

VIRGINIA: County of Lee, to-wit:

At the Recessed Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on June 27, 2012 at 4:00 p.m. thereof.

MEMBERS PRESENT: Tina Rowe, Chairman
Carl Bailey
Jason Crabtree
Larry Mosley
Charles Slemp, Jr.

MEMBERS ABSENT: None

OTHERS PRESENT: C. M. Callahan, Jr., County Attorney
D. Dane Poe, County Administrator

MEETING CALLED TO ORDER

The meeting was called to order at 4:02 p.m.

APPROVAL OF YEAR END DISBURSEMENTS

It was moved by Ms. Rowe, seconded by Mr. Slemp, to approve the year end disbursements in the amount of \$63,653.52. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

ADOPTION OF TAX LEVIES

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to adopt the following tax levies for Fiscal Year 2012-2013. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

Real Property	\$.651 per \$100 of assessed value
Personal Property	\$2.00 per \$100 of assessed value
Machinery & Tools	\$2.00 per \$100 of assessed value
Merchants Capital	\$1.41 per \$100 of assessed value

FINANCE

FISCAL YEAR 2012-2013 BUDGET ADOPTION

The County Administrator provided a brief review of the budget as presented for adoption. He also advised that the School Board had removed reimbursement for the School Resource Officer position which is currently included in the proposed budget. He also requested that any changes to the budget prior to adoption should be done by motion.

Ms. Rowe stated it was her understanding that the School Board had not adopted a budget and probably would not do so until after June 30. She stated there was a possibility they would put funding back in their budget for the School Resource Officer.

Mr. Poe advised that the School Board adopted a budget in May which included additional funding of \$586,000 from the County and they typically amend their budget after final budget approval by the Board of Supervisors. He stated that even though the School Board had not publicly addressed removal of funding for the Resource Officer position, he had been advised by the Superintendent that they were not funding it.

Mr. Crabtree stated he thought it should be made public now and that the School Board did not want to eliminate the position but did not want to fund it. He stated it was odd that this decision was made two days after he and Mr. Mosley voted against additional funding for the School Board. He also stated that his brother held the School Resource Officer position and he would abstain from any vote on this matter.

Mr. Bailey asked if the budget as currently presented included the additional \$300,000 for the School System.

Mr. Poe stated the additional funding was included in the budget at this time and it would require \$114,000 to be transferred from the reserve fund to balance the budget.

Ms. Rowe asked if the Daniel Boone Soil and Water Conservation District had responded regarding the Erosion and Sediment Program administration.

Mr. Poe advised that they were currently researching the matter and would not make a decision until some time in the future.

Mr. Crabtree asked about the Supplemental Appropriations.

Mr. Poe stated that the additional funding was needed to balance line item budgets for the year.

Mr. Slemph asked if there was a surplus for the year.

Mr. Poe advised there was some additional revenue received that would produce a surplus for the year.

SUPPLEMENTAL APPROPRIATIONS AND BUDGET TRANSFERS

CENTRAL GARAGE

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$10,402.63 to Fund 001, Central Garage, Line Item 4-001-012520-6109. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

VICTIM WITNESS

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$970.00 to Fund 001, Victim Witness, to various line items. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

SHERIFF DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$1,240.00 to Fund 001, Sheriff Department, Line Item 4-001-031200-3160. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

SHERIFF DEPARTMENT VEHICLES

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$12,239.23 to Fund 001, Sheriff Department Vehicles, Line Item 4-001-031700-6008. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

LITTER ENFORCEMENT

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$2,750.00 to Fund 001, Litter Enforcement, Line Item 4-001-035600-8105. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

THOMAS WALKER POOL

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$1,852.31 to Fund 001, Thomas Walker Pool, to various line items. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

TOURISM

It was moved by Mr. Mosley, seconded by Mr. Bailey, to supplementally appropriate \$ 9,195.61 to Fund 001, Tourism, to various line items. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

BUDGET TRANSFER

It was moved by Mr. Mosley, seconded by Mr. Bailey, to the following Budget Transfer. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

From:
Line Item 4-001-091400-5840 \$21,490.00

To:
Line Item 4-001-035300-3110 \$ 20.00
Line Item 4-001-031700-6008 \$21,470.00

SCHOOL RESOURCE OFFICER

Mr. Mosley asked if the Board needed to vote on the School Resource Officer position.

Ms. Rowe stated she thought it should be left in the budget and the School Board should fund it. She stated that if the Board took it from the budget it may give the School Board an excuse for not funding it.

Mr. Mosley asked if the motion to keep it in the budget could include a contingency requiring School Board reimbursement for the position.

Mr. Poe stated that County would be at risk for any funds expended prior to School Board action to approve the reimbursement.

Mr. Callahan stated that the Board could make an amendment to the budget at any time during the fiscal year should the School Board reverse their decision.

Ms. Rowe asked what the net effect was if the funding is removed from the budget. She asked what would happen to officer in the position.

Mr. Poe advised that the Sheriff's Department had a vacancy due to a retirement but it would be the Sheriff's decision as to who would fill the vacant position.

REMOVE SCHOOL RESOURCE OFFICER FUNDING FROM BUDGET

It was moved by Mr. Mosley to remove funding for the School Resource Officer from the FY12-13 budget contingent on what the School Board does.

Mr. Callahan stated you could not adopt the School Board budget with a contingency clause.

Mr. Mosley stated he was talking about the County's budget.

Mr. Callahan stated the School Budget was a part of the overall County Budget.

Mr. Poe stated the Board could either leave it in or remove it but could not adopt it with a contingency for what another public body does. He stated if the funding is removed tonight and the School Board agrees to reimburse it in the future, the Board could approve a supplemental appropriation at that time to reinstate the position.

CLOSED SESSION

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to enter Closed Session pursuant to Section 2.2-3711 A.7., consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

It was moved by Mr. Crabtree, seconded by Mr. Bailey, to come out of Closed Session. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

CERTIFICATE OF CLOSED SESSION

It was unanimously agreed as follows.

WHEREAS, the Lee County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a Certification by this Lee County Board of Supervisors that such Closed Meeting was conducted within Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Closed Meeting in which this Certification Resolution applies and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed or considered by the Lee County Board of Supervisors.

Mr. Mosley withdrew his previous motion regarding the School Resource Officer position.

REMOVAL OF SCHOOL RESOURCE OFFICER FUNDING FROM FY 2012-13 BUDGET

It was moved by Mr. Mosley, seconded by Mr. Slempp, to remove funding for the School Resource Officer funding from the Fiscal Year 2012-2013 budget due to being informed by the School Superintendent that the School Board had removed funding from their budget to reimburse this cost. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Mosley, Ms. Rowe, Mr. Slempp
ABSTAINING: Mr. Crabtree

Prior to the vote, Mr. Bailey asked if this position had always been reimbursed by the school system.

Mr. Poe advised that the position was originally grant funded but the School Board began reimbursing the cost when the grant expired.

Mr. Bailey asked if any reason was given by the School Board for not funding the position.

Mr. Poe stated that no reason was given.

Mr. Bailey asked if the School Board originally had funding for the position in their proposed budget.

Mr. Poe stated that he was told the previous week that funding for reimbursing the position was in the School budget.

FISCAL YEAR 2012-2013 BUDGET ADOPTION

It was moved by Mr. Mosley, seconded by Mr. Bailey, to adopt the Fiscal Year 2012-2013 budget in the amount of \$60,032,545.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

FISCAL YEAR 2012-2013 BUDGET APPROPRIATION

It was moved by Mr. Bailey, seconded by Mr. Mosley, to adopt the following Resolution. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

**LEE COUNTY BOARD OF SUPERVISORS
APPROPRIATIONS RESOLUTION
FISCAL YEAR ENDING JUNE 30, 2013
12-018**

WEHREAS, the Lee County Board of Supervisors has heretofore prepared a budget for information and fiscal planning purposes only; and

WHEREAS, the preparation, publication, and approval of the budget is not deemed to be appropriations (§15.2-2506);

NOW, THEREFORE, BE IT RESOLVED, by the Lee County Board of Supervisors that the Budget for Fiscal Year 2012-13 has been approved by separate action and by this Resolution appropriations for the General Fund be made as follows;

Board of Supervisors	132,379
FBOP-Water and Sewer	1,118,416
Housing Authority	3,000
Public Service Authority	3,230
R.A.D.A	1,938
County Administrator	122,910
Legal Services	33,713
Independent Auditor	63,700
Commissioner of the Revenue	315,077
Treasurer's Office	252,612
Central Accounting	45,971
Data Processing	60,503
Central Garage	128,425
Central Purchasing	24,816
Electoral Board	60,151
Registrar	108,907
Circuit Court	10,831
General District Court	3,475
Special Magistrates	1,056
Juvenile & Domestic Court Services	172,424
Circuit Court Clerk	422,024
Victim/Witness Assistance	49,446
Commonwealth's Attorney	430,647
Sheriff	1,843,771
Domestic Violence	42,419
Courtroom Security	27,313
Sheriff-Vehicle Expense	202,390
Fire Prevention	203,300
Emergency Medical Services	75,275
Emergency Services	33,670
Jail Operation	1,094,738
Building Official	100,146
Animal Control	101,682
Medical Examiner	540

Litter Enforcement	118,142
Road Viewers	500
Maintenance of Buildings & Grounds	269,094
Local Health Department	263,990
Community Services Board	75,100
Brain Injury Services of SW Virginia	1,500
Lonesome Pine Office on Youth	4,500
Senior Citizens Program	26,400
Junction Center For Independent Living	5,000
Mountain Empire Community College	21,252
Southwest Regional Recreation Authority	5,000
Thomas Walker Pool	30,618
Tourism	33,028
Lonesome Pine Regional Library	222,082
Lenowisco PDC	41,878
Industrial Development Authority	4,522
Board of Zoning Appeals	3,930
Planning Commission	4,280
Community Development	111,489
Lee County Airport	114,580
Soil & Water Conservation	15,200
Black Diamond Resource Conservation & Dev.	1,000
VPI Extension Service	52,911
Rose Hill Comprehensive Planning Study	30,000
Courthouse Upgrades & Renovations	450,000
Miscellaneous & Contingency	50,000
State Revenue Reduction Reimbursement	228,811
Multi-Use Trail Projects	275,000
E-911 Operations	276,562
Debt Service	119,915
Landfill Monitoring	75,000
Solid Waste	1,456,602
Airport Projects-Local Share	7,240
Airport Projects-Grants	354,760
Water Projects	235,000

GENERAL FUND TOTAL **\$12,275,781**

1. Appropriations are payable in the amounts named herein, provided the aggregate revenues collected and other resources available during the year ending June 30, 2013, from which the appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportions as the sum of all realized revenue is to the total amount of revenues estimated by the Board of Supervisors to be available for appropriations in the year ending June 30, 2013.
2. No department, agency, or individual receiving appropriations under the provision of this Resolution shall exceed the sum approved for that department, agency or individual by the Lee County Board of Supervisors.
3. The Board of Supervisors for Lee County reserves the right to change at any time during the Fiscal Year ending June 30, 2013, compensation provided to any officer or employee and to establish or abolish any office or position excepting such office or position as may be prohibited by law from abolishing.
4. The purchase of machinery, equipment, or motor vehicles (capital outlay items) in the Budget not exceeding \$2,500.00 per item, may be approved by justifying said items to the County Administrator on an as needed basis. A purchase order will be issued and must be signed by the County Administrator or his designee; all requests for items exceeding \$2,500.00 must be justified and approved by the Board of Supervisors.

WHEREAS, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2012-13; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Headstart, Lee County Public School and Virginia Public Assistance Budgets;

NOW, THEREFORE, BE IT RESOLVED, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending September 30, 2012

HEADSTART

Federal Funds	\$ 1,343,793
TOTAL HEADSTART	\$ 1,343,793

WHEREAS, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2012-13; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Lee County Public School and Virginia Public Assistance Budgets;

NOW, THEREFORE, BE IT RESOLVED, that the following activities 1/12 of the amount shown is appropriated for a 1-month period ending July 31, 2012;

VIRGINIA PUBLIC ASSISTANCE

Federal/State Funds	\$ 6,022,218
Local Funds	<u>1,068,481</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 7,090,699

LEE COUNTY PUBLIC SCHOOLS

Categorical Appropriation:

Instruction	\$ 24,030,343
Administration, Attendance and Health	2,065,227
Pupil Transportation	2,137,300
Operation and Maintenance	3,350,600
School Food Services	1,688,110
Facilities	547,967
Technology	852,725
Partially Self-Funded Insurance Fund	<u>4,650,000</u>
TOTAL	\$39,322,272

Source of Revenue:

Federal Funds	\$ 4,675,075
State Funds	24,741,951
Other Funds	81,600
Self Insured Health Fund	4,650,000
Local Funds	4,963,668
Lottery Carryover Funds	<u>209,978</u>
TOTAL PUBLIC SCHOOLS	\$ 39,322,272

1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the General Fund to the Headstart, Public School and Virginia Public Assistance funds and will not exceed the foregoing one and three months appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Headstart, Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2012-2013.

TOTAL FY 2012-13 BUDGET \$60,032,545

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

AUDITING PROPOSALS

It was moved by Mr. Slemp, seconded by Mr. Mosley, to award the audit proposal to Robinson, Farmer, Cox Associates for three years at an initial cost of \$39,300.00 per year with a 3% increase each of the following two years. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

REPORTS AND RECOMMENDATIONS OF THE BOARD

Mr. Bailey thanked the Board Members for their work and effort on preparing the budget.

HURRICANE BRIDGE DUMPSTERS

Mr. Crabtree requested the dumpsters at Hurricane Bridge be left in place and explore the possibility of moving them across the road.

Mr. Poe stated he advised the Transfer Station Superintendent of this forthcoming request and he had advised there was not sufficient room on the other side of the road.

Mr. Mosley stated that VDOT had widened the road in this area when the new bridge was constructed and there was not as much room across the road as there previously had been. He also asked if there was anywhere else in the vicinity that could be used.

Mr. Crabtree stated he had been contacted by a citizen who might be interested in leasing a portion of his property for this purpose.

PEOPLE, INCORPORATED OFFICE IN LEE COUNTY

Mr. Mosley advised that People, Incorporated planned to open an office in Lee County to assist with employment training issues. He asked the County Administrator to determine if there was suitable space in the Courthouse for this office.

PAVING IN PENNINGTON GAP

Ms. Rowe stated that the local newspaper reported that painting of the road in Pennington Gap was to occur in the future. She advised that it should have reported that paving of the road was to occur in the future.

JULY MEETING DATE AND TIME

Ms. Rowe asked if the Board wanted to change their meeting date or time for the July Regular Meeting due to the School Board Public Hearing at 5:00 p.m. regarding possible school closings and consolidation.

The Board discussed possible options for the meeting date and time.

It was the consensus of the Board to schedule the July Regular Meeting on July 17, 2012 at 4:00 p.m.

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to adjourn the meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD