

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF NOVEMBER, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Ronald A. Nervitt, Chairman, Powhatan District  
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
Jay T. Harrison, Sr., Berkeley District  
James G. Kennedy, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PLEDGE OF ALLEGIANCE**

Students from, and representing, the James River Elementary School led the Board and citizens in the Pledge of Allegiance.

Miss Endi Frazier, a third grade student at James River Elementary School, accompanied on the piano by Mrs. B. J. Costa, sang "America the Beautiful."

**C. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that his claims against the County were forwarded to the Virginia Municipal League (VML) Insurance Program and were denied. On November 5, 2000, Mr. Oyer appealed the decision of the VML Insurance Program to the Board of Supervisors and requested information from the County regarding the denial of the claim.

Mr. Nervitt requested that Mr. Wanner and Mr. Morton request a letter from VML clearly stating that the Board of Supervisors could not overturn the denial of Mr. Oyer's claim.

**D. PRESENTATIONS**

1. Report of the School Superintendent

Dr. David Martin, Superintendent of Schools, stated that he intended to appear before the Board every other month to provide the Board and citizens with information concerning school issues and rumors.

Dr. Martin stated that he will be asking the School Board to appoint a focus group to address the secondary education programs for the School division.

Mr. Nervitt inquired if the focus group will have community representatives.

Dr. Martin stated that there will be subgroups in the focus group to address all issues pertaining to secondary programs and the groups would include parents and business leaders.

Dr. Martin stated the Board has been given a revised copy of the student enrollment figures and gave a brief overview of the enrollment figures and statistics.

Mr. McGlennon inquired if one the subgroups of the focus group will address the issue of class, facility sizes at the high schools, design capacities, and suggest areas to make changes.

Dr. Martin stated the schools are also looking at the Alternative Education program to identify better ways to serve at-risk-youth and adults working towards their GED through off-site educational classes.

Mr. Harrison inquired if the Alternative Education program would be a full-time program.

Dr. Martin stated that he saw it as a full-time education opportunity, as a long-term program, and also as a place for adult GED education.

## 2. Planning Commission Annual Report

Dr. Martin Garrett, Chairman, Planning Commission, gave an overview of the Planning Commission's activities.

The Board and staff discussed the Commissions' focus of looking at the proposed land use and development.

## E. HIGHWAY MATTERS

Mr. Quintin Elliott, Residential Engineer, stated that there has been a change in staffing and that questions concerning land development be directed to John Mazer or himself.

Mr. Kennedy thanked the Virginia Department of Transportation (VDOT) for its response to a citizen's concern on Church Lane and requested timely response to Mr. Porter regarding a citizen's concern in Mirror Lakes.

Mr. Goodson requested an update on the widening of Route 199 from Kingsmill to Route 60, and the status of the relocation of Route 60 East.

Mr. Elliott stated that VDOT is awaiting the environmental impact report for Route 60 East.

Mr. McGlennon requested the presence of VDOT at a work session to address ongoing drainage issues and the feasibility of working with VDOT to prevent future drainage problems directly related to roadway runoff.

Mr. Nervitt requested information concerning the Jamestown Road and Route 199 intersection.

Mr. Elliott stated that VDOT is awaiting direction from the City of Williamsburg and James City County.

Mr. McGlennon requested information about the possibility of installing a right-turn lane at the intersection of Jamestown Road and Route 199 as a temporary fix to alleviate traffic.

Mr. Elliott stated that VDOT is waiting for input from the local government prior to any improvements to the intersection.

## F. CONSENT CALENDAR

Mr. Nervitt asked if a Board member wished to remove an item from the consent calendar.

Mr. Goodson requested Item Number 3, Changes to Chapter 10, Diversity and Equal Opportunity, Personnel Policies and Procedures Manual, be pulled.

Mr. Nervitt requested Item Number 2, Little Creek Reservoir Park Grant, be pulled.

Mr. McGlennon made a motion to adopt the minutes.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

### 1. Minutes

a. November 14, 2000, Work Session – Senator Thomas Norment, Jr., and Delegate George W. Grayson

b. November 14, 2000, Regular Meeting

### 2. Little Creek Reservoir Park Grant

Mr. John Carnifax, Superintendent of Parks and Facilities, stated that the Division of Parks and Recreation applied for and was awarded a \$50,000 Virginia Outdoors Fund/Land and Water Conservation Fund Grant from the Virginia Department of Conservation and Recreation. The funds will be allocated to the development of the Little Creek Reservoir Park as an ADA accessible water and passive recreation park.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

## RESOLUTION

### LITTLE CREEK RESERVOIR PARK GRANT

WHEREAS, the Virginia Outdoors Fund/Land and Water Conservation Fund, in cooperation with the Department of Conservation and Recreation, has made matching funds available for the development of parks; and

WHEREAS, funds are needed to construct a new boat ramp, a playground, and paved parking amenities at James City County's Little Creek Reservoir Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$50,000 grant awarded by the Land and Water Conservation Fund in cooperation with the Department of Conservation and Recreation to help with the construction at Little Creek Reservoir Park.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

REVENUES:

From the Commonwealth	<u>\$50,000</u>
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EXPENDITURES:

Little Creek Construction Account (0130220575)	<u>\$50,000</u>
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3. Changes to Chapter 10, Diversity and Equal Opportunity, *Personnel Policies and Procedures Manual*

Ms. Carol Luckam, Human Resource Manager, stated that the revised policy includes revisions to reflect our value of diversity, an update of the Affirmative Action Plan, and a simplified discriminatory harassment complaint procedure.

The Board and staff held a brief discussion concerning the increase to 300 days to lodge a complaint.

Mr. Goodson made a motion to adopt the resolution authorizing the changes.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

**RESOLUTION**

CHANGES TO CHAPTER 10, DIVERSITY AND EQUAL OPPORTUNITY,

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, James City County is committed to having a diverse workforce, providing equal employment opportunity; ensuring nondiscrimination in all actions affecting County employees and applicants for employment; and prohibiting illegal harassment of County employees; and

WHEREAS, the Diversity and Equal Opportunity Policy supports and defines this commitment and outlines ways in which we demonstrate this commitment; and

WHEREAS, James City County wishes to comply with required Federal law including Title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967, as amended; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the 14th Amendment of the U.S. Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 10, Diversity and Equal Opportunity, Personnel Policies and Procedures Manual.

## G. PUBLIC HEARINGS

### 1. Case No. SUP-18-00. A Little Space Day Care and Child Development Center (continued from October 10, 2000)

Mr. Benjamin A. Thompson, Senior Planner, stated that Ms. Laura Finley has requested a special use permit for a Child Day Care Center at 4007 Ironbound Road and further identified as Parcel No. (1-2a) on the James City County Real Estate Tax Map No. (38-4), currently zoned R-8, Rural Residential.

Mr. Morton told the Board that there was pending rezoning requests on the same property.

Mr. Morton recommended the Board open the public hearing on this case then defer the case until a decision has been made by the landowner for the use of the land.

Mr. Nervitt opened the public hearing.

1. Mr. Gilbert Granger, property owner, stated that the property is zoned R-8, described the surrounding properties, and stated the landowner is willing to rezone the property if the special use permit is granted.

Mr. Morton inquired if the landowner and applicant have a signed lease agreement to permit the operation of the childcare center.

Mr. Granger stated that a signed lease could be produced contingent upon approval of the special use permit.

The Board, Mr. Morton, staff, and Mr. Granger discussed the lack of a signed lease.

2. Ms. Laura Finley, applicant, stated that a lease has been ready to be signed by Mr. Granger.

The Board and staff discussed considering the special use permit after the lease has been signed by both parties.

Mr. Harrison made a motion to defer the case until December 19, 2000.

On a roll call, the vote was: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: Goodson (1).

### 2. Case No. Z-3-00. Ironbound Village

Ms. Karen Drake, Planner, stated that Mr. Vernon Geddy, III, on behalf of Mr. Robert Turlington, has applied for a rezoning of 7.75 acres zoned R-2, General Residential, at 4450 Ironbound Road and 112 Magazine Road and further identified as Parcel Nos. (1-47) and (1-47A) on the James City County Real Estate Tax Map No. (39-1) to MU, Mixed Use.

The Planning Commission voted unanimously to recommend approval of the rezoning request with the modified buffer on Magazine Road.

Staff recommends approval of the rezoning and finds that the additional proffers mitigate the negative impacts of the proposed higher density than designated in the Comprehensive Plan.

The Board and staff held a discussion concerning the buffering along Ironbound Road, bikeways, water impacts, cohesive community appearance, the shared recreation area, the stormwater management plan for the development, and affordable housing.

Mr. McGlennon requested the Board be presented with more accurate school numbers for the adequate public facility test. The numbers should include the built-out developments as well as the developments that have been approved by the Board but not yet build.

Mr. Jay Epstein, builder, gave an overview of the type of affordable homes to be built in the development.

The Board and applicant discussed the proffering of 15 units as affordable housing with the remaining 15 units not proffered as affordable housing.

2. Mr. Bobby Hornsby, Real Estate Agent for the subject property, stated that the project is fully bonded.

3. Mr. William Jones, 4364 Ironbound Road, stated support for the development by residents of the Ironbound Square community.

Mr. Nervitt closed the public hearing.

The Board voiced their approval of this development and the cooperation for improvements to the Ironbound Square recreational area.

Mr. Harrison made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

## RESOLUTION

### CASE NO. Z-3-00. IRONBOUND VILLAGE

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-3-00 for rezoning 7.75 acres from R-2, General Residential, to MU, Mixed-Use with proffers; and

WHEREAS, the proposed mixed-use development is shown on the Master Plan prepared by AES Consulting Engineers, dated September 13, 2000, and entitled "Ironbound Village;" and

WHEREAS, the properties are located at 4450 Ironbound Road and 112 Magazine Road and further identified as Parcel Nos. (1-47) and (1-47A) on James City County Real Estate Tax Map No. (39-1); and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 6, 2000, recommended approval of Case No. Z-3-00 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-3-00 and accept the voluntary proffers.

### 3. Amendments to the Garbage and Refuse Ordinance

Mr. Porter stated that the County's Garbage and Refuse Ordinance is outdated. The proposed Ordinance before the Board includes revisions to the definition of "the manager" as the County Administrator or his designee, modifying Sections 10-11(b) and 10-13, and deleting Section 10-23 of the County Code.

Mr. Nervitt opened the public hearing, and as no one wished to speak, closed the public hearing.

Mr. Goodson made a motion to approve the Ordinance amendment.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

## H. **BOARD CONSIDERATION**

### 1. 2001 Legislative Program

Mr. Morton gave an overview of the 2001 Legislative Program that includes legislation to be introduced on behalf of the County as well as positions/legislation to be supported by the County, and introduced a resolution that addresses the Interstate 64 design issue related to future widening.

Mr. Kennedy requested the wording of "working days" be added to the Legislative Program Part I, 1-2, concerning notification of prior timbering and agreed with the request to defer 1-3, concerning the placement of restriction on the use of groundwater, for one year while the groundwork gets laid.

Mr. Wanner introduced two legislative items supported by the Peninsula Mayors and Chairs and requested the Board adopt these items into the 2001 Legislative Program.

Mr. McGlennon made a motion to approve the 2001 Legislative Program and the Interstate 64 Design resolutions.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

## **RESOLUTION**

### **2001 LEGISLATIVE PROGRAM**

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 2001 session of the General Assembly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the attached 2001 Legislative Program and urges its consideration and passage as appropriate.

**RESOLUTION****INTERSTATE 64 DESIGN**

- WHEREAS, Interstate 64 is the entrance both the Historic Triangle of Virginia and Hampton Roads; and
- WHEREAS, visitors from across the world visit this area and consider the Historic Triangle a national treasure; and
- WHEREAS, the appearance of the entry corridor to the Historic Triangle has a direct bearing on the visitor experience to the area and, therefore, on the vitality of the tourism industry in the Historic Triangle which provides significant economic benefits both locally and to the State of Virginia; and
- WHEREAS, the Virginia Department of Transportation is currently designing the widening of Interstate 64 to provided needed road improvements which are supported by Hampton Roads jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby calls upon the Virginia Department of Transportation to:

- maintain the wooded nature of the medians along Interstate 64 from Newport News interchanges west to the Route 199 interchange east of Williamsburg;
- incorporate landscape design into the roadway design process at the earliest stages;
- consult with all affected jurisdictions and interested parties early in the design process so as to receive their recommendations.

**I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that Article I of the Constitution of Virginia addresses the issue of stormwater.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner advised the Board that the County will be redistricting in 2001, based on 2000 Census information. This information will be sent to the County late and that will impact on the time to redistrict the County.

Mr. Wanner recommended the Board appoint a citizen redistricting committee to assist the redistricting process.

Mr. Wanner recommended that the Board hold a closed session pursuant to (a) (1) following the JCSA Board of Directors meeting. The Board would then adjourn until Wednesday, November 29, 2000, at 4 p.m. for a work session.



**K. BOARD REQUESTS AND DIRECTIVES**

Mr. Nervitt requested information on the naming of the Casey New Town development.

Mr. Nervitt recessed the Board at 10:52 p.m.

The Board reconvened at 11:14 p.m.

**L. CLOSED SESSION**

Mr. Nervitt moved the Board into closed session at 11:15 p.m.

Mr. Nervitt reconvened the Board into open session at 11:26 p.m.

Mr. McGlennon made a motion to adopt the closed session resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

**RESOLUTION****CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, 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 were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions; and Section 2.1-344(A)(3) to consider acquisition of a parcel/parcels of property for public use.

Mr. McGlennon made a motion to remove Mr. Gene Farley from the Agricultural and Forestal District Advisory Committee; appoint Robert Dunn to the Peninsula Agency on Aging, term to expire September 30, 2003; and recommends to the Circuit Court the reappoint of Ms. Darlene Layer-Roush to the Board of Equalization, term to expire December 31, 2002.


RESOLUTIONTO RECOMMEND APPOINTEES TO THE JAMES CITY COUNTYBOARD OF EQUALIZATION

- WHEREAS, Section 20-30 of the Code of the County of James City, Virginia, requires the Board to recommend to the Circuit Court qualified freeholders of the County for appointment to the James City County Board of Equalization; and
- WHEREAS, the term of Darline H. Layer-Roush expires on December 31, 2000, and the Board of Supervisors of James City County seeks to reappoint her for a three-year term; and
- WHEREAS, Darline H. Layer-Roush is a qualified freeholder of the County.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recommends to the Circuit Court the reappointment to the James City County Board of Equalization of the following qualified freeholder, Darline H. Layer-Roush, for a three-year term.

Mr. McGlennon made a motion recess until 4:00 p.m. on November 29, 2000.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

The Board recessed at 11:37 p.m.

  
Sanford B. Wanner  
Clerk to the Board

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## Chapter 10

### Diversity and Equal Opportunity

#### Section 10.1   Philosophy

*James City County is committed to having a diverse work force; providing equal employment opportunity; ensuring nondiscrimination in all actions affecting County employees and applicants for employment; and prohibiting illegal harassment of County employees.*

#### Section 10.2   Guiding Principles

- A. Support the County's value of "Diversity, mutual respect, trust, honesty and personal responsibility."*
- B. Seek varied viewpoints in all the ways we provide service and conduct business.*
- C. Apply personnel policies and procedures without regard to race, color, religion, sex, national origin, age, disability, pregnancy, or sexual orientation.*
- D. Address complaints of discrimination or harassment immediately.*

#### Section 10.3   Legal Basis

*James City County is committed to ensuring that our Personnel Policies are in compliance with Title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967, as amended; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and the 14th Amendment of the U.S. Constitution.*

#### Section 10.4   Employee Coverage

*This Chapter applies to all employees of James City County, including but not limited to employees in full-time and part-time permanent, limited term, temporary, and on-call positions and employees working under contract with the County.*

#### Section 10.5   Consequences

*All reports of discrimination or discriminatory harassment will be promptly, thoroughly, and fairly investigated. Violations of the policies in this Chapter will result in appropriate corrective or disciplinary action, up to and including, termination of employment.*

## Section 10.6 Diversity

- A. Policy - James City County values diversity and is committed to creating a work environment that fosters mutual respect and acceptance; where differences of all employees are recognized, understood and appreciated; and where all employees are encouraged to express and use their differences to bring increased value to the organization. James City County seeks to attract qualified persons of diverse backgrounds and to promote diversity at all levels within the organization.
- B. Definition - James City County values diversity, which is defined as all the ways we are different and similar that affect our interactions with each other. These ways include, but are not limited to, age, disability, education, ethnicity, gender, geographic culture, marital status, military experience, nationality, race, religion, or sexual orientation.
- C. Value of Diversity - A diverse workforce brings together a richer mix of viewpoints and experiences, leading to innovation, more effective results and better service to our citizens.
- D. Diversity Strategic Plan (Appendix A) - The Diversity Strategic Plan (DSP) identifies ways to achieve our commitment to valuing diversity. Human Resources reports accomplishments annually to the County Administrator.

## Section 10.7 Equal Opportunity/Affirmative Action

- A. Policy - James City County is an Equal Opportunity Employer. James City County shall provide equal employment opportunity to its employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, pregnancy, sexual orientation or other non-job related factors, except where sex is a bona fide occupational qualification. This policy shall be followed in compensation, benefits, transfers, layoffs, return from layoff, County sponsored training, education, tuition assistance, social and recreation programs, or any other personnel action affecting its employees.
- B. Equal Opportunity/Affirmative Action Plan (Appendix B) - The voluntary adoption of the Equal Opportunity/Affirmative Action Plan (EO/AA Plan) by the James City County Board of Supervisors reaffirms its commitment to nondiscrimination and equal employment in all actions affecting County employees. The goals, objectives and responsibilities contained in the Plan are designed to assist the County and all of its employees in adhering to these principles and to overcome the effects of past or present practices, policies, or

*other barriers to equal employment opportunity. This Plan is not intended to create hiring or promotion quotas or preferences for unqualified individuals.*

**C. Responsibility for Implementation of EO/AA Plan**

**County Administrator**

1. *Support and endorse James City County's commitment to EO/AA.*
2. *Delegate responsibilities as necessary to ensure successful implementation of this Plan.*
3. *Require active and consistent participation of Department Managers and supervisors in implementing the Plan.*
4. *Hold Department Managers accountable for their contributions to EO/AA.*
5. *Review the Diversity Strategic Plan accomplishments annually.*

**Human Resources Manager**

1. *Serve as the Equal Opportunity Compliance Officer and the Affirmative Action Program Manager under the direction of the County Administrator.*
2. *Assume responsibility for the design, implementation, communication and administration of the EO/AA Plan and delegate specific responsibilities as necessary to ensure successful implementation of the Plan.*
3. *Ensure that personnel policies and procedures comply with and support the objectives of the Plan.*
4. *Ensure that the policies and practices of the Human Resource Department comply with objectives of the Plan.*
5. *Provide employees with assistance, training, information or other counseling matters concerning EO/AA.*
6. *Annually review and update the Plan to ensure it is consistent with law and latest developments in EO/AA.*
7. *Investigate complaints of discrimination by applicants and employees and maintain records of the complaints and their resolution.*

8. *Serve as liaison between James City County and enforcement agencies.*
9. *Serve as liaison between James City County and minority organizations, women's organizations and community action groups concerned with the employment opportunities of minorities and women.*
10. *Solicit suggestions from County employees on ways to further EO/AA.*
11. *Keep management informed of latest developments in the equal opportunity area.*

#### ***Department Managers and Supervisors***

1. *Support and endorse James City County's commitment to EO/AA.*
2. *Select, hire, compensate, train, and evaluate employees; and, recommend for performance increases, promotions, transfers, demotions, leave without pay, disciplinary actions or termination, without regard to race, color, religion, sex, national origin, age, disability, pregnancy, or sexual orientation.*
3. *Take actions to ensure that a nondiscriminatory atmosphere exists in the workplace.*
4. *Monitor their department's progress in achieving EO/AA objectives.*
5. *Assist Human Resources in investigating and resolving complaints of discrimination in their departments.*

#### ***Employees***

1. *Take personal responsibility to treat each other and our customers with respect and without regard to race, color, religion, sex, national origin, age, disability, pregnancy, or sexual orientation.*

#### ***Section 10.8***

#### ***Discriminatory Workplace Harassment***

- A. *Policy - James City County shall maintain a quality work environment free of unlawful and improper harassment and will take action to prevent such harassment from occurring. Harassment of an employee, prospective employee, or any other individual, such as customers, volunteers, or vendors, on the basis of national origin, race, color, sex, religion, disability, age, sexual orientation or pregnancy will not be tolerated.*



**B. Responsibility for Implementation**

**Human Resource Department**

1. *Train employees to recognize and prevent discriminatory harassment in the workplace.*
2. *Investigate and assist in the resolution of complaints of harassment by employees and maintain records of complaints and their resolution.*

**Managers and Supervisors**

1. *Ensure that the work environment is free from all types of unlawful discriminatory harassment.*
2. *Take prompt, appropriate action within their work units to resolve any complaint and to prevent the incidence of discriminatory harassment.*
3. *Familiarize any employees under their direction with this policy.*

**All Employees**

1. *Treat one another with courtesy and respect and without regard to national origin, race, color, sex, religion, disability, age, sexual orientation, or pregnancy.*
2. *Read and be familiar with the Discriminatory Harassment Policy and understand that discriminatory harassment will not be tolerated.*
3. *Report incidents of discriminatory harassment experienced or witnessed immediately to a supervisor, Department Manager or the Human Resource Department.*
4. *Cooperate with the Human Resource Department during investigations and verification of reports of harassment.*

**C. General Definition** - Discriminatory Harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964. Discriminatory harassment is unwelcome, offensive, abusive, or demeaning behavior made on the basis of national origin, race, color, sex, religion, disability, age, sexual orientation or pregnancy which unreasonably interferes with an individual's work performance or creates an offensive work environment.

*In general, harassment includes, but is not limited to:*

1. *Verbal Harassment - Epithets, derogatory comments or slurs on the basis of national origin, race, color, sex, religion, disability, age, sexual orientation or pregnancy.*
2. *Physical Harassment - Assaulting, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on national origin, race, color, sex, religion, disability, age, sexual orientation or pregnancy.*
3. *Visual Forms of Harassment - Derogatory posters, notices, bulletins, e-mails, cartoons, or drawings on the basis of national origin, race, color, sex, religion, disability, age, sexual orientation or pregnancy.*
4. *Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, upon which an employment benefit is conditioned, which unreasonably interferes with an individual's work performance or which creates an offensive work environment.*

*D. Types of Discriminatory Harassment*

*1. Sexual Harassment*

*Sexual harassment occurs whenever unwelcome conduct of a sexual or gender-based nature affects a person's ability to perform work duties. Sexual harassment can come from a person of either gender against a person of the opposite or same gender and from peers as well as supervisors.*

*Sexual advances, whether verbal or physical in nature, are unlawful and constitute sexual harassment when:*

- a. *submission to such advances is an explicit or implicit condition of employment;*
- b. *submission to or rejection of such advances affects the job the employee holds; or*
- c. *the conduct substantially interferes with the employee's work performance by creating an intimidating, hostile, or offensive work environment.*

*Under the law, two basic types of sexual harassment are found:*



- a. *Quid Pro Quo* - *Quid pro quo* means "this for that." This type of sexual harassment includes the threat or insinuation that lack of sexual submission will adversely affect an employee's employment, evaluation, wages, advancement, assigned duties or shifts, or other conditions which affect an employee's livelihood. *Quid Pro Quo* can also take the form of sexual favoritism, which occurs when one employee's sexual involvement with the employer, a supervisor, or some other person with authority to make substantive employment decisions, influences employment decisions regarding benefits and/or promotions to the detriment of other employees.

Examples of this type of harassment include, but are not limited to:

- (1) Pressure, either direct or subtle, for sexual activity by a supervisor or coworker;
- (2) Requesting sexual favors, accompanied by implied or overt threats or promise of preferential treatment, with regard to an individual's employment status or benefits;
- (3) Granting job favors to those who participate in consensual sexual activity and penalizing those who refuse to participate; and,
- (4) Unwanted, intentional touching (i.e., patting, massaging, rubbing, hugging, or pinching).

- b. *Hostile Environment* - This type of harassment occurs when conduct of a sexual or gender-based nature interferes with an individual's work performance or creates an intimidating, abusive, or offensive work environment.

Examples of behavior that may create a hostile work environment include but are not limited to:

- (1) Verbal harassment, insults, ridicule, acts of intimidation, aggression, or abuse, based on gender;
- (2) Unwanted, intentional touching (i.e., patting, massaging, rubbing, hugging, or pinching);
- (3) Sexual or suggestive remarks about a person's weight, body, clothing, make-up, or hairstyle;
- (4) Demeaning or inappropriate sex-based terms, including intimate or offensive nicknames;
- (5) Excluding workers of one gender by those of the other from activities or assignments during work hours;

- (6) Displaying sexually suggestive calendars, pinups, graffiti, pictures, or jokes;
- (7) Using inappropriate gestures or profanity of a sexual nature;
- (8) Telling sexual jokes or making sexual remarks, including sexual innuendo or comments with a double meaning;
- (9) Unwelcome pressure to date or engage in sexual activities;
- (10) Encouraging other employees to make inappropriate jokes, comments, or advances;
- (11) Commenting to a group or teasing an individual about issues of a sexual nature;
- (12) Making facial expressions such as throwing kisses, licking lips or whistling at another in a sexually suggestive manner;
- (13) Asking intimate or sexually probing questions;
- (14) Boasting of sexual experiences or discussing sexual activities; or
- (15) Giving sexually explicit notes or pictures or sexually offensive items to another person.

## 2. Other Forms of Discriminatory Harassment

Behavior directed at an individual's national origin, race, color, religion, disability, age, sexual orientation or pregnancy may constitute harassment when it:

- a. has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- b. has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c. otherwise adversely affects an individual's employment opportunities.

Examples of such behavior may include, but are not limited to, the same examples described above in Section 10.8, B. 1. b, when based on national origin, race, color, religion, disability, age, sexual orientation or pregnancy.

## Section 10.9

### AIDS Policy

- A. Policy - James City County shall provide a safe environment for its employees, citizens, and the visiting public; a work environment free from discrimination and harassment for individuals with AIDS-related conditions; and, protect individual rights by ensuring confidentiality and human dignity.

**B. Definitions**

1. AIDS-related condition – a collective reference for Acquired Immune Deficiency Syndrome (AIDS), Aids Related Complex (ARC), and Human Immunodeficiency Virus (HIV).

**C. Guidelines**

1. The County shall treat employees who have AIDS-related conditions in the same manner as those having other life-threatening illnesses that are not normally transmitted by casual contact in ordinary occupational settings. As long as such employees are medically and physically able to perform their jobs and do not pose a danger to their own health and safety or the health and safety of others in the workplace, they shall be permitted to remain in the same job classification and work location, unless a transfer, promotion, or demotion is otherwise required for reasons not associated with an AIDS-related condition. The County Administrator shall determine, based on medical findings and job duties, when a transfer or demotion associated with an AIDS-related condition is necessary.
2. Employees diagnosed as having an AIDS-related condition shall retain health and other benefits while they are employed. Terminating employees diagnosed as having an AIDS-related condition shall have the same rights to continuation of coverage as other employees.
3. AIDS-related conditions shall be treated as all other infectious diseases in accordance with Blood Borne Pathogens Exposure Control Procedures, Chapter 11, Safety Program, of this Manual.

**Section 10.10 Resolving Complaints**

- A. Complaints of Discrimination - Employees and applicants who feel they have been discriminated against in violation of the Equal Opportunity/Affirmative Action Plan or Federal Law may contact the Human Resource Department for assistance in resolving the complaint. In addition, employees in permanent and limited term positions who have completed their probationary period have recourse through the established Grievance Procedure (Chapter 10 of the Personnel Policies and Procedures Manual.)
- B. Complaints of Discriminatory Harassment - When an incident of perceived harassment occurs, the employee is encouraged to make it clear to the offender, at the time of the occurrence, that the behavior is offensive and request that it stop. If the employee is not comfortable doing so, is unsatisfied

with the outcome of this encounter, or if the harassment continues, the employee shall submit a formal complaint. The employee is not required to attempt to resolve the situation informally.

### 1. Formal Complaint

The employee (the Complainant) will report an incident of alleged discriminatory harassment by completing the Discriminatory Harassment Complaint Form and submitting it to the Human Resource Department as soon as possible after the event giving rise to the complaint, but within 300 days, which is consistent with the Equal Employment Opportunity Commission's time frame for filing a complaint. Failure to do so without good cause will waive the opportunity to pursue the complaint procedures set forth in this policy.

If the alleged harasser is a member of the Human Resource Department, the Discriminatory Harassment Complaint Form shall be submitted to the Assistant County Administrator, who will conduct the investigation.

### 2. Investigating A Complaint

Upon receipt of the completed Discriminatory Harassment Complaint Form, the Human Resource Department will promptly begin an investigation by:

- (a) Interviewing the Complainant to ensure understanding of the complaint and to obtain all necessary information.
- (b) Contacting the alleged harasser (Respondent) to inform him/her of the basis of the complaint and arranging a time to meet and respond to the allegations. The Respondent will respond to the complaint in writing.
- (c) Interviewing individuals whom the parties have identified as having pertinent information.
- (d) Reviewing all relevant documents either provided or identified by the parties and any other documents deemed to be relevant to investigation.

### 3. Completion of Investigation and Findings

Human Resources, in conjunction with the County Attorney, shall prepare a report of the investigation, findings, and determination of whether discriminatory harassment has occurred. The report shall be completed within 30 days of receipt of the complaint.



4. Determination - Harassment Occurred

*If it is determined that harassment on the alleged basis has occurred, the findings will be reported to the Department Manager of the Respondent, who will recommend disciplinary action up to and including termination. Recommended disciplinary action will be determined by the severity and/or frequency of the offense and will be consistent with County policy.*

*The Human Resource Manager will inform the Complainant and the Complainant's Department Manager of the findings and will advise what corrective action is being taken.*

5. Determination - No Harassment Occurred

*If it is determined that no harassment, as defined, occurred, Human Resources will notify the appropriate parties involved of the findings in writing. Human Resources and Department Managers will consider whether other action, such as mediation, or intervention by the Employee Assistance Program, is warranted.*

6. Confidentiality - *A complaint of discriminatory harassment, its investigation, the outcome of the investigation, and any action(s) taken relating to a specific employee or employees shall be kept confidential to the extent possible. Dissemination of information will be limited to persons with a need to know to conduct an investigation or to implement disciplinary or corrective action and the Complainant.*

7. Anti-Retaliation and False Allegations - *No person, division, or department may take disciplinary action against, or in any other manner discriminate or retaliate against, or deny any person a benefit to which that person is entitled because such person has filed a complaint or instituted any proceeding under or related to this policy, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation, unless any of these are done in bad faith and with malicious intent.*

8. General Procedures

- (a) Definition of "Days" - *For purposes of this procedure, "days" shall be defined as calendar days and time periods shall begin on the day following that on which any action is to be taken or report made, and run without regard to weekends or holidays. If a time period ends on a weekend or holiday, the last day of the time period shall be the end*

*of the business day of the first working day following the weekend or holiday.*

*(b) Time Limit Extension - Time limits established under this procedure are intended to be strictly construed and enforced. However, in the interest of fairness, any time limits may be extended if both parties agree to such extensions in writing.*

## APPENDIX A

## DIVERSITY STRATEGIC PLAN

Strategy	Responsibility for Coordinating	Accomplishments
Implement the employment procedures as outlined in the Equal Opportunity/Affirmative Action Plan.	Human Resources	
Develop and implement an annual calendar of opportunities for employees to get to know each other.	Human Resources	
Develop and implement an annual plan to provide development opportunities such as training, alternative work assignments, mentorships, etc.	Human Resources	
Provide opportunities for employees to participate on teams, both inside and outside their departments.	Department Managers & Supervisors	
Recognize employees for actions that demonstrate they value diversity.	Departments	
Ensure work rules and policies are work-related and non-discriminatory.	Human Resources	
Report Diversity Strategic Plan accomplishments annually.	Human Resources	

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## APPENDIX B

**Equal Opportunity/Affirmative Action Plan  
FY 01/02**

**1. Commitment – James City County is committed to:**

- a. Hiring, promoting and training persons in all job titles, without regard to race, color, religion, sex, national origin, age, disability, pregnancy or sexual orientation.**
- b. Basing hiring and promotion decisions on the individual's qualifications for the position.**
- c. Ensuring that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, county sponsored training, education, tuition assistance, social and recreation programs are administered without regard to race, color, religion, sex, national origin, age, disability, pregnancy or sexual orientation.**
- d. Increasing representation of women and minorities in areas where underutilization is identified.**

**2. Communication of the Plan**

**a. Internally**

- (1) The Equal Opportunity/Affirmative Action Plan (EO/AAP) will be included in the Personnel Policies and Procedures Manual, which is available to all employees on the County Intranet, in the Human Resource Department and in their departments.**
- (2) The County's EO/AA Policy statement will be discussed in New Employee Orientation and will be included in the Employee Handbook.**
- (3) Equal Employment Opportunity posters and the County's EO/AA Policy statement will be posted in the Human Resource Department.**
- (4) Periodic training on EO/AA will be provided for employees.**
- (5) The Plan will be specifically available via the Human Resource Department's home page on the County Intranet.**

**b. Externally**

- (1) James City County's application for employment and all recruiting advertisements will state that James City County is an EO/AA employer.**



- (2) All pamphlets, brochures, and other printed and electronic materials prepared for recruitment purposes will state that James City County is an EO/AA employer.
- (3) Written notification of the EO/AA will be made to all vendors and suppliers, and will include solicitation of appropriate action on their part on all Requests for Proposals from the County.
- (4) The County's EO/AA statement will be included in all purchase orders, leases, contracts, etc. covered by Executive Order 11246.

3. Internal Auditing and Reporting

- a. The Human Resource Department will improve its tracking system to accurately compare race and sex staffing patterns of County employees to Metropolitan Statistical Area data to establish benchmark ratios of race and sex. This information will be shared with Department Managers and supervisors.
  - b. The Human Resource Department will report progress in accomplishing the EO/AA Objectives and Strategies annually.
4. Objectives and Strategies – The following Objectives and Strategies have been developed to assist in achieving the County's commitment to nondiscrimination and equal opportunity. Human Resources is responsible for implementation of the strategies unless otherwise indicated.

Objectives/Strategies	Responsibility	Accomplishments
<p>A. Identify employment areas where underutilization exists.</p> <p>1. The Human Resource Department will compare race and sex staffing patterns of County employees to Metropolitan Statistical Area data to identify possible areas of underutilization. These findings will be shared with the County Administrator and Department Managers.</p> <p>2. The Human Resource Department will work with Departments to identify and eliminate barriers to equal employment opportunity and identify strategies to increase the applicant pool of minorities and women.</p>	<p>HR and Department Managers and Supervisors</p>	

Objectives/Strategies	Responsibility	Accomplishments
<p><b>B. Develop strategies to increase the applicant pool of minorities and women.</b></p> <ol style="list-style-type: none"> <li>1. Human Resources will use a variety of recruitment sources such as: minority publications, professional organizations, Internet sites, college and university placement offices and media to advertise specific employment opportunities to protected class members.</li> <li>2. Human Resources and hiring departments will encourage employees to refer protected class applicants for County employment.</li> <li>3. When hiring and promoting employees consistent with County policy, Department Managers and supervisors will make every reasonable effort to select qualified minorities and women to ensure that the distribution of minorities and women throughout all levels of the workforce are representative of the percentage and distribution of qualified minorities and women available.</li> <li>4. Include minority and female employees when participating in career days and job fairs.</li> <li>5. Partner with "connected" neighborhoods through the Neighborhood Connections to inform community organizations of employment opportunities.</li> </ol>	<p>HR and hiring Departments</p> <p>Dept. Managers and Supervisors</p> <p>HR and Departments</p>	
<p><b>C. Ensure that recruitment policies and practices support equal employment opportunity.</b></p> <ol style="list-style-type: none"> <li>1. The Human Resource Department will serve as a job information center to provide equal access to job information, availability and opportunities.</li> <li>2. Include the statement that James City County is "An Equal Opportunity/Affirmative Action Employer on all references to position vacancies."</li> <li>3. Include pictures of protected class members on any recruitment literature that contains photographs of people.</li> <li>4. Provide reasonable accommodation to applicants requesting assistance in the application process.</li> <li>5. Provide a variety of ways that employment applications may be obtained, including in person, by mail, by fax and via the Internet.</li> <li>6. Avoid references to race, color, religion, sex, national origin, age, disability, pregnancy, or sexual orientation on James City County's employment application, except as may be required to meet the Equal Employment Opportunity Commission's requirements or other legal requirements.</li> </ol>	<p>HR and Departments</p>	

Objectives/Strategies	Responsibility	Accomplishments
<p><b>D. Ensure that hiring and promotion policies and practices support equal employment opportunity.</b></p> <ol style="list-style-type: none"> <li>1. The process of screening applications will be administered consistently using valid requirements of the job, by either the Human Resource Department or the hiring supervisor.</li> <li>2. HR will offer and departments will send employees involved in selection, promotion, disciplinary and related processes to training to be aware of and eliminate bias in personnel actions.</li> <li>3. Offer training to employees involved in interviewing to develop the skills necessary to interview, evaluate and document interviews in a non-discriminatory manner.</li> <li>4. Make job descriptions available to all employees through the James City County Intranet and through the Human Resource Department.</li> <li>5. Obtain a release of criminal and medical records from applicants for those positions that require a background investigation due to the nature of the duties involved.</li> <li>6. Use records of criminal convictions in making employment decisions only when they indicate, given the nature of the crime and the nature of the job, that employment of the individual in a particular job could affect job performance.</li> </ol>	<p>HR and hiring Supervisors</p> <p>HR and Departments</p> <p>Departments</p>	

Objectives/Strategies	Responsibility	Accomplishments
<p><b>E. Use selection criteria that are job-related and indicative of success in performing the job.</b></p> <ol style="list-style-type: none"> <li>1. Job descriptions will be reviewed periodically and upon vacancy to ensure they accurately reflect position functions.</li> <li>2. Knowledge, skills and abilities and minimum qualifications for jobs will be reviewed periodically and upon vacancy to ensure they are consistent with the duties required of the job.</li> <li>3. Human Resources will work with departments to develop job related selection processes, including testing and interview questions, as requested.</li> <li>4. Hiring departments will inform Human Resources of selection processes, including interview questions.</li> <li>5. The Human Resource Department will follow the "Uniform Guidelines on Employee Selection," CFR 60-3.</li> <li>6. Human Resources will ensure that written pre-employment tests leased from vendors have been validated by the vendor. Departments will send other written tests used in the selection process to be reviewed by the Human Resource Department.</li> <li>7. Human Resources will work with departments to ensure that any promotion testing is administered in a fair and equitable manner.</li> <li>8. Qualified applicants with disabilities will be provided with reasonable accommodation, upon request, to enable them to participate in the testing and selection process.</li> </ol>	<p>HR and Departments</p> <p>HR and Departments</p> <p>HR and Departments</p> <p>Hiring Departments</p> <p>HR and Departments</p> <p>HR and Departments</p> <p>HR and Departments</p>	
<p><b>F. Ensure that compensation, benefits, employee development and disciplinary policies support nondiscrimination.</b></p> <ol style="list-style-type: none"> <li>1. Salary ranges for each position classification will be assigned based on the County's established pay system, without regard to the incumbent.</li> <li>2. Available benefits will be offered to all eligible employees based on their employment status without regard to race, color, religion, sex, national origin, age, disability, pregnancy or sexual orientation.</li> <li>3. Tuition assistance will be awarded to eligible County employees without regard to race, color, religion, sex, national origin, age, disability, pregnancy or sexual orientation.</li> <li>4. Training and educational programs that are sponsored or supported by James City County will be available to all employees, appropriate to the employee's position, without regard to race, color, religion, sex, national origin, age, disability, pregnancy or sexual orientation.</li> </ol>	<p>Departments</p> <p>Departments</p>	

<b>Objectives/Strategies</b>	<b>Responsibility</b>	<b>Accomplishments</b>
<p><b>G. Provide a work environment free from discrimination.</b></p> <ol style="list-style-type: none"> <li>1. Supervisors will conduct periodic audits of their work locations to ensure that facilities maintained for use by employees are desegregated, both in policy and use and are comparable for both sexes.</li> <li>2. Exit interviews will be conducted with as many employees as possible that leave employment to ensure work environments free from discrimination.</li> <li>3. Inform new employees about James City County's Diversity and Equal Opportunity Policy in New Employee Orientation.</li> <li>4. Share accomplishments of the Diversity Strategic Plan and the EO/AA Plan with the Valuing Diversity Steering Committee and work together to develop future strategies.</li> </ol>	<p>Departments</p>       <p>HR and Valuing Diversity Steering Committee</p>	
<p><b>H. Provide training opportunities to all employees.</b></p> <ol style="list-style-type: none"> <li>1. Publicize training opportunities through various mediums such as, the County Intranet, flyers and brochures, e-mail announcements, announcements in employee newsletters and Department Manager reports.</li> <li>2. County sponsored training will be offered to help employees prepare for future promotional opportunities or career changes.</li> </ol>		

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## ORDINANCE NO. 131A-5

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-2, DEFINITIONS; ARTICLE II, REFUSE REMOVERS, SECTION 10-8, GENERAL REGULATIONS FOR REMOVING AND TRANSPORTING REFUSE; SECTION 10-11, PERIODIC INSPECTION OF VEHICLES; SECTION 10-13, WHERE VEHICLES TO BE EMPTIED; AND ARTICLE III, REFUSE PERMIT, BY DELETING SECTION 10-23, SUSPENSION FROM USE OF LANDFILL.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Refuse and Garbage, is hereby amended and reordained by amending Section 10-2, Definitions; Section 10-8, General regulations for removing and transporting refuse; Section 10-11, Periodic inspection of vehicles; Section 10-13, Where vehicles to be emptied; and by deleting Section 10-23, Suspension from use of landfill.

## Chapter 10. Refuse and Garbage

## Article I. In General

## Sec. 10-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Ashes.* The residue resulting from the burning of wood, coal, coke or other combustible material.

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Chapter 10. Garbage and Refuse  
Page 2

*County administrator.* The county administrator of James City County.

*Garbage.* All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

*Litter.* All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

*Manager.:* ~~The general manager of the James City Service Authority~~ *county administrator* or his designee.

*Refuse.* All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.

*Refuse remover.* Any person, firm or corporation or any agent or employee thereof engaged in removing and transporting refuse for compensation from two or more residential, commercial or industrial establishments, or any combination thereof, in the county.

*Refuse vehicle.* Any truck or trailer used for transporting refuse from the premises from which it is collected to the point of refuse disposal.

Article II. Refuse Removers

**Sec. 10-8. General regulations for removing and transporting refuse.**

It shall be unlawful for any refuse remover to fail to comply with the following provisions:

- (1) Refuse shall be removed in such a manner that it does not create a nuisance or adversely affect public health.
- (2) Refuse shall be removed in such a manner and transported so that it does not spill or fall into a street, nor shall it be dumped, spilled, thrown or leaked into any street, sewer inlet or vacant lot.
- (3) No known harmful material, including, but not limited to, materials which are explosive, toxic, radioactive, highly combustible by nature or burning, shall be removed for disposal except with the written permission of the county administrator, requested in writing, with a copy thereof sent to the manager and to the landfill superintendent. This provision is not applicable to materials loaded and carried at the direction of public officials, public employees or public servants executing their duties in emergencies.



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**Sec. 10-11. Periodic inspection of vehicles.**

(a) All refuse vehicles used by refuse removers shall be made available for inspection, in addition to the inspections required by article III of this chapter, upon request of the manager in writing. A reasonable time shall be provided to make a vehicle available for such inspections. Failure to make a vehicle available for inspection within 24 hours of such written request shall be unlawful.

(b) Items to be discarded include, but are not to be limited to, cleanliness, watertightness (including seals) of closed bodies, tarpaulin covers (no rugs or carpets will be approved), if required, audible alarm (horn or automatic backup alarm), tires, a frame-mounted front tow hook, brake lights, and the name, phone number and permit number of the refuse remover. All items appropriate for the type of vehicle shall be installed and functioning for the vehicle to be approved. No vehicle bearing an expired or rejected State of Virginia vehicle inspection sticker shall be permitted to dump at ~~use~~ the county landfill ~~transfer station~~.

**Sec. 10-13. Where vehicles to be emptied.**

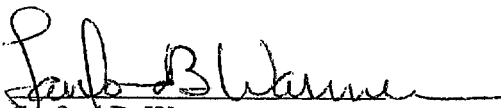
It shall be unlawful for any vehicle used by a refuse remover to be emptied of refuse or any other materials, including, but not limited to, liquid materials, in the county on any ground or location other than a sanitary landfill or other approved ~~duly licensed~~ disposal facility ~~duly licensed by the county or maintained by the county~~. However, in a bona fide emergency, such as a fire in the truck, the refuse remover may empty the truck in a clear area so as not to endanger life or property. The refuse remover shall be responsible for cleaning up the refuse immediately upon resolving the emergency.

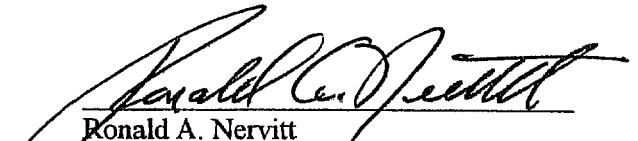
Article III. Refuse Permit

~~Sec. 10-23. Suspension from use of landfill.~~

~~Any refuse remover violating any section of this chapter shall, in addition to any criminal penalties, be subject to suspension from use of the county landfill for a period of time to be determined by the manager. Such suspension shall be in writing and shall detail the cited violation or violations. Any refuse remover so suspended shall have ten days from the receipt of the notice of suspension to appeal the action to the county administrator in writing. The county administrator shall afford the refuse remover a hearing within seven days of the receipt of such appeal. The effective dates of the suspension shall begin ten days after the notice of suspension, if not appealed, or upon notice from the county administrator that an appeal has been denied.~~

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

  
Ronald A. Nervitt  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
HARRISON	AYE
GOODSON	AYE
KENNEDY	AYE
NERVITT	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2000.

**JAMES CITY COUNTY**  
**2001 LEGISLATIVE PROGRAM**

**PART I.**     Legislation to be introduced on behalf of the County.

1-1.     TRAFFIC CONTROL

James City County requests that it be added to those localities authorized by Section 46.2-833.01 of the Code of Virginia to permit the establishment of a program involving cameras at traffic intersections to monitor the running of red lights.

1-2.     NOTICE OF SILVICULTURAL ACTIVITIES

Section 10.1-1181.2 of the Code of Virginia provides in part, “[p]rior to or not later than three working days after the commencement of an operation, the owner or operator shall notify the State Forester of the commercial harvesting of timber. For the purpose of this section, commercial harvesting of timber means the harvesting of trees for the primary purpose of transporting to another site for additional manufacturing.”

Notifying the State Forester who subsequently notifies the County of harvesting activities after the harvesting activity has taken place does not always permit the County to determine if the activity is lawful under the County Code.

The County requests that the State Forester be given at least three days notice, prior to the harvesting activity being undertaken.

1-3.     PENALTIES FOR VIOLATION OF CHESAPEAKE BAY PRESERVATION  
         AREAS

Amend Section 10.1-2109 E. 1. and 2. To provide that in addition to the penalties set forth in those sections, any person held in violation of the Chesapeake Bay Preservation Areas shall also reimburse the locality for any staff time associated with the violation, including the costs of any attorney.

**PART II.**     Position/Legislation to be Supported by the County.

2-1.     DISCOVERY CENTER FOR WORKFORCE DEVELOPMENT

James City County supports the budget amendment proposed by the College of William and Mary and Thomas Nelson Community College for \$590,000 to establish an employer focused economic development and workforce development center as a "Crossroads" initiative.

2-2.     FIREFIGHTERS AND EMTS; OVERTIME COMPENSATION

House Bill 220 was carried over from last year. For purposes of computing overtime, the bill requires localities to count paid leave (including vacation or sick leave) as hours worked towards the calculation of overtime. The County is opposed to that provision of the bill.

2-3.     SUPPORT FOR COALITION OF HIGH GROWTH COMMUNITIES  
LEGISLATIVE PROGRAM

- a.     The Coalition considers it a priority for the State to provide additional funding for school construction, renovation, technology and debt service payments.
- b.     Impact Fees. Authority for high-growth localities to assess school and road impact fees.
- c.     Adequate Public Facilities. Enable high -growth localities to adopt adequate public facilities ordinances.
- d.     Revise Vested Rights Legislation, Section 15.2-2288.1 of the Virginia Code. Revise the legislation to permit localities to again exercise flexibility in determining how residential property, particularly in the rural areas of James City County, will be developed.
- e.     The Coalition also opposes new or carry over legislation that restricts local government's authority in the area of land use.

#### 2-4. GREYWATER STUDY

James City County operates the largest ground water based water supply system in the Commonwealth of Virginia. As such, the County urges the State to study the beneficial public uses of greywater that will result in less use of potable water for irrigation, washing cars, etc.

#### 2-5. FUNDING FOR PURCHASE OF DEVELOPMENT RIGHTS AND OPEN SPACE.

Support funding for the Virginia Agricultural Vitality Program in order to promote a statewide program of preserving farmland by making grants available to localities to purchase development rights. In addition, support additional funding for the Virginia Land Conservation Foundation so that it can provide matching grants to localities that wish to preserve historic resources, natural heritage areas, park land and open space, farm land and forests.

#### 2-6. HB 599 PAYMENTS

Support funding the formula levels established for HB 599 payments to localities based on the moratorium against annexation.

#### 2-7. HIGH SPEED PASSENGER RAIL

Support funding for High Speed Passenger Rail infrastructure along the I-64 CSX rail corridor.