board is unable to elect a chairman or vice-chairman, the sitting chairman or vice-chairman will carry over in their position until the board is able to elect a chairman or vice-chairman. The Board shall attempt to elect a chairman or vice-chairman at each successive meeting until it elects a chairman or vice-chairman to serve for the calendar year. **(Amended /Resolution #22-01-2019)**

2. REGULAR MEETINGS

The Board of Supervisors shall adopt a schedule of the times, dates, and places of its regular meetings, for each calendar year, at its organizational meeting. Should the Board's regular meeting day fall on a County holiday, the meeting will be held on the next business day following the holiday. At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or vice-chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required. (Per State Code 15.2-1416)

3. WORK SESSIONS

The Board of Supervisors shall adopt a schedule of the times, dates, and places of its work session meetings, for each calendar year, at its organizational meeting. Should the Board's work session meeting day fall on a County holiday, the meeting may be rescheduled. At its annual meeting the governing body may fix the day or days to which a work session meeting shall be continued if the chairman or vice-chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the work session meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required. Standing work sessions may be cancelled due to lack of business. (Per State Code 15.2-1416)

4. SPECIAL MEETINGS

The Board may hold special meetings by establishing a special meeting date, time, place and an agenda for said meeting ~~at a regular meeting~~. The Clerk shall post and publish notice of the special meeting in accordance with the Virginia Freedom of Information Act, Chapter 37 of Title 2.2 of the Code of Virginia of 1950 as amended.

A Called Meeting may be convened when 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 clerk and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk, after consultation with the chairman, shall immediately give actual notice to each member of the governing body and the county attorney to attend such meeting at the time and place stated in the notice. The notice may be waived if all members of the governing body attend the special meeting or sign a waiver. The clerk shall also give notice to the public in accordance with the Virginia Freedom of Information Act, Chapter 37 of Title 2.2 of the Code of Virginia as amended. 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.

5. VOTING

Motions properly made cannot die for lack of a second and shall be voted on as though they had been seconded.

Motions by the Chair will be considered without the need to hand the gavel to the Vice Chair. ***(Adopted 1-5-2015/Resolution)***

Members of the Board are expected to vote on all matters except when abstention is appropriate pursuant to the Virginia Conflict of Interest Act or when a board member perceives he or she has a conflict of interest that is not covered by the Conflict of Interest Act. The procedures for abstention that are set out in the Conflict of Interest Act will be applicable to perceived conflicts of interest that are not covered by the Act.

6. PUBLIC COMMENT PERIOD

Public comment gives citizens an opportunity to address the Board in person or in writing on matters appropriate to the responsibilities of the Board. Speakers must direct all comments to the Board as a whole and not to individual board members or employees of the Board or County. Personal attacks and insulting, profane, or vulgar language will not be tolerated. Likewise, commentary on issues that are not within the purview of the Board, and that are not a function of local government, and over which the Board has no control, are not acceptable. Public comment is not a question and answer session and Board members will not answer questions during public comment without permission of the Chair. If a speaker violates these rules, the Chair may rule the speaker out of order and upon second violation have the speaker removed from the podium.

Only citizens who are residents of Franklin County or property owners in Franklin County are eligible to address the Board during the public comment period. ~~The Board will provide a 15-minute period on the 1:30 p.m. agenda of its regularly scheduled monthly meeting during which eligible citizens can sign up to address the Board in person.~~ The Board will include a ~~second public~~ comment period at the end of its regularly scheduled monthly meeting for ~~further~~ public comment in person. ~~, if the number of eligible citizens wishing to address the Board exceeds the previously mentioned 15 minutes.~~ Each speaker will be limited to three minutes for their comments. If several eligible citizens have requested an opportunity to address the Board on the same issue, they can agree to appoint one of their number as spokesperson and request that the Board allow their spokesperson to speak for five minutes by giving up their opportunity to speak. The Chair of the Board of Supervisors has the ultimate authority to manage the time that the Board allocates for public comment. The Chair's authority includes, but is not limited to, limiting public comment to one person per side or position of a topic, shortening the time that each speaker has to speak and/or waiving any of the public comment provisions when appropriate and/or necessary. The Chair may act in accordance with this authority or at the request of a majority of the Board.

There will be a sign-up sheet at a table near the meeting room for the public to sign up to speak. The Board will call citizens to the podium to speak in the order in which the citizens signed up. After the Board has heard comments from those who signed up, others in the audience who have not had an opportunity to speak and desire to do so will be invited to speak, time permitting. Speakers may provide copies of their comments to the Clerk for inclusion in the minutes. If this section is amended at any time, then the adopted public comment guidelines will automatically be amended. The Board will provide a method for eligible citizens who are attending the Board of Supervisors' meeting remotely to submit public comment by email or other electronic method. The Clerk will include such written comments in the record of the meeting.

(Amended/Resolution # 21-06-2006 & # 07-01-2007 & -01-2015 & 02-18-20)

7. MOTIONS TO RECONSIDER

Motions to reconsider an action by the Board must be made by a member of the Board who previously voted with the prevailing side when the reconsidered motion was originally voted on. Since a second is not required, any member may second the motion to reconsider and the motion shall be decided by a majority vote of the members present.

8. PLACING OF AGENDA ITEMS

The County Administrator, based on input from the Board, shall develop the agenda for each meeting.

Individual Board members who wish to address the Board on a topic may do so under "Other Matters from Supervisors". If the Board wishes to investigate a topic further, it can direct staff to place the topic on a future agenda, bring back a staff report with the appropriate research, or take action as it see fit.**(Amended/Resolution #07-01-2007)**

9. PUBLIC HEARINGS

It is the purpose and objective of the Board of Supervisors to give each citizen an opportunity to express his/her views at public hearings and to treat all speakers equally and with courtesy. While it is often necessary to have a presentation by an applicant or staff, it is the desire of the Board to hear from the public, and therefore, the applicant and staff presentations shall be as brief as possible.

Each speaker shall be limited to three minutes unless speaking for a larger group in which case, 5 minutes shall be allotted.

Speakers shall direct their presentations/comments/questions to the Board and not the audience

10. REMOTE PARTICIPATION (Amended/Resolution #22-05-2015, #01-01-2022)

C. As authorized by the Virginia Freedom of Information Act, Chapter 37 of Title 2.2 of the Code of Virginia, 1950, as amended, the Franklin County Board of Supervisors (Board) shall allow the participation of members of the Board in a meeting through electronic communication means provided that a quorum of members is physically present at the primary or central meeting location and subject to complying with all parts of this policy.

D. On or before the day of a meeting (no less than 1 hour prior to the start of the meeting), the Board member shall notify the Chair of the Board or the County Administrator who will then notify the Chair, that:

6. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

7. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

8. A majority of the Board that is present at the primary or central meeting location must approve by voice vote the absent Board member's remote participation. The Board shall record in its minutes the remote location from which the member participated; however, the location need not be open to the public. If participation is approved, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to circumstances described in subdivision 2a or 2b. If participation is approved pursuant to subdivision 2b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

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

10. Any votes taken during such a meeting where there is a remote participant shall be by roll call vote so as to accurately record all votes taken.

APPOINTMENTS:

11. APPOINTMENTS TO BOARDS AND COMMISSIONS

County staff shall maintain an up to date listing of available vacancies on Boards and Commissions and shall publish such list to the County's web site and make available in the Office of the County Administrator. 60 days in advance of scheduled vacancies, staff shall make the Board aware of upcoming vacancies and shall advertise such vacancies throughout the County. All candidates shall be required to complete a County application to serve on a Board or Commission and applications shall be distributed to the Board as soon as is practical.

APPLICATION PROCESS FOR APPOINTMENTS TO BOARDS & COMMISSIONS (Amended/Resolution #07/1/2013)

- ❖ *Require all interested persons to complete applications as provided by the Clerk's office.*
- ❖ *Clerk then forwards applications for any open positions to the BOS for review.*
- ❖ *Position vacancies and potential candidates are then discussed as a closed session item under personnel.*

- ❖ *Subject to clean background checks, appointments are then made in open session.*
- ❖ *Address only new appointees going forward (i.e. sitting members are grandfathered and will not have to go through the full process of completing another application or background check)*

BUDGET ITEMS:

12. REQUEST FOR FUNDS OUTSIDE OF NORMAL BUDGET CYCLE

Whenever any delegation or individual shall make a request or appeal for County funds for the benefit of an outside or non-County agency or program, the following guidelines shall be followed.

A. Budget Preparation Calendar.

Whenever possible, the request shall be submitted in accordance with the budget preparation calendar.

B. Explanation and Background.

Any such request shall be accompanied by a brief narrative explanation of the request and background as needed.

C. Carry-over of Requests.

If it is not possible to utilize the annual budget preparation calendar, the request shall be carried over to the next regular meeting following introduction to the Board.

D. Waiver of Carry-over.

Waiver of the carry-over period shall be granted if the request is considered an emergency by the majority of the Board, or for any reason if approved unanimously by all Board members.

E. Emergency.

Emergency is defined as an unforeseen circumstance or combination of circumstances that calls for immediate action to secure and protect the health, safety and general welfare of the inhabitants of Franklin County.

13. MILEAGE REIMBURSEMENT

The Virginia Mileage Reimbursement Law provides for mileage reimbursement if you work and drive your personal vehicle for work.

Reimbursement must stem from services performed in the role of a duly elected Supervisor. Further, services are defined as arranged meetings, both internally and externally, events, conferences, regional and state meetings and related activities performed in the role of a Supervisor. Mileage reimbursement will not be permitted for unspecified travel, e.g. check-in visits at County offices, etc.

Supervisors are required to utilize the Travel and Expense Report form to record monthly mileage/travel expenses.

- a. For in County travel the mileage should be calculated by the vehicle's odometer. For out of County travel, the recordation of mileage should be calculated from a trusted mapping source, such as Google Maps, that articulates specific trips or a vehicle mileage indicator.
- b. Mileage is to be reported on a monthly basis by the 5th of the next month.
- c. Under 'Destination & Reason', every effort should be made to articulate where the meeting is held and for what purpose.
- d. Mileage must reflect travel during the reporting period. Mileage will not be reimbursed for previous months. Failure to submit timely reports may result in non-payment of mileage expenses.

Travel and Expense Reports are to be signed and presented to the Clerk of the Board of Supervisors for Chairman approval and submission to the Finance Department. This will begin in February 2022.

(RESOLUTION #06-01-2022)

BE IT THEREFORE RESOLVED by the Board to approve the above Board Rules and Procedures for the year 2022.

MOTION BY: Tim Tatum
SECONDED BY: Tommy Cundiff
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Smith, Tatum, Thompson

Roll call was taken

Chairman Thompson recessed the meeting for a Closed Session.

(RESOLUTION #07-01-2022)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to go into a closed meeting in accordance with 2.2-3711, (A)(1), Personnel, Discussion of appointments to County Boards, Commissions, etc.; (A)(3), discussion or consideration of the acquisition of real property for a public purpose, of the Code of Virginia, as Amended.

MOTION BY: Tim Tatum
SECONDED BY: Tommy Cundiff
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Tatum, Thompson, Smith

Roll call vote was taken

MOTION: Tim Tatum **RESOLUTION: #08-01-2022**
SECOND: Tommy Cundiff MEETING DATE January 5th, 2022

WHEREAS, the Franklin County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

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

VOTE:
AYES: Carter, Cundiff, L. Mitchell, R. Mitchell, Smith, Tatum, Thompson

Roll call was taken

Chairman Thompson recessed the meeting until the January 13, 2022, Joint School Board Meeting.

RONNIE THOMPSON
CHAIRMAN

MADELINE L. SEFCIK, CMC
COUNTY CLERK