

AGENDA

Tuesday, January 12, 2016
4:00 PM

4:00 CALL MEETING TO ORDER (Michael Carter, County Administrator)

CLOSED SESSION

Code of Virginia, Section 2.2-3711 **-A.5; Industrial/Business Prospects**; discussion concerning a business or industry considering expansion with no previous announcement being made.

5:00 CALL MEETING TO OPEN SESSION

Invocation and Pledge of Allegiance

ADOPTION OF AGENDA

Adopt the agenda and the additional agenda as presented

ELECTION OF OFFICERS:

Calendar year 2016

Chairman

Vice Chairman

Clerk

Deputy Clerk

Adopt meeting schedule

Adopt Rules of Procedures

Adopt holiday schedule as approved by the Governor and as amended throughout the year

MINUTES OF PREVIOUS MEETINGS

Request adoption of the December 8th, 2015 meeting.

FINANCIAL STATUS

Michael Carter – Inform the Board of the County's financial status

PAYMENT OF INVOICES

Consideration of appropriations and accounts payable as listed on the additional agenda

5:15 CITIZENS TIME

NEW BUSINESS

5:30 Lennie Gail Mitcham-SVAM

5:40 Michael Armbrister-Mel Leaman Free Clinic

*Joint 911 Agreement- Michelle Clayton

6:00 Public Hearing-Criminal Background Checks

*Consideration of new appointment to the EMS Council

*BZA Appointments- Michelle Clayton

*Budget Request Deadline-Michael Carter

*Revenue Sharing Project Update-Michael Carter

OLD BUSINESS

1. Collection of delinquent taxes. (8-10-04)
2. Financial Discussion. (7-9-13)
3. Mega-Site Project (11-17-11)

Supervisor Comment Time

Meeting reminders

SMYTH COUNTY
BOARD OF SUPERVISORS



RULES OF PROCEDURES
ADOPTED SEPTEMBER 9, 2003

Amended January 10, 2012

SMYTH COUNTY BOARD OF SUPERVISORS - RULES OF PROCEDURE

Be It Resolved, the Smyth County Board of Supervisors does hereby accept and adopt these Rules of Procedure in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Code of Virginia 1950, as amended.

The official title of the governing body is "Smyth County Board of Supervisors" (Board).

ARTICLE 1 - Members

1.1 Members. The Smyth County Board of Supervisors consists of seven (7) members, one elected from each of the seven (7) election districts. Each member is elected for a term of four (4) years. Terms of office of the members run concurrently with the calendar year.

2.1 Chairperson. A Chairperson of the Board shall be elected from its members, by a plurality vote, at the first meeting of each calendar year. The Chairperson shall preside over all meetings, represent the Board at official functions and ceremonial events, and make such appointments as are not required by law to be made by the Board as a body.

2.2 Vice Chairperson. A Vice Chairperson of the Board shall be elected from its members, by a plurality vote, at the first meeting of each calendar year. The Vice Chairperson shall preside in the absence of the Chairperson, and perform such other duties as may be assigned by the Board.

2.3 Chairperson Pro-Tem. A Chairperson Pro-Tem may be appointed by the Chairperson or Vice Chairperson in the absence of both, before he/she leaves the room. In the event no Chairperson Pro-Tem has been appointed, one shall be selected by the members remaining. This person shall preside in the absence of the Chairperson and Vice Chairperson.

2.4 Term of Office. The Chairperson and Vice Chairperson shall each be elected for a one (1) year term. Either, or both, may be re-elected for one or more additional one year terms.

2.5 Clerk and Deputy Clerks. The County Administrator shall serve as Clerk to the Board. The Board may, at its first meeting of each calendar year, or as needed, designate one or more deputy clerks, who shall serve at the pleasure of the Board. Their duties shall be those set forth in Section 15.2-1538 and 15.2-1539, Title 15.2, Code of Virginia 1950, as amended, and by resolution of the Board adopted from time to time.

ARTICLE III - Meetings

3.1 Annual Meeting. The first meeting held after the newly elected members of the Board have qualified, and the first meeting held of each succeeding year shall be known as the annual meeting. At such annual meeting, the Board shall establish the days, times, and places for the regular meeting of the Board for the next twelve months. (§15.2-1416, Code of Virginia of 1950)

3.2 Regular Meetings. The Board shall meet in regular session at least once each month upon such day or days as have been established. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect and providing the notice required by § 15.2-1416. However, when the day established as a regular meeting day falls on a legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board. (Section 15.2-1416, Code of Virginia 1950, as amended)

3.3 Special Meetings. A special meeting of the Board may be called by the Chairperson, and shall be called at the request of two or more members, which request shall be in writing addressed to the Clerk of the Board, specifying the time and place of the proposed special meeting and the matter to be discussed. Upon receipt of the request, the Clerk shall immediately notify in writing each member of the Board, the County Administrator, the Sheriff, and the County Attorney to attend the special meeting at the given time and place and for the given purpose. Such notice shall be sent by first class or served by the Sheriff, or both, at least five (5) days before the date of the special meeting, except in a declared emergency, in which instance the notice may conform to the necessity of the emergency. No matter other than those specified in the notice shall be considered at such meeting unless all members are present and agree to such action by unanimous vote. (Sections 15.2-1417 and 15.2-1418, et al, of the Code of Virginia of 1950, as amended.)

3.4 Notice to Public. The Clerk shall notify the general news media of the time and place of all such meetings, and the matters to be considered.

3.5 Public Hearings. Public hearings shall be held after proper notice has been given. (§ 15.2-2204, § 15.2-2506, etc., or special provisions or the Code of Virginia of 1950, as amended)

3.6 Adjourned Meetings. Any regular or special meeting may be adjourned by a majority of the members of the Board present to a date and time certain prior to the next meeting.

3.7 Place of Meetings. All meetings shall be held in the Smyth County Board of Supervisors' Board Room, 121 Bagley Circle, Suite 100, Marion, Virginia, unless a different meeting place shall have been established and notice given and published as required by the Code of Virginia of 1950, as amended.

3.8 Open Meetings. All meetings shall be open to the public, provided that the Board may, for the purpose provided for in the Virginia Freedom of Information Act, upon motion made, seconded, and duly adopted, meet in executive session. No resolution, ordinance, rule, contract, regulation, or motion adopted, passed, or agreed to in executive or closed meeting shall become effective unless following such meeting the Board reconvenes in open meeting and, by affirmative vote of the members, such action, ordinance, rule, contract, regulation, or motion is approved in open session.

ARTICLE IV - Quorum and Actions

4.1 Quorum. A majority of all the members of the Board shall constitute a quorum. The Chairperson shall be included and counted in determining the presence or absence of a quorum.

4.2 Required Absence. No action shall be taken by the Board unless there shall be present at least a quorum, provided, however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations of the discussion of matters submitted to the Board. The Clerk, County Administrator, or Deputy Clerk, shall suggest the absence of a quorum prior to taking of any action by the Board. Failure of the Clerk, County Administrator, or Deputy Clerk, or any other member to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any action.

4.3 Actions of the Board. Actions of the Board shall be taken in one of the following ways:

1) Ordinances. Where required by law, action shall be by the adoption of ordinances. Ordinances shall be proposed for adoption, notice given, and adoption accomplished as provided for by general law.

2) Resolutions. Where it is not required by law, or it is desired by the Board to act without the adoption of an ordinance, action may be taken by the adoption of a resolution.

3) Contracts. In certain instances action may be required by contracts. Contracts shall be proposed in writing and a copy shall be delivered to the Clerk and all members of the Board, or a duly appointed committee of the Board, prior to proposing adoption by the Board. The County Attorney shall advise the Board on the legality of each contract prior to approval by the Board.

4) Motions. Where action of the Board is required on a matter simply stated, action may be taken by oral motion only.

4.4 Voting. Votes shall be taken on all motions made and seconded. However, a vote shall be taken if the question is called, unless a member objects, even if a motion to call the question has not been seconded.

4.5 Roll Call Vote. A roll call vote shall be taken at the request of any member when such a request is made prior to the taking up of any other business. A roll call vote shall be taken on the final vote on any ordinance or contract, or when required by law.

4.6 Restating the Question. If requested by one or more Board members, the Chairperson shall restate the question prior to the taking of a vote, provided, however, that the Chairperson may request that another member restate the question if in his or her opinion that will expedite the decision thereof.

4.7 Unanimous Consent. Where no formal action is required, and no objection is heard, a request of a member shall be deemed a request of the Board without further action, when such a request is made at a meeting with a quorum present, and the Chairperson states that such a request shall be deemed a request of the Board.

4.8 Tie Votes. When a tie vote occurs:

- 1) If one or more Supervisors are absent, the question shall be passed by until the next meeting, regular or special, at which time it must be put to a vote again (even though all members may not be present). If the tie remains unbroken, the Clerk must record the vote and the question shall be recorded as failing to carry.
- 2) If all Supervisors are present when the tie vote first occurs, even if a Supervisor abstains, the Clerk must record the vote and the question shall be recorded as failing to carry.

4.9 Reconsideration. If all members are present for a meeting, action may be reconsidered only upon a motion of a member voting with the prevailing side on the original vote, which motion must be made on the same or immediate subsequent regular meeting. A motion to reconsider may be seconded by any member. If a member was absent for the entire meeting when such action was taken, the absent member may make a motion to reconsider at the immediate subsequent regular meeting or a continuation of the present meeting, whichever next occurs. Action on a question pending reconsideration at the next meeting shall be taken only following notice to all members of the Board given prior to the action being reconsidered, unless such action is taken at the same meeting as the original action. In instances involving the reconsideration of the adoption of an ordinance, notice of the proposed option of a new ordinance shall be given in accordance with law prior to action on the reconsidered question.

4.10 Items not appearing on the agenda:

1) In order to properly represent the citizens of the County and to be fully advised on all matters coming before the Board, and in order to act maturely and intelligently on any issue introduced to the Board which is not on the agenda, upon the request of any two members of the Board, the matter so presented, either in written or oral form, shall be continued until the next regular or special called meeting for action thereon, and may be referred to a committee study and recommendation.

2) Request for funds not budgeted must be submitted in writing by filing the appropriate form, completely explaining the request for funds. This form can be obtained in the County Administrator's Office and is to be submitted to the County Administrator for review. The County Administrator will then forward the request to the Budget Committee which will make a recommendation to the Board.*

*This section amended June 26, 2008, continued Board of Supervisors meeting.

ARTICLE V - Order of Business

5.1 Commencement of Meeting. At 4:00 p.m. to hold closed session and return to open session at 5:00p.m. for public meeting and at the specified hour for continued or special meetings, the presiding officer shall call the meeting to order, provide for the invocation, and direct the Clerk to note the presence or absence of members. A Quorum shall be required to commence the meeting at the appointed hour.*

*This section amended January 10, 2012, regular Board of Supervisors meeting.

5.2 Agenda. The Chairperson, with the County Administrator, shall prepare an agenda for each meeting. Any member having matters he or she desires to have considered at the next meeting shall submit these items to the County Administrator for inclusion in the agenda. After the invocation, the first order of business shall be the adoption by the Board of the agenda for the meeting. Any member may request an item added to the agenda, but if two members object to consideration at the meeting it shall be retained on the agenda until the next meeting of the Board. Once the agenda is fixed for a meeting, additions may be made only by a two thirds vote of the members present at the meeting.

The agenda may contain matters carried over from previous meetings, under continued Board matters. These items shall be considered at the conclusion of the agenda for the particular meeting day, except at the direction of the Chairman, or at the request of two members.

5.3 Citizens' Time. There shall be an agenda item known as "Citizens' Time", which shall be scheduled from 5:15 p.m. to 5:30 p.m. to allow citizens to address the Board regarding any matter that is not an agenda item. This shall consist of a fifteen (15) minute period and shall be divided among the citizens who desire to speak. This period is scheduled for matters not on the agenda, not required to be on the agenda, and not involving matters involving agency business or other matters germane to the normal operations of the county.*

*This section amended January 10, 2012, regular Board of Supervisors meeting.

5.4 Order on Agenda. After adoption of the agenda for the meeting, without requirement of suspension of the Rules or motion, the Chairperson may call items in the order of business in a different order than the order of business set forth on the agenda, provided that the Board may by adopted motion overrule such a decision by the Chairperson. The Chairperson shall make every reasonable effort not to change the designated time for citizen's time as set forth on the agenda. All public hearings shall be held at the designed time as provided in required notices, or as soon thereafter as may be heard. *

*This section amended October 11, 2011, regular Board of Supervisor meeting.

5.5 Minutes. The Clerk shall keep the minutes of the meetings of the Board. At the request of any member, made at the time of said presentation of discussion, the minutes shall include a summary of the substance of the presentation or debate. The Clerk may also maintain one recording by means of an electronic device of the proceedings of all Board meetings except for Executive Sessions. A copy of the minutes of the transcribed proceedings shall be kept on file in the County Administrator's Office for the general public. Copies of documents which have been typed and filed, or copies of attachments to the minutes, may be purchased for \$.50 per page.

5.6 Approval of Minutes. The Clerk or Deputy Clerk shall promptly transcribe the minutes following completion of the meeting and shall submit copies to the County Administrator for distribution on or before the Friday preceding the meeting at which their approval will be on the agenda. Approval of the minutes shall be the next item on each agenda following the invocation and approval of the agenda, and shall be approved, or corrected and approved without reading.

5.7 Matters having to do with Agencies. Matters involving agencies which are not under the administrative supervision of the County Administrator shall not be placed on the agenda or considered by the Board until the affected agency shall have been given a reasonable opportunity to furnish the members of the Board with background information or data on issues which involve these agencies. Such information shall be delivered to the Clerk at least seven (7) days prior to a regular, special, or continued meeting date.

ARTICLE VI - Order in Conduct of Business

6.1 Persons Addressing the Board. These persons shall limit their presentation to the time allotted by the Chairperson on the agenda, unless the Board, by majority consent, shall extend such time. The Chairperson, in fixing such time, shall take into account the complexity of the matter, its importance in relation to other business of the Board, and time available on the meeting date sought. Insofar as is practicable, persons addressing the Board shall furnish the Clerk and members of the Board with a written copy of their remarks.

6.2 Public Hearings. In instances in which persons address the Board, through the Chairperson, without having first been allotted a specific time on the agenda, they shall limit their remarks as follows, except in extraordinary circumstances:

- 1) Person speaking for himself or his immediate neighborhood - three (3) minutes.
- 2) Person speaking for an organization whose membership is representative of an entire district - five (5) minutes.
- 3) Person speaking for an organization whose membership is representative of the entire county - ten (10) minutes.

4) Except in emergency circumstances, no action shall be taken by the Board following a public hearing, and the issue shall be continued until the next regular meeting.

6.3 Recognition. Recognition shall be given only by the presiding officer. No person shall address the Board without having first been recognized. When all public testimony has concluded, and the Board is considering and discussing the matter, no person shall thereafter be recognized to address the Board.

6.4 Cumulative or Repetitive Testimony. Cumulative or repetitive testimony shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their name and the positions with which they agree.

6.5 Questions. Questions by Board Members shall be reserved, insofar as possible, for the end of a presentation to avoid interrupting the speaker, disrupting the timekeeping process, and duplicating ground the speaker may cover.

6.6 Oaths and Affirmations. Oaths and Affirmations may be administered and taken by the Chairperson or person presiding in his stead, when a majority of the Board deems it appropriate to take sworn testimony. Such action may be taken by the adoption of a motion to place a specific individual under oath, or to place all of those who will speak to a given item of business under oath. The Chair may place an individual under oath at any time before or during his presentation. Any such person shall be deemed to remain under oath as to the matter with respect to which he was sworn, for the remainder of the duration of the meeting.

6.7 Discussion and Debate by the Board. Except at the conclusion of a public hearing, discussion and debate by the Board shall be conducted following the presentation of testimony on the item of business pending. Members shall not speak to the item until recognized by the Chair. A member who has spoken to the item shall not again be recognized until each other member desiring to speak shall have an opportunity to speak. Except in matters considered at a public hearing, after the Board shall have acted, any member shall have the right to state a protest against the action, and his reasons therefore, for a time not to exceed two (2) minutes.

ARTICLE VII - Decorum

7.1 By Board Members. Shall be maintained in order to expedite disposition of the business before the Board. Questions and remarks shall be limited to those relevant to the pending business. Members shall not converse with other members or with other persons in any manner having a disturbing effect on the conduct of business. Members shall address all remarks to the Chairperson as presiding officer.

7.2 By Other Persons. Shall be maintained by the Chair, who may request such assistance as to the Chairperson appears necessary.

1) Persons addressing the Board shall limit their remarks to those relevant to the pending items, and to answering questions. They shall address the Board as a whole, unless answering an individual member's questions. The presiding officer shall call the speaker to order, if out-of-order remarks, or other indecorous conduct persists, the presiding officer shall order the speaker from the lectern. The order with gavel, if not heeded, will then cause the Sheriff or his designee to carry out the order.

2) Persons whose allotted time to speak has expired shall be warned by the presiding officer to conclude in one minute, after which such person shall leave the lectern, unless he is asked by Chairperson to remain to answer questions from the Board.

3) No persons in attendance shall be allowed to voice remarks except as recognized by the presiding officer after audibly stating their name and who they represent. Groups in the audience creating an atmosphere detrimental or disturbing the conduct of the meeting will be asked to leave by the presiding officer.

4) No person shall bring into the Board Room any firearm, sign, banner, or other such item; provided, that models, photos, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person shall be permitted.

ARTICLE VIII - Miscellaneous

8.1 Roberts Rules of Order. The newly revised Roberts Rules of Order shall govern the conduct of all meetings of the Board to the extent that they are no inconsistent with these rules and the laws of the Commonwealth of Virginia. The Clerk shall make available at all meetings a copy of the newly revised Roberts Rules of Order.

8.2 Amendment of the Rules. An amendment of the Rules may be accomplished by a majority vote of the entire membership, provided that such amendment may not be voted upon at any meeting unless the text of the proposed amendment has been presented to at least one previous meeting to which the date for a vote has also been established. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.

8.3 Suspension of the Rules. Suspension of the Rules may occur whenever the Board shall by a majority vote adopt a motion to suspend the rules. In such event, the rules shall be deemed suspended only with respect to the specific matter of question not then in accordance with the rules.

This resolution was duly considered and adopted by the Smyth County Board of Supervisors at its regular meeting on September 9, 2003, the members voting:

AYES:	7
NAYS:	0
ABSENT:	0

Commonwealth of Virginia 2016 Pay and Holiday Calendar

State Holidays

January 1

New Year's Day

January 15

Lee-Jackson Day

January 18

Martin Luther King, Jr. Day

February 15

George Washington Day

May 30

Memorial Day

July 4

Independence Day

September 5

Labor Day

October 10

Columbus Day

November 11

Veterans Day

November 23

4 hours additional holiday time

November 24

Thanksgiving

November 25

Day After Thanksgiving

December 23

8 hours additional holiday time

December 26

Christmas (observed)

Please note: In some agencies, the holiday and payday schedule may vary from what is shown here. If you have questions, see your agency human resources officer.

Denotes Payday ☐

Denotes Holiday ☐

Denotes Additional Time Off ☐

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Virginia Department of
HUMAN RESOURCE
MANAGEMENT

January

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Board of Supervisors Meeting Minutes
December 8, 2015

The Smyth County Board of Supervisors held its regular meeting at 4:00 p.m., Tuesday, December 8, 2015. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

PRESENT: Vice Chair, Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Saltville District Supervisor Roscoe D Call; Royal Oak District Supervisor G. Blake Frazier (5)

ABSENT: Chairman, Chilhowie District Supervisor Wade H Blevins, Jr.; North Fork District Supervisor Ron C Blevins (2)

STAFF: Assistant County Administrator Scott Simpson; County Attorney Michelle Clayton; Administrative Assistant Kelly Woods; Director Community & Economic Development Lori Hester (4)

3:59:54 PM Vice Chairman, Park District Supervisor M. Todd Dishner called the meeting to order.

A motion was made by Rye Valley District Supervisor Rick K. Blevins, seconded by Saltville District Supervisor Roscoe D. Call to enter into closed session under Code of Virginia, Section 2.2-3711-A.1 Personnel; A.5; Industrial/Business Prospects; discussion concerning a business or industry considering expansion with no previous announcement being made; and A.7 Legal; discussion with legal counsel and staff pertaining to actual or probable litigation.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
Saltville District Supervisor Roscoe D. Call,
Royal Oak District Supervisor G. Blake Frazier and
Atkins District Supervisor J. Howard Burton.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr. and North Fork District Supervisor Ron C. Blevins

4:04:34 PM North Fork District Supervisor Ron C. Blevins entered the meeting.

5:06:25 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. and County Administrator Michael L. Carter entered the meeting during closed session.

5:07:22 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting to order from closed session.

It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by Saltville District Supervisor Roscoe D. Call to adopt the following Resolution certifying the business conducted in

Closed session as follows:

RESOLUTION
CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County Board of Supervisors has convened in a closed session 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 of the Code of Virginia requires a certification by the Smyth County Board of Supervisors that such a meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED the Smyth 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 session were heard, discussed or considered by the Smyth County Board of Supervisors.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.

ABSENT: None.

5:08:07 PM North Fork District Supervisor Ron. C. Blevins made a motion to approve the employment contract as discussed during closed session. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:08:45 PM Lori Hester, Director of Community and Economic Development gave the Invocation and Manuel Street, GIS Department led the Pledge of Allegiance.

5:09:39 PM A motion was made by North Fork District Supervisor Ron C. Blevins to adopt the Agenda and Additional Agenda. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:10:00 PM It was moved by Rye Valley District Supervisor Rick K. Blevins, seconded by North Fork District Supervisor Ron C. Blevins to approve the minutes of the November 12th and November 19th, 2015 meetings.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:10:20 PM Scott Simpson, Assistant County Administrator presented the Board with information on the current FY15-16 budget and a current month analysis for appropriations.

5:14:59 PM It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$6,385,000.00 from the General Fund. The following is an explanation of the appropriations approved:

General County:	\$1,550,000.00
Social Services (December 9-December 31, 2015)	\$320,000.00
(January 1-January 12, 2016)	\$60,000.00

Schools-Operating Fund	
Instruction	\$3,200,000.00
Administration, Attendance & Health	\$150,000.00
Transportation	\$200,000.00
Facilities	\$375,000.00
School Food Service	\$275,000.00
Technology	\$250,000.00
 School Debt and Capital Outlay	
Debt Service	\$5,000.00
 Total General Fund:	\$6,385,000.00

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Saltville District Supervisor Roscoe D. Call seconded by Park District Supervisor M. Todd Dishner to appropriate \$391,139.66 for the Courthouse Project.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Saltville District Supervisor Roscoe D. Call seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$960.24 from Sheriff Fund 748 for outstanding invoices.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,

Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was moved by Saltville District Supervisor Roscoe D. Call, seconded by North Fork District Supervisor Ron C. Blevins to appropriate \$823,428.92 for the Accounts Payable listing.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins,
Atkins District Supervisor J. Howard Burton,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:16:25 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. opened Citizen's time.

5:16:34 PM Sarah Gillespie, Director of the Chamber of Commerce for Smyth County, presented an update on the Chamber. She stated the Boot Camp, was a success and 11 business plans were presented and funding for 4 were given, with a creation of 35 jobs.

5:21:58 PM With no one else wishing to speak, Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed citizen's time.

5:22:10 PM Richard Linnen, a representative from Brown Edwards, Accounting Firm presented the Audit for the County for Fiscal Year ending June 30, 2015. He went over a few items from the bound information presented to the Board and asked if anyone had any questions. No one chose to ask any questions.

5:44:17 PM Major Hounshell with the Smyth County Sheriff's Office brought forward a recommendation relating to the purchase of six (6) Dodge Chargers, from Haley Auto Group for the Sheriff's Office. Total for the six (6) chargers is \$166,150.56, with emergency equipment installed and \$3,300.00 to be paid to Jerry's Signs for the marking of the six cars. The funds will be paid out of line item 744-010000-9003.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,

Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:50:41 PM Scott Simpson, Assistant County Administrator presented a consideration of a Deed Easement as shown below.

Prepared By and Return To:
County Attorney Smyth County, Virginia
121 Bagley Circle, Suite 100
Marion, VA 24354

Tax Map ID Nos.: 47C-2-30, 47C-2-31

THIS DEED IS EXEMPT FROM TAXATION PURSUANT TO THE CODE OF VIRGINIA § 58.1-811(A)(3)

DEED OF EASEMENT

THIS DEED EASEMENT (the "Easement") is made this 20th day of ~~November~~, 2015, by and between **DISTRICT THREE GOVERNMENTAL CO.**, Grantor (hereinafter referred to as the "Owner"); and **SMYTH COUNTY, VIRGINIA**, a political subdivision of Commonwealth of Virginia, Grantee (hereinafter referred to as "County"), whose address is 121 Bagley Circle, Marion, Virginia 24354.

WITNESSETH:

That in consideration of the sum of One Dollar (\$1.00), cash in hand paid and other good and valuable consideration the receipt of which is hereby acknowledged by the Owner, the Owner does grant, bargain, sell, transfer and convey unto the County, its successors and assigns, with special warranty of title, a temporary construction easement and permanent easement, subject to terms and conditions herein, over, under, across and through the land of the Owner known as all of that certain tract of property conveyed to the Owner by deed of record in the Circuit Court Clerk's Office for Smyth County in Deed Book 500 at Page 269, and more particularly described as follows:

A temporary construction easement 40' in width and a permanent easement 20' in width over the Property of the Owner (the "Property") which is situate in Atkins Magisterial District, Smyth County, Virginia and identified as "20 FT. PERMANENT EASEMENT" and "40 FT. CONSTRUCTION EASEMENT" (hereinafter "Easement") on the Property of the Owner, as shown on that certain set of drawings and plans filed in the office of the County Engineer of Smyth County, Virginia entitled "**Superflo Sewer Exhibit Tax Parcels 47C-2-30, 47C-2-31**" designed by The Lane Group and originally dated June 29, 2015.

WHEREAS, it is the desire and intent of the Owner to grant and convey unto the County an Easement for the rights of ingress and egress over, across, and through the Property, and granting the County the right to enter upon a portion of the Property herein described for purposes to erect, install, construct, reconstruct, sanitary sewer line pipes and any such other appurtenances as the County may deem necessary.

The Easement hereby granted includes:

1. The right of ingress and egress over, under and across the lands of the Owner for the purpose of exercising the rights herein granted; and,

2. The right to open and close fences; and,

3. The right to trim, top, re-trim and re-top, or cut any trees or brush along said right-of-way now or at any time so as to give and maintain a clearance of at least twenty (20') feet for all utility pipe lines and appurtenances.

The Easement granted herein for the specific location described is in addition to any easement for right-of-way now in existence or which may be acquired in the future.

The Owner further covenants that no building or structure shall be erected within the Easement granted without prior written consent of County, its successors or assigns.

The 20' Permanent Easement shall run with the land of the Owner and shall be binding upon the parties' heirs, executors, administrators, successors, and assigns. The 40' Temporary Construction Easement shall be extinguished upon completion of the construction project.

The County represents and warrants that the undersigned representatives have the full power and authority to enter into and perform this Deed of Easement on its behalf.

By their acceptance and recordation of this Deed of Easement, the Owner warrants that he is the true owner of the interest hereby created and that he has the right to make this conveyance and the Owner hereby acknowledges that he, his successors and assigns, shall be bound by the terms herein.

WITNESSETH the following signatures:

OWNER:

By: Mike Hug (Seal)
DISTRICT THREE GOVERNMENTAL CO.

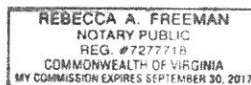
COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, to-wit:

Rebecca Freeman, a Notary Public of and for the Commonwealth of Virginia, at large, do certify that DISTRICT THREE GOVERNMENTAL CO.; whose name is signed to this Deed of Easement, dated the 20th day of Nov, 2015, has this day acknowledged the same before me on behalf of such authority in my County and State aforesaid.

Given under my hand this 20 day of Nov, 2015.

Rebecca A. Freeman
NOTARY PUBLIC

My Commission Expires: 9/30/2017
NOTARY ID# 1277718



Atkins District Supervisor J. Howard Burton made a motion to accept and approved the Deed of Easement as presented. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:53:27 PM Michelle Clayton, County Attorney gave the Board an update on the Hungry Mother Convenience station. Ms. Clayton stated that she would be closing on the purchase by the end of December and is requesting authorization to sign the deed of transfer. Park District Supervisor M. Todd Dishner made a motion to allow Ms. Clayton to sign the deed of transfer as requested. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:54:32 PM Michael Carter, County Administrator presented Resolution of support for SWVTC as shown below.

WHEREAS, Southwestern Virginia Training Center, an Intermediate Care Facility, opened May 3, 1976, and currently serves approximately 124 individuals with Intellectual & Developmental Disabilities. Their profound levels of medical/behavioral challenges require 24-hour care in a structured environment. PAAC maintains such services, including medical and dental care, which do not exist elsewhere in our region as a part of community resources.

WHEREAS, the Department of Justice cited the Commonwealth of Virginia for not providing enough community options for person with disabilities. The 2012 Settlement Agreement did not require Virginia to close four of their five Training Centers. This was an executive decision made by Virginia's former Governor McDonnell.

WHEREAS, there is overwhelming support from the citizens of Smyth County, as well as Senator Bill Carrico, Delegate Jeff Campbell, and Delegate Israel O'Quinn to keep this facility open.

BE IT FURTHER RESOLVED, the Smyth County Board of Supervisors recognizes the importance of keeping the Southwest Virginia Training Center open to serve the most vulnerable of Virginia's citizens, and ask for Governor Terry R. McAuliffe to reconsider the decision made by his predecessor to close Southwestern Virginia Training Center.

Recorded Vote

A Copy Teste:

Moved By:

Seconded By:

Yeas:

Nays:

Michael L. Carter, County Administrator

North Fork District Supervisor Ron C. Blevins made a motion to accept the resolution as presented. Atkins District Supervisor J. Howard Burton seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:57:09 PM Rye Valley District Supervisor Rick K. Blevins made a motion to schedule a public hearing for Criminal Background Check Ordinance to January 12, 2016 at 6:00 P.M.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:58:05 PM Rye Valley District Supervisor Rick K. Blevins made a motion to re-appoint Phyllis Griffith, for a one (1) term to the Area Beautification Committee. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and

Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Rye Valley District Supervisor Rick K. Blevins made a motion to re-appoint Paige Coulthard to the Smyth Bland Regional Library Board for a second, four (4) year term, beginning December 31, 2015 and ending December 31, 2019. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Rye Valley District Supervisor Rick K. Blevins made a motion to appoint Bill Boswell to the Smyth Bland Regional Library Board as the Chilhowie District member, for a four (4) year term, beginning December 31, 2015 and ending December 31, 2019. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:59:21 PM Park District Supervisor M. Todd Dishner made a motion to recommend to the Jude of Circuit Court to reappoint John Saunders for a five (5) year term to the Board of Zoning Appeals. Saltville District Supervisor Roscoe D. Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,

North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5:59:55 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. opened the Public Hearing for DSS Employee Bonus Ordinance. Michael Carter, County Administrator read the following advertisement as published in the Smyth County News & Messenger.

**Public Hearing
DSS Employee Bonus Ordinance**

Pursuant to §15.2-1508 of the Code of Virginia, (1950), as amended, and at the request of the Smyth County Department of Social Services, the Smyth County Board of Supervisors proposes to amend Chapter 2 (Administration) of the Smyth County Code to provide as follows, effective immediately upon adoption.

An amendment to the Smyth County Code, Chapter 2, Article 1, Section 2.2 relating to compensation of officers and employees and disposition of fee, will add a new paragraph to permit employee bonuses. It will provide that monetary bonuses may be paid to county officers and employees in such amounts and as such time as the Board of Supervisors may designate by resolution.

A Public Hearing will be held by the Smyth County Board of Supervisors Tuesday, December 8, 2015 beginning at 6:00 p.m. or soon thereafter in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia. A copy of the present and proposed ordinance is on file at the Smyth County Administrators Office, 121 Bagley Circle, Marion, Virginia and can be viewed between the hours of 8:00 am and 5:00 pm, Monday through Friday.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in the public hearing should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 783-3298 x 8315 at least forty eight (48) hours prior to the public hearing.

By order of the Smyth County Board of Supervisors - Michael L. Carter, County Administrator

6:03:06 PM With no one else wishing to speak, Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed the Public Hearing.

6:04:05 PM North Fork District Supervisor Ron C. Blevins made a motion to waive the rules and proceed with a vote on the DSS Employee Bonus. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6:04:18 PM North Fork District Supervisor Ron C. Blevins made a motion to approve the ordinance for bonuses as presented during the Public Hearing. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6:06:22 PM Michelle Clayton, County Attorney presented a Mutual Aid Agreements as shown below.

MUTUAL AID AGREEMENT

Whereas, the Towns of Chilhowie, Marion, and Saltville are contained within the County of Smyth and whereas the Sheriff's Office of Smyth county, and the Police Departments of the three Towns have determined that it would be advantageous to enter into a mutual aid agreement pursuant to Virginia Code §15.2-1736, in order that law enforcement officers of each department may better serve those areas of the County and Towns.

Whereas, the subscribed law enforcement agencies are so located in relations to each other that it is to the advantage of each to receive and extend Mutual Aid in the form of law enforcement services in intensive situations falling short of emergencies.

Whereas, it is the intent of this agreement that as a result of the existing and continuing possibility of intensive situations and other law enforcement problems, and in order to ensure that qualified personnel are available and will be adequate to deal with such activity, protect the public peace and safety, and preserve the lives and property of the people.

Whereas, it has been determined that the Sheriff and deputies with the Smyth County Sheriff's Office, and the Chiefs and officers with the Police Departments of the Towns of Chilhowie,

Marion, and Saltville should have the authority pursuant to Virginia Code §15.2-1736 to request and render assistance in law enforcement situations.

Now, therefore, be it known that the governing bodies of Smyth County and the Towns of Chilhowie, Marion and Saltville, by proper resolutions entered into at their regular meetings, and with the agreement of the Sheriff of Smyth County and the Chiefs of Police of Chilhowie, Marion and Saltville, hereby approve and enter into this agreement whereby each of the officers may request and render law enforcement assistance to the other in situations in which assistance will be rendered, for example: Civil disturbances, large protest demonstrations, aircraft disasters, fires, natural or man-made disasters, sporting events, concerts, parades, patrol activities, backup services and investigations of crime that have crossed jurisdictional lines.

Now, therefore, the parties agree as follows:

SECTION 1: Each agency will bear the liability arising from acts undertaken by its personnel pursuant to this agreement. All of the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, workers compensation, salary, death and other benefits which apply to the activity of such officers, agents or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this mutual aid agreement.

SECTION II: Each party shall provide satisfactory proof of police professional liability insurance including public liability insurance in the minimum amount of \$1,000,000.00. Each party shall maintain worker's compensation insurance in the statutorily required amount for any person covered by this agreement. Should the coverage of any party be canceled or undergo material change, that party shall notify all parties to this agreement of such cancellation or change within ten (10) days of their receipt of notice of such change or cancellation.

After receiving such notice, the other parties to this agreement may provide a five (5) day written notice to the party which has had its insurance terminated or changes, unless the terminated or changed party furnishes proof of continuous insurance coverage as provided herein with this five (5) day period, this agreement may be terminated as to that party by written notice of any signatory to this agreement.

SECTION III: Whenever the employees of any law enforcement agency are rendering aid outside its jurisdiction and pursuant to the authority contained herein, or to any written agreement entered under, this part, such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing duties in the political subdivision in which they are normally employed or appointed.

SECTION IV: This agreement shall be in effect from January 1, 2016, through and including December 31, 2020. Under no circumstances may the agreement be renewed, modified or extended except in writing.

SECTION V: Any party may withdraw from this agreement upon written notice to all other parties.

Executed pursuant to resolution of the Smyth County Board of Supervisors at its regular meeting on December 8, 2015.

Executed pursuant to resolution of the Chilhowie Town Council at its regular meeting on December 10, 2015.

Executed pursuant to resolution of the Marion Town Council at its regular meeting on December 7, 2015.

Executed pursuant to resolution of the Saltville Town Council at its regular meeting on December 8, 2015.

In witness thereof, the parties hereto cause these presents to be signed by their duly authorized officers on the below mentioned date.

Chip Shuler, Sheriff Date
Smyth County Sheriff's Office

Wade H. Blevins, Jr., Chairman Date
Smyth County Board of Supervisors

Stephen Price, Chief Date
Chilhowie Police Dept. Town of Chilhowie

Gary Heninger, Mayor Date

Rex Anders, Chief Date
Marion Police Dept. Town of Marion

David P. Helms, Mayor Date

Chris Wilcox, Chief Date
Saltville Police Dept. Town of Saltville

C. Todd Young, Mayor Date

North Fork District Supervisor Ron C. Blevins made a motion to accept the Mutual Aid Agreement as presented. Royal Oak District Supervisor G. Blake Frazier seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Atkins District Supervisor J. Howard Burton,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6:09:01 PM Scott Simpson, Assistant County Administrator brought several recommendations before the Board of Supervisors from the Courthouse Committee. After discussion, it is the Committee's recommendation to approve the requests as stated below.

Mr. Simpson brought forward an amendment from Moseley Architects to their agreement in the

amount of \$5,691.00. This is for additional services for design and construction for changes to the Commonwealth's Attorney Suite.

Mr. Simpson then brought forward a request for consideration of a video docket display system for Courtrooms and Lobby in the amount of \$10,905.00.

Mr. Simpson presented a request for purchase of two (2) monitors for Courtroom video conferencing and display in the amount of \$1,300.00

Mr. Simpson brought forward a consideration of a budget transfer of \$35,000.00 from Furnishings (301-012010-0008) to Architecture (301-012010-0003) to keep expenses from overrunning estimated funds.

Mr. Simpson brought forward a request for consideration of preventative maintenance and extended warranty for the new generators located at the Courthouse. The two (2) year maintenance cost is \$2,634.00.

Mr. Simpson presented a request from Jeff Richardson, Commissioner of Revenue for Land Book shelving units at a cost of \$6,685.00.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Atkins District Supervisor J. Howard Burton,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6:16:44 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. opened the Public Hearing for The Back of the Dragon Overlook. Michael Carter, County Administrator read the following advertisement as published in the Smyth County News & Messenger.

PUBLIC HEARING NOTICE

BACK OF THE DRAGON SCENIC OVERLOOK

A Public Hearing will be held by the Smyth County Board of Supervisors Tuesday, December 8, 2015 beginning at 6:15 p.m. or soon thereafter in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia to receive comments on the application for grant funding through the Federal Transportation Alternatives Program for the development of a scenic overlook located on Route 16, known as the Back of the Dragon.

The intent of the project is to create an enhanced visitor experience by improving the condition of the existing overlook location for motorists traveling this designated route. Additional

contributions to the site include enhancing public safety, the improvement of the pavement surfaces, the overall aesthetics of the site and a better defined view shed of the surrounding area for visitors to enjoy.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend the Meeting should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 783-3298 x 8315 at least forty eight (48) hours prior to the meeting.

By Order of the Smyth County Board of Supervisors
Michael L. Carter, County Administrator

6:19:14 PM Raymond DeBord, 6683 Valley Road Saltville, spoke in opposition of the project and stated that he feels as if this brings more negative to the County instead of positives and feels as if there are several safety issues.

6:41:17 PM Charles Buchanan 5732 Valley Road, Saltville, spoke and stated the he had mixed emotions on the project.

6:46:55 PM Ron Thomason, Director of Tourism for Smyth County spoke in support of the project and explained the concept of the project.

6:55:28 PM Tesha Campbell, 2620 BF Buchanan Highway, Saltville VA, stated that she does not support the project and feels as if safety is a big issue.

6:58:08 PM Phil Stevenson, 1154 Long Hollow Road, Saltville Va., expressed concerns for several citizens and stated that he felt as if the road was not designed for this type of project.

7:00:26 PM With no one else wishing to speak, Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. closed the Public Hearing.

7:00:41 PM Chairman, Chilhowie District Supervisor Wade H. Blevins Jr. called for a 10 minute recess.

7:15:49 PM Chilhowie District Supervisor Wade H. Blevins Jr. called the meeting back to order.

7:15:54 PM Michelle Clayton, County Attorney brought a recommendation before the Board of Supervisors from the Personnel Committee. It is the committee's recommendation to approve the Personnel Manual as presented with all changes.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Atkins District Supervisor J. Howard Burton,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:19:49 PM Nothing was discussed concerning old business.

7:19:57 PM Supervisor Comment Time: Saltville District Supervisor Roscoe D. Call stated it has been a pleasure serving with Mr. Burton and Mr. Ron Blevins. Park District Supervisor M. Todd Dishner stated that it had also been a pleasure working with Mr. Burton and Mr. Ron Blevins. Atkins District Supervisor J. Howard Burton stated that he felt blessed to work on the Board, and stated he felt the County was in good hands. Rye Valley District Supervisor Rick K. Blevins thanked the Personnel Committee for working on the Policy Manual and stated that it had been an honor working with Mr. Burton and Mr. Ron Blevins. North Fork District Supervisor Ron C. Blevins stated that it had been a pleasure working with everyone. Chilhowie District Supervisor Wade H. Blevins thanked for everyone for supporting him as Chairman this past year and stated the last 4 years was the best Board the County has had.

7:29:08 PM Michael Carter, County Administrator presented plaques to outgoing members for their service to the County.

7:32:12 PM Saltville District Supervisor Roscoe D. Call made a motion to adjourn the meeting. Rye Valley District Supervisor Rick K. Blevins seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.,
Vice Chair, Park District Supervisor M. Todd Dishner,
Atkins District Supervisor J. Howard Burton,
Rye Valley District Supervisor Rick K. Blevins,
North Fork District Supervisor Ron C. Blevins,
Saltville District Supervisor Roscoe D. Call and
Royal Oak District Supervisor G. Blake Frazier.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

**JOINT E-911 SERVICE AGREEMENT
BETWEEN THE COUNTY OF SMYTH, VIRGINIA,
AND
THE TOWNS OF CHILHOWIE, MARION, AND SALTVILLE, VIRGINIA**

THIS AGREEMENT dated this the 20th day of November, 2015, by and between the TOWN OF CHILHOWIE, a municipal corporation (Chilhowie), the TOWN OF MARION, a municipal corporation (Marion), the TOWN OF SALTVILLE, a municipal corporation (Saltville), and the COUNTY OF SMYTH, a political subdivision of the Commonwealth of Virginia (County).

WITNESSETH:

WHEREAS, the parties hereto entered into a joint agreement dated December 1, 2004 for the operation of an enhanced E-911 system for the entire County of Smyth ("County") including the jurisdiction of the three Towns of Chilhowie, Marion and Saltville, Virginia ("Towns"); and

WHEREAS, the 2004 joint agreement lasted ten years and resulted in a fully functional E-911 system for the entire County through shared funding from the tax for enhanced 911 services; and

WHEREAS, in 2006, Virginia Legislature completely revised the Code of Virginia relating to the tax for enhanced 911 service (formerly Virginia Code § 58.1-3813.1 – now § 58.1-1730) and a statewide fee of 0.75 per end user of each access line was set; and

WHEREAS, in 2012, the County moved the E911 Dispatch Center from the courthouse to the new Sheriff's Office on Matson Drive, greatly enlarging it and providing new equipment with most of the expenses paid through a twenty-year bond funded solely by the County; and

WHEREAS, after ten years, the County receives less than fifty (50%) percent of the actual costs of running the E911 Dispatch Center from state funding; and

WHEREAS, if the Towns chose to run a separate dispatch center, it would be cost-prohibitive and the system would be inefficient; and

WHEREAS, the County and the Towns have met and agree that the parties all wish to continue the joint agreement to maintain a shared E911 Dispatch Center; and

WHEREAS, the County and Towns are committed to jointly providing improved E-911 dispatch services to its citizens which may include programs such as Reverse 911, Emergency Medical Dispatch (“EMD”) and Next Generation 911 in future years; and

WHEREAS, the County and Towns wish to establish an E-911 Advisory Planning Committee (“Committee”) to develop future programs, to work together towards improved financial support from the state through the legislative process, and to recommend funding options each year to maintain and improve emergency services.

NOW, THEREFORE, in acknowledgment of good and valuable consideration and the mutual understandings contained herein, the County and the three Towns agree as follows:

I. PURPOSE

The purpose of this Agreement is to establish a cooperative understanding between the County of Smyth, the Town of Chilhowie, the Town of Marion and the Town of Saltville, Virginia to address the continued maintenance and potential improvements to the Joint E-911 Dispatch Center that serves the four jurisdictions.

II. SCOPE OF AGREEMENT

The County and the Towns have agreed to participate in an agreement to consider continued maintenance and shared costs of potential improvements to the Joint E-911 dispatch services that may consist of the following:

- Shared approach to acquire a Reverse 911 system to better alert the citizens of emergency situations in their areas;
- Shared approach to acquire and implement an Emergency Medical Dispatch system to better serve citizens in medical crises;
- Shared approach to obtaining the Next Generation system to use text messaging in emergency situations;
- Increased efforts by all parties to seek both legislative and possible grant funding for purchasing equipment and providing staff for the Joint E-911 Dispatch Center; and

- Creation of a Joint E-911 Advisory Planning Committee to assess the need for improvements to dispatch services and make joint funding recommendations for specific improvements from time to time to the County and Towns for consideration by the governing bodies of each jurisdiction.

III. ESTABLISHMENT OF A JOINT E-911 ADVISORY PLANNING COMMITTEE

A. Committee Organization: Terms of Office. The participating political subdivisions hereby state their intention to establish the Joint E-911 Advisory Planning Committee (“Committee”) and, once established, the powers of the Committee by this Agreement shall be vested in the members of the Committee. The Committee shall consist of seven persons. The County shall have three appointments, the Towns shall have one appointee each and the Sheriff shall name an appointee. Except as may be prohibited by the Constitution of Virginia, members of the Committee may include elected or appointed officials, employees, managers, administrators, or officers of any participating political subdivision. Multiple terms are permitted.

B. Vacancies. Any vacancy in the membership of the Committee shall be filled by the governing body or constitutional officer that appointed the member. Each participating political subdivision shall have the absolute right to remove its appointee to the Committee, with or without cause, at any time.

C. Staffing of Joint E-911 Committee.

To begin the Committee operations, the Committee shall appoint the County’s E-911 Director and EMS Coordinator to staff the Committee. They shall have the responsibility for the administrative and planning functions of the Committee, which shall include a minimum of two meetings per year and maintaining a five-year plan.

D. Yearly Recommendation for Improvements to the E-911 Dispatch Services.

The Committee shall annually recommend to the participating localities shared cost for improvements to the Dispatch Center, if any, by January 31st of each year prior to the fiscal year.

By March 15th, each locality shall indicate its current position on any proposed share for dispatch center improvements in the budgeting process and call for another meeting of the Joint E911 Committee, if necessary, to re-consider the recommendation. Member localities shall not be obligated to any proposed share until the budget for that locality is approved with the proposed share included for the next fiscal year. All financial obligations created by this Agreement or by the establishment of the Committee shall be subject to appropriation and shall not be considered debt within the meaning of the Virginia Constitution.

As used in this section, the term "debt" shall mean a monetary obligation, whether general or limited in any way, to repay a loan or bond, or any long-term obligation, whether absolute or contingent in any way, to refund or reimburse any agency or entity for grant funds received by the Committee.

IV. WITHDRAWAL OF PARTICIPATION IN E-911 DISPATCH SERVICES

During the term of this Agreement, neither Chilhowie, Marion or Saltville shall attempt to establish a separate E-911 dispatch system. Once the Agreement is executed, a Town may withdraw its participation in dispatch services at the end of any fiscal year if the withdrawing participating Town has given one year's written notice to the Committee and all other participating political subdivisions of its intention. Participating political subdivisions must pay in full any promised and approved amounts from the last budget process, if any.

V. FUNDING

A. Joint E911 Dispatch Center Fiscal Agent. The County of Smyth shall serve as fiscal agent for the administration of the tax funds and any additional funding the Towns may provide.

B. Funding Commitments and Allocations.

- a. *State Funding.* A portion of the revenues generated for E911 as a result of the Communications Service Tax will be used to help fund the maintenance of the E911 Dispatch Center. The Towns agree to provide to the County the appropriate percentage shares of the E911 monthly revenues each receives. The formula, based on the monthly Virginia Department of Taxation

Communication Tax Distribution Report, will determine each Town's monthly contribution and is as follows:

(Total E911 / Total Amount Available for Statewide Distribution x Total Amount Distributed)

The monthly contribution should be mailed to County Administrator, 121 Bagley Circle, Suite 100, Marion, Virginia 24354

- b. *Local Funding.* Subject to appropriation by localities, the Joint E911 Advisory Planning Committee and the four jurisdictions may establish a funding formula for any proposed improvements to be shared over and above the revenues collected in subsection (a) above.

VI. EXECUTION: DURATION: JOINT EXERCISE OF POWERS

The County and Towns, intend this agreement as a joint exercise of their respective powers, as authorized by Section 15.2-1300 of the Code of Virginia. The County Board of Supervisors and Town Councils have therefore caused the Agreement to be executed for them by the County Board of Supervisors Chairman and the Town Mayors, respectively, as of the respective dates indicated below. The Agreement will take effect on the date signed by the last necessary party and will continue in effect as adopted until June 30, 2020, and thereafter until modified or dissolved by mutual agreement; provided that any may discontinue its participation at the end of any fiscal year subsequent by providing one years' notice to the other parties hereto.

VII. SEVERABILITY OF PARTS OF THE AGREEMENT

It is hereby declared to be the intention that the sections, paragraphs, sentences, and clauses of this Agreement are severable. If any section, paragraph, sentence or clause shall be found to be invalid for any reason, such invalidity shall not affect any of the remaining portions of the Agreement.

VIII. TERM

The term of this Agreement begins December 31, 2015 and shall be for four years and six months ending on June 30, 2020, unless extended by agreement of the parties. This Agreement shall become effective when signed by all four jurisdictions.

IX. SIGNATURES OF AUTHORIZED AGENTS

COUNTY OF SMYTH, VIRGINIA

By: _____
Michael Carter, County Administrator

Wade Blevins, Chairman, Board of Supervisors

Approved as to Form:

County Attorney

**COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, TO-WIT:**

The foregoing joint agreement dated December 31, 2015 was duly adopted by an affirmative vote of the Board of Supervisors of the County of Smyth, at a meeting held on the ____ day of _____, 2015, and then the foregoing document was acknowledged before me this the ____ day of _____, 2015 by Wade H. Blevins, Jr., Chairman, and Michael L. Carter, County Clerk.

Notary Public

My Commission Expires: _____

TOWN OF CHILHOWIE, VIRGINIA

By: _____
John Clark, Town Manager

Gary Heninger, Mayor, Town Council

Approved as to Form:

Town Attorney

**COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, TO-WIT:**

The foregoing joint agreement dated December 31, 2015 was duly adopted by an affirmative vote of the Town Council of the Town of Chilhowie, at a meeting held on the ____ day of _____, 2015, and then the foregoing document was acknowledged before me this the ____ day of _____, 2015 by Gary Heninger, Mayor of Chilhowie, and John Clark, Town Manager.

Notary Public

My Commission Expires: _____

Joint 911 Agreement 12 31 2015

TOWN OF MARION, VIRGINIA

By: _____
Bill Rush, Town Manager

David P. Helms, Mayor, Town Council

Approved as to Form:

Town Attorney

**COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, TO-WIT:**

The foregoing joint agreement dated December 31, 2015 was duly adopted by an affirmative vote of the Town Council of the Town of Marion, at a meeting held on the ____ day of _____, 2015, and then the foregoing document was acknowledged before me this the ____ day of _____, 2015 by David P. Helms, Mayor of Marion, and Bill Rush, Town Manager.

Notary Public

My Commission Expires: _____

TOWN OF SALTVILLE, VIRGINIA

By: _____
Mike Taylor, Town Manager

Todd Young, Mayor, Town Council

Approved as to Form:

Town Attorney

**COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH, TO-WIT:**

The foregoing joint agreement dated December 31, 2015 was duly adopted by an affirmative vote of the Town Council of the Town of Saltville, at a meeting held on the ____ day of _____, 2015, and then the foregoing document was acknowledged before me this the ____ day of _____, 2015 by Todd Young, Mayor of Saltville, and Mike Taylor, Town Manager.

Notary Public

My Commission Expires: _____

**PUBLIC HEARING
CRIMINAL BACKGROUND CHECK ORDINANCE
FOR COUNTY EMPLOYEE APPLICANTS**

Pursuant to § 15.2-1505.1 of the Code of Virginia, (1950), as amended, the Smyth County Board of Supervisors proposes to amend the Smyth County Code, Chapter 2 on Administration to provide a new Section 2-6 relating to the review of criminal history record information of applicants for county employment. The County Administrator or his designee shall, in the interest of public welfare and safety, conduct investigations of all applicants to whom a conditional offer of employment is made to determine if the past criminal conduct of an applicant with a conviction record would be compatible with the nature of the employment under consideration. Fingerprinting and other personal descriptive information would be required but shall be confidential. Any applicant denied employment because of information obtained shall be notified of the information obtained leading to the denial.

A Public Hearing will be conducted by the Smyth County Board of Supervisors on Tuesday, January 12, 2016 beginning at 6:00 p.m. in the Board of Supervisors meeting room, 121 Bagley Circle, Marion, Virginia. A copy of the present and proposed ordinance is on file at the Smyth County Administrators Office, 121 Bagley Circle, Marion, Virginia and can be viewed between the hours of 8:00 am and 5:00 pm, Monday through Friday.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in the public hearing should contact Clegg Williams, ADA Coordinator for Smyth County, at (276) 706-8315 at least forty eight (48) hours prior to the public hearing.

By order of the Smyth County Board of Supervisors
Michael L. Carter, County Administrator

AT A REGULAR MEETING
OF THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA,
HELD AT THE SMYTH COUNTY ADMINISTRATION BUILDING
ON TUESDAY, FEBRUARY 9, 2016

**AN ORDINANCE AMENDING THE SMYTH COUNTY CODE,
CHAPTER 2 – ADMINISTRATION, ARTICLE 1, SECTION 2-6,
“REVIEW OF CRIMINAL HISTORY RECORD INFORMATION
OF APPLICANTS FOR COUNTY EMPLOYMENT,”.**

WHEREAS, Pursuant to § 15.2-1505.1 of the Code of Virginia (1950), as amended, a locality may be ordinance and in accordance with §19.2-389, require applicants upon offer of employment with the locality to submit to fingerprinting and to provide personal descriptive information to be forwarded for criminal history record information; and,

WHEREAS, notice was properly published for a public hearing held at the regular meeting on January 12, 2016.

NOW, THEREFORE BE IT ORDAINED, by the Board of Supervisors of Smyth County:

1. That the Smyth County Code, Chapter 2, Administration, Article 1 In General, is hereby amended with the addition of Section 2-6 as set forth below:

**CHAPTER 2
ADMINISTRATION
ARTICLE I. IN GENERAL**

Sec. 2-6. Review of criminal history record information of applicants for county employment

- (a) The county administrator or his designee shall, in the interest of public welfare and safety, conduct investigations of all applicants to whom a conditional offer of employment is made to determine if the past criminal conduct of all applicants to whom a conditional offer of employment is made to determine if the past criminal conduct of an applicant with a conviction record would be compatible with the nature of the

employment under consideration, in accordance with Virginia Code §15.2-1505.1, as amended.

- (b) The county administrator or his designee shall require such applicants to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information.
- (c) Criminal history record information shall be confidential.
- (d) If an applicant is denied employment because of information appearing in his criminal history record, the county administrator or designee shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial.

Secs. 2-7-2-26. Reserved.

2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Smyth County Code:

3. That this ordinance shall be effective on the date of adoption.

On motion of Supervisor to adopt the ordinance, seconded by Supervisor, the members of the Smyth County Board of Supervisors voted to approve Ordinance No. 15-01, Amendment to Smyth County Code, Chapter 2 Administration, Article 1, Section 2-4, Review of criminal history record information of applicants for County employment as follows:

AYES: Chairman, Chilhowie District Supervisor Wade H. Blevins, Jr.
Vice Chair, Park District Supervisor M. Todd Dishner
Rye Valley District Supervisor Rick K. Blevins
North Fork District Supervisor Charles "Phil" Stevenson
Atkins District Supervisor Charles E. Atkins
Saltville District Supervisor Roscoe D. Call
Royal Oak District Supervisor G. Blake Frazier

NAYS: None

ABSENT: None

Adopted: February 9, 2016

A COPY TESTE:

Michael L. Carter
County Clerk to the Board of Supervisors

cc: Michelle W. Clayton, County Attorney