

King and Queen County Board of Supervisors
Regular Meeting

Monday, June 10, 2013

7:00 P.M.

King and Queen County Courts and Administration Building
General District Courtroom

“MINUTES OF THE MEETING”

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Chairman Morris called the meeting to order. Mr. Simpkins provided the invocation followed by the Pledge of Allegiance to the Flag of the United States.

It was noted that Ms. Alsop and Mr. Milby were not present for the meeting.

APPROVAL AND SIGNING OF THE APRIL 15, APRIL 22 AND MAY 13, 2013 MINUTES OF THE BOARD

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the April 15, April 22 and May 13, 2013 minutes of the Board with typo corrected.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

APPROVAL AND SIGNING OF JUNE 2013 WARRANTS AND APPROPRIATIONS

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the June 2013 warrants and appropriations as present, subject to audit.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

PUBLIC COMMENT PERIOD

Chairman Morris opened the public comment period.

Anne Marie Voight expressed concern about the EMS Department and that when Mr. Hunter first provided a proposal for EMS last year, she believes that he said that the hours would be 9 – 5 from Monday – Friday. Her first issue relates to the EMS vehicle and that she does not want her tax dollars spent with the EMS vehicle being driven to Richmond County and back, five days a week. Both Mr. Hunter and the County Administrator have stated that there may be on occasion that he would be responding earlier than those hours. If that is the case we need to hire additional people. The second issue is that Mr. Lankford said that he was working 7 – 5 and not 9 to 5. Per Mr. Lankford he can work 54 hours without being compensated. Ms. Voight expressed that if this is the case, then he needs to be compensated for that and asked that this be looked into.

Mr. Swartzwelder responded that there are certain statutes that deal with Sheriffs and Emergency Services in what a standard week is for them.

Matthew Villanueva was present with comments relating to the Canterbury Project. He advised the Board that he attended a meeting in Fredericksburg where they asked him to mark his property and show them that his property did/or did not flood. The ditch is only 4 – 6 inches deep, so this is why it pools on the highway. He presented pictures to the Board of various areas on Canterbury Road. Mr. Villanueva expressed that the main flooding was at 4664 Canterbury Road, because there is no ditch and did not feel comfortable in draining from his property. Mr. Villanueva further asked that VDOT not be allowed to drain directly into the Mattaponi River. He has no problem with digging ditches deeper in front of his property boarding Canterbury Road, but does have a problem using his property as drain of all the agricultural fields into the cove.

Mr. Villanueva thanked Mr. Simpkins and the Sheriff for the help they have given him, relating to this problem.

SCHOOL SUPERINTENDENT AND DIRECTOR OF SOCIAL SERVICES

The School Superintendent and Director of Social Services were not present due to other obligations.

PUBLIC HEARING – AN ORDINANCE TO AMEND AND RE-ENACT A PREVIOUSLY ADOPTED ORDINANCE ESTABLISHING AN ANNUAL SALARY OF \$4,000.00 FOR EACH MEMBER OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS FOR THE 2013-2014 FISCAL YEAR” – NO INCREASE

County Administrator Thomas Swartzwelder advised that publication was made in the Rappahannock Times and the Tidewater Review newspapers in their weekly issues of May 22,

May 29 and in the May 29, 2013 issue of the Country Courier. The only change reflected in the ordinance is the change in the Fiscal Year date. It is also noted that there is no increase in salary.

The public hearing was opened. After hearing no comments, the public hearing was closed.

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to adopt the following Ordinance establishing the annual salary of the Board for 2013-2014:

AN ORDINANCE TO AMEND AND RE-ENACT A PREVIOUSLY ADOPTED ORDINANCE ESTABLISHING AN ANNUAL SALARY OF \$4,000.00 FOR EACH MEMBER OF THE KING AND QUEEN COUNTY BOARD OF SUPERVISORS FOR THE 2013-2014 FISCAL YEAR

BE IT RE-ORDAINED AND RE-ENACTED by the Board of Supervisors of King and Queen County, Virginia, as follows:

ARTICLE I

In accordance with §15.2-1414.3 of the Code of Virginia, that for the fiscal year 2013-2014, each member of the Board of Supervisors of King and Queen County shall be paid an annual salary of \$4,000.00 as compensation for serving as a member of the Board. A proportionate amount of the salary shall be paid monthly. Any ordinances establishing such salaries for prior years are hereby repealed.

ARTICLE II

This ordinance shall take effect on July 1, 2013.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

PLANNING COMMISSION - BUENA DISTRICT AND NEWTOWN DISTRICT

Tabled

BUDGET AMENDMENTS/SUPPLEMENT – SCHOOLS

Chairman Morris advised that a budget amendment request has been received from the Schools in the amount of \$582,390.00. The reason for the request is due to receiving additional state revenue due to ADM.

Mr. Swartzwelder advised that the money is really due to the virtual school ADM which is really pass thru money.

Mr. Simpkins questioned if this money can be spent in any way as we are at the end of the school year.

Mr. Swartzwelder advised that it was his understanding from a brief conversation with Mr. Claire that the funds go in just like regular state ADM money. Mr. Swartzwelder further commented that they will be spending it in the next 30 days and was not sure if any of this could roll over.

Mr. Simpkins expressed that he would like to know when they have to spend it by, and do they project a smaller ADM making their budget money from the state come in very low, then the county has to step up and fill the gap which he believes the County did last year. Now it comes around at the end of the year and the ADM is 100 students higher, they get a half million dollars and the County is held holding the bag.

Discussion relating to when the ADM is counted, calculated and how it ties in with the virtual school students and SOLS, the Board expressed that they would like to have more information and if it was going to have to be spent by June 30th.

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to approve the budget amendment as presented for \$582,390.00.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

FUND BALANCE POLICY – RECOMMENDATION

Chairman Morris advised that a Fund Balance Policy reflecting recommendations are included in their packet.

Mrs. Morris questioned Airport District with \$200,000, as well as the Farmers Market in the amount of \$150,000.00 and why this amount was so high. Mr. Swartzwelder advised that this is

a match to finish the road for Fulcrum. Mr. Swartzwelder further advised that at the time the amount was developed, they had not come up with any firm numbers, so they picked an estimated number and felt it was going to be on the high side. Anything that does not get spent will go back into the General Fund or it can stay in that line item, depending on what the Board wants to do. Mr. Swartzwelder further commented that this is for the year that is getting ready to end. If adopted this month, it will meet the audit requirements. This is nothing but an outline which can be moved to another item, if not in the assigned area.

In regards to another question relating to the amount for Rt. 360 and 33, Mr. Swartzwelder advised that the Board had expressed interest in buying land in these 2 areas for business. This is just a figure that they came up with. It is just a budgeting tool.

After hearing no further comments, a motion was made by Mr. Bailey and seconded by Mr. Simpkins to adopt the following Fund Balance Policy and accepted the fund balance recommendations for FY13 as discussed during the meeting.

King and Queen County Fund Balance Policy Revised for GASB 54

Purpose

The purpose of this policy is to establish a key element of the financial stability of the County by setting guidelines for fund balance. Unassigned fund balance is an important measure of economic stability. It is essential that the County maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances. The fund balance also provides cash flow liquidity for the County's general operations.

Definitions

Fund Equity – A fund's equity is generally the difference between its assets and its liabilities.

Fund Balance – An accounting distinction is made between the portions of fund equity that spendable and non-spendable. These are broken up into five categories:

- 1) **Non-spendable fund balance** – includes amounts that are not in a spendable form or are required to be maintained intact. Examples are inventory or permanent funds.
- 2) **Restricted fund balance** – includes amounts that can be spent only for the specific purposes stipulated by external resource providers either constitutionally or through enabling legislation. Examples include grants and child safety fees.
- 3) **Committed fund balance** – includes amounts that can be used only for the specific purposes determined by a formal action of the Board of Supervisors. Commitments may be changed or lifted only by the Board of Supervisors by the same formal action that imposed the constraint originally.

- 4) **Assigned fund balance** – comprises amounts *intended* to be used by the government for specific purposes. Intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.
- 5) **Unassigned fund balance** – is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose.

Policy

Committed Fund Balance

- The Board of Supervisors is the County’s highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved and adopted by the Board of Supervisors at a regularly scheduled public meeting. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

Assigned Fund Balance

- The Board of Supervisors has authorized the Treasurer as the official authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

Minimum Unassigned Fund Balance

- King and Queen County hereby sets a minimum required unassigned fund balance of \$3 million.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S.C. ALSOP, J. M. MILBY, JR.

MINIMUM FUND BALANCE OF \$3 MILLION

A motion was made by Mr. Simpkins and seconded by Mr. Bailey reflecting that the minimum fund balance of \$3,000,000.00 be set.

AYE: D. H. MORRIS, R. F. BAILEY, JR. J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

COUNTY ADMINISTRATOR’S COMMENTS

County Administrator Thomas Swartzwelder provided the following updates:

- Advised that the building for the Farmers Market has been ordered by the EDA. Three bids were obtained and the bid they chose was a little under \$20,000 for a 30 x 40 pole building covered in steel from National Barn. At the current time they are pricing out the site work and waiting for VDOT approval of the entrance. At the current time a number of vendors have called inquiring about the market.
- Advised that Delegate Keith Hodges will be here tomorrow at 2:00 P.M. to discuss hunting laws. The meeting has been posted, should more than 2 members be present
- VACO announcement should anyone want to attend.
- Advised that the Board has not taken any formal action if they want to cancel or move the workshop to another date.

Mr. Simpkins commented that he was ok with cancelling if we do not have anything pressing.

Mr. Swartzwelder commented that he did not have anything major for the Board, as of today.

CANCELLATION OF JULY 22, 2013 WORK SHOP MEETING

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to cancel the July 2013 workshop meeting.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

- Advised that the Fly-In, benefiting the Cancer Society, would be held at the Airport on June 22, 2013.

BOARD OF SUPERVISORS COMMENTS

Mr. Simpkins had the following comments:

- Advised that he and Mr. Matt Villanueva have been working with VDOT to get the road fixed. There are some drain issues on Canterbury, but not to extend that VDOT is creating.
- Advised that he attended the Farm Bureau meeting, the topic came up about our Farmers Market and they are very excited. The State Farm Bureau has advised that they have funds available to help promote and support the Farmers Market and offering all their resources.

Mr. Swartzwelder advised that they will be holding a meeting on the 22nd with the various agencies should the Board want to attend.

Mr. Bailey had the following comments:

- Thanked the 2 citizens that were present at the meeting for their comments
- Expressed that he hoped that the drainage issues will be resolved
- Advised that tomorrow there will be a public meeting relating to hunting with dogs laws
- Thanked everyone for coming out and have a safe trip home

Mrs. Morris had the following comments:

- Advised that she helped with the Wine Festival in Walkerton.
- Advised that she was getting a number of calls about speeds of tractor trailers on Rt. 614 during the morning hours between 3:00 – 4:00 a.m. When they hit the pot holes, you can tell they are not doing the speed limit posted. Mrs. Morris asked if a deputy could be placed occasionally during those hours on Rt. 614, she would appreciate it.
- Expressed her appreciation for all the comments
- Wished everyone a safe trip home

CLOSED SESSION PURSUANT TO SECTION 2.2-3711 (a) (1) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSING PERSONNEL ISSUES INVOLVING AN EMPLOYEE IN THE REGISTRAR'S OFFICE

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to enter into closed session pursuant to Section 2.2-3711 (a) (1) of the Code of Virginia for the purpose of discussing a personnel issue relating to an employee in the Registrar's Office.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

A motion was made by Mr. Simpkins and seconded by Mr. Bailey to come out of closed session with each member certifying by individual vote that only those public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act were heard, discussed and considered in closed session.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

NO ACTION TAKEN

IT IS ORDERED THAT THE BOARD ADJOURN:

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to adjourn the meeting.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS

NAYS: NONE

NOT PRESENT: S. C. ALSOP, J. M. MILBY, JR.

Doris H. Morris, Chairman

K. Diane Gaber, CMC, Deputy Clerk