

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF MAY, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Chairman, Berkeley District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Goodson requested the Board and citizens observe a moment of silence,

C. PLEDGE OF ALLEGIANCE

Ashley Hannah, a student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. May is Bike Month

Mr. Goodson presented Mr. Tom King, President of the Williamsburg Area Bicyclists, and Mr. Ernie Schmit with a resolution declaring May as Bike Month in James City County and accepted a Certificate of Recognition for Bike Month signed by Governor Warner.

E. PUBLIC COMMENT

1. Ms. Victoria M. Butler, Roberts District, thanked the Chairman for his assurance that the Community Action Agency (CAA) budget funding would pass; stated support for Reba **Bolden** as the Executive Director of the CAA.

2. Ms. Reba **Bolden**, Executive Director of the Community Action Agency, provided an overview of the CAA as a public-private partnership dedicated to reducing poverty and promoting self-sufficiency of citizens in the County; provided an overview of the programs offered to moderate- to low-income residents as well as the benefits the Agency offers the community; commented on the benefits to the

Community from the County's fiscal contribution to CAA; and invited the Board to attend the upcoming Head Start graduation.

3. Mr. George **Drummond**, 156 Indian Circle, stated concern that his request for his term on Community Action Agency (CAA) Board to be extended was not considered; stated concern that the Board would consider denial of funding to the CAA based upon a personnel issue that has not been discussed with the CAA Board; and stated support for the CAA Executive Director.

4. Mr. John Filichko, 9615 Richmond Road, commented that he has been a CAA Board member for over three years, that the Board looked for a results-oriented leader, and therefore, Ms. **Bolden** was selected as the Executive Director for the Agency; and requested the Board work with each other and with the School Board to attend to the needs of the citizens and children of the community.

5. Mr. John Hall, 117 Olde Jamestowne Court, requested the Board contact the Federal and State representatives to express the County's support of funding for public transportation initiatives.

6. Ms. Linda Wallace, 3085 Friendship Drive, stated that the CAA provides many benefits to the County's citizens, stated concern that the Board would consider not supporting the CAA through funding; and provided a brief overview of the benefits the organization provides to the youth and citizens of the community.

7. Ms. Kimberly **Winn**, P. O. Box 2216, City of Newport News, stated that as a NBL Basketball coach she is concerned that the Board would consider withdrawing funding from the CAA that provides meat programs for the youth of the community such as Head Start and NBL coaching programs, and requested the Board not consider withholding funding from the CAA.

8. Mr. Ed Oyer, 139 Indian Circle, stated concern about the programming proposed for the multiuse Performing Arts Center; commented on some highlights of the 2003 fiscal report and trends during the 2003 fiscal year; and commented on a recent article that noted that five bills passed by the General Assembly included increased fees.

F. CONSENT CALENDAR

Mr. Harrison requested that Consent Calendar Item No. 5, Appropriation -Establishment of a Full-Time Operations/Special Trips Supervisor Position for Williamsburg Area Transport, be pulled from the Consent Calendar.

Mr. Brown made a motion to adopt the remaining items on the Consent Calendar.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5).
NAY: (0).

1. Minutes
 - a. April 13, 2004 - Regular Meeting
 - b. April 27, 2004 - Work Session
 - c. Avril27.2004 - Regular Meeting

2. Chesapeake Bay Restoration Fund Grant

RESOLUTION

CHESAPEAKE BAY RESTORATION FUND GRANT

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching and Standards of Learning (SOL) based environmental component to the Parks and Recreation's Total Rec Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$5,720 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

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

Revenues:

From the Commonwealth \$5,720

Expenditures:

Chesapeake Bay Restoration Fund
(024-161-5608) \$5,720

3. May is Bike Month

RESOLUTION

MAY IS BIKE MONTH

WHEREAS, cycling is a relaxing and enjoyable mode of exercise and transportation for many men, women, and children throughout James City County, and it is a convenient and environmentally clean way for many to travel between work, school, and home; and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise; it is important for children and adults to learn the basics of bicycle safety and to always wear a safety helmet while bicycle-riding; and cyclists can enjoy the beautiful scenery, parks, area attractions, and historic sites of James City County from a unique vantage point; and

WHEREAS, Bike Month is designed to increase awareness about bicycling opportunities through organized activities such as bike-to-work days and bike rodeos for children.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2004, as Bike Month in James City County, Virginia, and calls this observance to the attention of its citizens.

4. Allocation of Additional Funds for Columbia Drive Project

RESOLUTION

ALLOCATION OF ADDITIONAL FUNDS FOR COLUMBIA DRIVE PROJECT

WHEREAS, a contract has been awarded for construction of Columbia Drive and the concurrent construction of utilities into the James River Commerce Center; and

WHEREAS, the original estimate for the project was \$454,500, but the lowest responsive and responsible bid was \$472,185; and

WHEREAS, the project anticipates receiving State reimbursement of road costs in the amount of \$339,850 under terms of the Industrial Access Road Fund program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes an additional allocation of \$17,685 from Capital Improvements Project Budget to the Special Projects/Grants Fund for construction of Columbia Drive and utilities.

Revenue:

From Capital Improvements Project (CIP) Budget	<u>\$17,685</u>
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Expenditure:

James River Industrial Road Access Grant	<u>\$17,685</u>
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5. Department of Motor Vehicles Mini-Grant Awards

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES MINI-GRANT AWARDS

WHEREAS, the Department of Motor Vehicles (DMV) has approved a mini-grant in the amount of \$1,500 to the Police Department for purchase of a radar device; and

WHEREAS, the grant is administered by the Department of Motor Vehicles according to the Federal Government Fiscal Year which runs from October 1 through September 30, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

DMV - Police Traffic Services	\$1,500
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Expenditures:

DMV - Police Traffic Services	\$1,500
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6. Appropriation - Establishment of a Full-Time Operations/Special Trips Supervisor Position for Williamsburg Area Transport (WAT)

Mr. Harrison inquired what service the full-time position will provide and how would that impact the charter bus company.

Mr. Richard Drumwright, WAT Transit Director, stated that the position will be to support transportation needs to the College of William & Mary for special field trips. Mr. Drumwright stated that the College of William & Mary will reimburse WAT for the position that will support the special trips and the fixed-route support services.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

APPROPRIATION - ESTABLISHMENT OF A FULL-TIME LIMITED-TERM

OPERATIONS/SPECIAL TRIPS SUPERVISOR POSITION

FOR WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) has implemented transportation services in support of the College of William & Mary students for which the County is reimbursed by the College.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes a full-time **limited-term Operations/Special Trips Supervisor** position to provide service to the College of William & Mary and authorizes the following appropriation in the FY 2004 WAT Budget:

Revenue:

From the College of William & Mary	\$3,667
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Expenditure:

One Full-Time Limited-Term Operations/Special Trips Supervisor	\$3,667
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G. PUBLIC HEARINGS

1. Conveyance of Property at 150 Camaee Road

Mr. Richard B. Hanson, Housing and Community Development Administrator, requested the Board open the Public Hearing on the conveyance of property at 150 Carriage Road and then continue the item to May 25, 2004.

Mr. Hanson stated that a revision by the Department of Housing and Urban Development (HUD) to the grant application time line has occurred and should the Board continue the Public Hearing, staff will have additional time to increase publicity and encourage participation by neighborhood residents regarding plans for the senior housing development along with an improved neighborhood park.

Mr. Hanson stated that a community meeting is scheduled to provide discussion and information on the project, and the meeting will be held on May 20, 2004.

Mr. Hanson stated that a bus trip to Richmond has been scheduled for participants to review a similar project.

Mr. Goodson opened the Public Hearing.

As no one else wished to speak at this time to this matter, and without objection from the Board, Mr. Goodson continued the Public Hearing to May 25, 2004.

2. Case Nos. Z-15-03/MP-13-03/HW-2-03. Stonehouse Station at Noree (Continued from April 13, 2004)

Mr. David Anderson, Planner, stated that this case was continued from the Board's meeting held on April 13, 2004.

Mr. Anderson stated that the applicant has requested deferral of this item and staff concurred with the deferral request and recommended the item be deferred to May 25, 2004.

Mr. Goodson opened the Public Hearing

As no one wished to speak to this matter, and without objection from the Board, Mr. Goodson continued the item to May 25, 2004.

3. Case No. SUP-9-04. Chesapeake Bank SUP Amendment

Mr. David Anderson, Planner, stated that Mr. Jim Bennett of AES Consulting Engineers, applied on behalf of Chesapeake Bank to extend the expiration date of the previously approved special use permit (SUP-28-00) to coincide with the expiration date of the approved site plan (SP-98-01) for 1.9 acres zoned B-1, General Business, with proffers, located at 8909 Barhamsville Road, and further identified as Parcel No. (1-3A) on James City County Real Estate Tax Map No. (12-1).

Staff found the proposal to be generally consistent with surrounding zoning and development and compatible with the Comprehensive Plan.

At its meeting on April 5, 2004, the Planning Commission recommended approval of the amendment by a vote of 5-2.

Staff recommended approval of the permit extension request with conditions.

Mr. **Goodson** opened the Public Hearing.

1. Mr. Jim Bennett of **AES Consulting Engineers**, concurred with staff and was available to answer questions from the Board.

As no one else wished to speak to this matter, Mr. **Goodson** closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon, Goodson** (5).
NAY: (0).

RESOLUTION

CHESAPEAKE BANK SPECIAL USE PERMIT AMENDMENT (SUP-9-04)

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, Mr. Jim Bennett of **AES Consulting Engineers** has applied on behalf of Marshall N. Warner of Chesapeake Bank for a special use permit (SUP) to extend the expiration date of **SUP-28-00**, approved July 10,2001, and set to expire July 10,2004; and

WHEREAS, the previously approved special use permit approved a 3,200-square-foot bank building at 8909 Barhamsville Road; and

WHEREAS, the property is located on land zoned **B-1**, General Business, and can be further identified as Parcel No. (1-3A) on James City County Real Estate Tax Map No. (12-1); and

WHEREAS, the Planning Commission, following its Public Hearing on April 5, 2004, recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-04 as described herein with the following conditions:

1. A pedestrian connection, extending from the proposed bank building to the hard surface trail shown on the Michelle Point Master Plan, shall be **constructed** concurrent with the development of the bank. As determined by the Planning Director, this pedestrian connection shall be consistent in design and material to the hard surface trail extending from Michelle Point. A site plan amendment, identifying the design, material, and location of the pedestrian connection, shall be submitted and approved prior to construction of the proposed bank.
2. Freestanding **signage** shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed 8 feet in height from grade.

3. A sidewalk, 5 feet in width, shall be provided from the back parcel to Highfield Drive. This pedestrian connection shall be shown on any site plan for development of Parcel No. 1 and its design and location subject to the review and approval of the Planning Director.
4. If construction has not commenced on the project by April 19, 2007, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings **and/or** foundations.
5. All exterior light fixtures on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in a manner that all light will be directed downward and the light source is not visible from the side.
6. The building architecture shall be consistent, as determined by the Planning Director, with the building rendition prepared by Guernsey-Tingle Architects and dated June 4, 2001.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. An Ordinance to Amend and Reordain Chavter 20. Taxation. of the Code of the County of James City, Virginia. by Amending Article II, Exemvtn of Certain Persons from Real Estate Taxes, Section 20-11, Amount of Exemption

Mr. Richard Bradshaw, Commissioner of the Revenue, presented an ordinance amendment to increase the real estate tax exemption from the first \$65,000 to the first \$80,000 of assessed value in order to provide increased tax relief for the elderly and disabled.

Mr. Bradshaw recommended approval of the Ordinance amendment.

Mr. **Goodson** opened the Public Hearing.

As no one wished to speak to this matter, Mr. **Goodson** closed the Public Hearing.

Mr. **McGlennon** made a motion to adopt the Ordinance.

The Board commended Mr. Richard Bradshaw for bringing this item forward.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5).
NAY: (0).

5. Ordinance Amendment - Chapter 20, Taxation. Article N. Transient Lodging Tax. Section 20-14, Tax Levied. and Section 20-15, Definitions

Mr. Wanner presented an ordinance amendment to impose an additional \$2 per **room/per** night transient occupancy tax to be designated and expended solely for advertising the Historic Triangle area as an overnight tourism destination.

Mr. **Goodson** opened the Public Hearing.

1. Mr. John Filichko, 9615 Richmond Road, reiterated his earlier comments and encouraged the Board members to work together to reflect the desires of the community.

2. Mr. Ed Oyer, 139 Indian Circle, stated that citizens are concerned about the imposition of another tax even though it may be targeted at tourists.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Harrison made a motion to adopt the Ordinance.

The Board held a brief discussion regarding the marketing benefits to reinvigorate tourism in the area.

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

H. BOARD CONSIDERATIONS

1. Resolution of Appropriation - FY 2005 Budget (Deferred from April 27, 2004)
2. Ordinance Amendment - Chapter 3. Animal Control. Article III, Dog Licenses. Section 3-48. Annual License Fee Imposed on _____ and Section 3-4, Article D License Fee Exemption for Certain Dogs, to increase fee and provide for multi-year licenses (Deferred from April 27, 2004)
3. Ordinance Amendment - Chapter 4. Building Regulations. Article I. Virginia Uniform Statewide Building Code. Section 4-8. Generally: to increase certain fees (Deferred from April 27, 2004)
4. Ordinance Amendment - Chapter 8. Erosion and Sediment Control. Section 8-5. Permits. Fees, Bonding, Etc.: to increase fee (Deferred from April 27, 2004)
5. Ordinance Amendment - Chapter 11. Health and Sanitation, Article II, Section 11-14. County Refuse Containers: to increase fee (Deferred from April 27, 2004)
6. Ordinance Amendment - Chapter 20. Taxation. Article V, Section 20-25. Tax Imposed, to increase E-911 tax (Deferred from April 27, 2004)

Ms. Suzanne Mellen, Director of Budget and Accounting, provided the Board with an overview of the proposed FY 2005 Budget.

Ms. Mellen requested that Public Hearing Item No. 6, Ordinance Amendment - Chapter 20. Taxation, Article V, Section 20-25. Tax Imposed, to Increase E-911 Tax, be withdrawn from the agenda and staff would re-advertise the item for May 25, 2004.

Ms. Mellen recommended the Board adopt the Resolutions of Appropriation and Ordinance Amendments.

Mr. McGlennon made a motion to adopt the Resolution of Appropriation for the Fiscal Year 2005 Budget.

Mr. **McGlennon** stated that he supports the resolution and stated concern that the Budget does not fund enough of the Capital Improvement Projects when one considers the vital projects down the road that will need to be fiscally addressed and recommended advanced planning for those projects would be beneficial.

Mr. Harrison stated that he was in partial support of the resolution because of the concern that additional employee positions and fee increases are being presented concurrently with a tax rate reduction.

Mr. **Goodson** stated that the Real Estate Tax Rate reduction is to partially offset the citizen's taxes while real estate assessments continue to climb.

On a roll call vote, the vote was: AYE: Bradshaw, Brown, **McGlennon**, **Goodson** (4). NAY: Harrison (1).

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a two-year Proposed Budget for the fiscal years beginning July 1, 2004, and ending June 30, 2005, along with the fiscal year beginning July 1, 2005 and ending June 30, 2006 and a five-year Capital Improvements Program, for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to **carry** out the activities proposed therein for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets, beginning July 1, 2005, and ending June 30, 2006.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated in the FY 2004-2005 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

	<u>FY 2005</u>
General Property Taxes	\$ 72,616,909
Other Local Taxes	16,380,725
Licenses, Permits and Fees	7,168,000
Fines and Forfeitures	300,000
Revenue from Use of Money and Property	639,131
Revenue from the Commonwealth	19,266,559
Revenue from the Federal Government	8,100
Charges for Current Services	3,235,759
Miscellaneous Revenues	<u>83,100</u>
TOTAL REVENUES	<u>\$119,698,283</u>

GENERAL FUND EXPENDITURES

FY 2005

Administrative	\$ 1,103,837
Elections	282,324
Human Resources	1,356,675
Financial Administration	3,305,073
General Services	4,578,292
Information Resource Management	1,780,259
Development Management	3,670,235
Judicial	2,483,349
Public Safety	15,173,845
Community Services	5,356,027
Contributions - Other	1,781,815
Library and Arts Center	3,806,853
Health Services	1,225,340
Regional Jail	1,613,084
Nondepartmental	3,469,360
WJCC Schools	55,459,733
Contribution - School Debt Service	10,190,000
Contribution - Capital Projects Fund	1,215,000
Contributions - Other Funds	<u>1,847,182</u>
TOTAL EXPENDITURES	<u>\$119,698,283</u>

The appropriation for education includes \$55,442,378 as a local contribution to the Williamsburg-James City County Schools operations.

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.85
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

CAPITAL PROJECTS BUDGET

General Fund - FY 2004

Fund Balance	\$ 798,145
Contribution to Capital Projects Budget	798,145

General Fund - FY 2005

Fund Balance	\$ 377,166
Contribution to Capital Projects Budget	\$ 377,166

Capital Projects Fund - FY 2004

General Fund Balance	\$ 798,145
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Community Services - HSB Expansion	798,145
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Capital Projects Fund - FY 2005

Revenues and Other Fund Sources:

Estimated Prior Year General Fund Balance	\$ 377,166
Contribution - General Fund	1,215,000
Proffers 377,890	
Federal/State Voting Machines	47,580
School Debt Financing - VPSA	3,800,000
Current Capital Balances	88,190
State Capital - Schools	<u>162,300</u>
	<u>\$6,068,126</u>

Expenditures:

Community Development	\$1,153,456
Parks and Recreation	50,000
Community Services	287,300
Public Safety	165,000
Schools	<u>4,412,370</u>
	<u>\$6,068,126</u>

DEBT SERVICE BUDGET

From General Fund - Schools	\$ 8,920,000
From General Fund - Other	2,000,000
2-Cent Real Estate Tax Investment	<u>1,270,000</u>
Total Debt Service Fund Revenues	<u>\$12,190,000</u>
Current Year Expenditures	\$12,023,832
To Fund Balance - Capital Reserve	<u>166,168</u>
Debt Service Fund Disbursements	<u>\$12,190,000</u>

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the Federal Government/Commonwealth	\$ 4,025,234
From the General Fund	1,257,441
Comprehensive Services Act	174,050
Revenue Maximization	312,721
Other	<u>445,462</u>

Total Virginia Public Assistance Fund Revenues	<u>\$ 6,214,908</u>
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Expenditures:

Administration and Assistance	\$ 6,053,636
Revenue Maximization	137,238
Contingency	<u>24,034</u>
Total Virginia Public Assistance Fund Expenditures	<u>\$ 6,214,908</u>

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 466,241
Grants	1,504,508
Generated Program Income	90,000
Other	<u>780,000</u>
Total Community Development Fund Revenues & Fund Balance	<u>\$ 2,840,749</u>

Expenditures:

Administration and Programs	<u>\$ 2,840,749</u>
Total Community Development Fund Expenditures	<u>\$ 2,840,749</u>

SPECIAL PROJECTS/GRANTS FUND

Revenues:

Colonial Drug Task Force	\$ 27,000
Transfer from General Fund	57,807
Revenues from the Commonwealth	<u>83,700</u>
	<u>\$ 168,507</u>

Expenditures:

Colonial Drug Task Force	\$ 27,000
Litter Control Grant	8,700
COPS Grant	<u>132,807</u>
	<u>\$ 168,507</u>

JAMESTOWN 2007 FUND

Revenues:

County Contribution	\$ 120,000
From Fund Balance	<u>1,120,000</u>
Total Revenues	<u>1,240,000</u>

Expenditures:

Historic Triangle Corridor Enhancement Program	\$ 25,000
Jamestown Settlement	200,000
Community Activities	15,000
Community Building	<u>1,000,000</u>
Total Expenditures	<u>\$1,240,000</u>

3. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
4. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase included on the employee's salary with variable increases based on performance and funded at an average of 3.5 percent.
5. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
6. All outstanding encumbrances in all County funds at June 30, 2004, shall be an amendment to the FY 2005 budget, and appropriated to the FY 2005 budget to the same department and account for which they were encumbered in the previous year.
7. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
8. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning:

FY 2006

General Fund	\$127,577,714
Capital Budget	50,561,760

Debt Service	12,870,000
Public Assistance	6,275,291
Community Development	2,398,749
Jamestown 2007	245,000
Special Projects/Grants	185,001

Mr. **McGlennon** made a motion to adopt the Community Action Agency portion of the appropriation resolution for the Fiscal Year 2005 Budget.

Mr. Harrison stated that he would be abstaining from voting on the Community Action Agency appropriation to avoid any perception of conflict.

Mr. Brown clarified his comments concerning the Community Action Agency (CAA) personnel issue that he would like to handle it discreetly and not publicly, commented that he had not stated an intention to withhold funding for the CAA, stated support of Mr. **Harrison's** actions regarding abstaining from voting on Community Action Agency funding as an appropriate conduct, and stated that he intends to vote in favor of funding the CAA Budget.

On a roll call vote, the vote was: AYE: Bradshaw, Brown, **McGlennon**, **Goodson** (4). NAY: (0). ABSTAIN: Harrison (1).

RESOLUTION

RESOLUTION OF APPROPRIATION - COMMUNITY ACTION AGENCY

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and a five-year Capital Improvements Program; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2004, and ending June 30, 2005.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated in the FY 2004-2005 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND EXPENDITURES

	<u>FY 2005</u>
Nondepartmental	\$ (92,137)
Contributions - Other Outside Agencies -	
Community Action Agency	92,137

VIRGINIA PUBLIC ASSISTANCE EXPENDITURES

FY 2005

Contingency	\$ (24,034)
Revenue Maximization Allocation	
Community Action Agency	24,034

Mr. Bradshaw made a motion to adopt the Ordinance Amendment for Chapter 3. Animal Control, Article III, Dog Licenses, Section 3-48. Annual Fee Imposed on Does and Kennels: and Section 3-4, Annual Doa License Fee; Exemption for Certain Does of the Code of the County of James City, Virginia.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, **Goodson** (5). NAY: (0).

Mr. McGlennon made a motion to adopt the Ordinance Amendment for Chauter 4. Building Reuelations. Article I. Virginia Uniform Statewide Building Code. Section 4-8, Generally, of the Code of the County of James City, Virginia.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, **Goodson** (5). NAY: (0).

Mr. McGlennon made a motion to adopt the Ordinance Amendment for Chapter 8. Erosion and Sediment Control. Section 8-5, Permits. Fees. Bonding. Etc., of the Code of the County of James City, Virginia.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, **Goodson** (5). NAY: (0).

Mr. Brown made a motion to adopt the Ordinance Amendment for Chapter 11. Health and Sanitation. Article II, Section 11-14. County Refuse Containers, of the Code of the County of James City, Virginia.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, **Goodson** (5). NAY: (0).

7. Revisions to Chapter 2. Employment Practices, and Chapter 4. Compensation Plan. of the James City County Personnel Policies and Procedures Manual

Ms. Carol M. **Luckam**, Human Resources Manager, presented a resolution to revise Chapter 4, compensation Plan, and a portion of Chapter 2, Employment Practices, of the Personnel Policies and Procedures Manual, and requested the Board adopt the changes.

Mr. Brown complimented Ms. **Luckam** in being responsive to the Board requests and discussions regarding employee compensation.

Ms. **Luckam** thanked the Board for adopting the Fiscal Year 2005 Budget and support for the proposed Personnel Policies and Procedures Manual.

Mr. McGlennon asked what individuals were involved with the recommended revisions

Ms. Luckam stated that the Employee Compensation Advisory Team (CAT) and County staff provided input.

Mr. McGlennon inquired if the CAT concurred with the recommendation before the Board.

Ms. Luckam stated that the CAT concurred with the recommendation and desired additional changes to prevent compression.

Mr. Bradshaw made a motion to adopt the resolution with the word "including" in Section 4.11 D-4 corrected to "including."

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

RESOLUTION

REVISIONS TO CHAPTER 2. EMPLOYMENT PRACTICES. AND CHAPTER 4.

COMPENSATION PLAN. OF THE JAMES CITY COUNTY PERSONNEL POLICIES

AND PROCEDURES MANUAL

WHEREAS, James City County's compensation policies are designed to keep County salaries competitive in the labor market, provide flexibility, be easy to use and understand, support the County in selecting, training, motivating, and keeping highly qualified men and women as County employees, and, reward quality performance; and

WHEREAS, the current policies are being revised to enhance their effectiveness by establishing a common date for performance increases and salary structure adjustments, defining and setting a time frame for recalibration of the salary structure, and, allowing temporary salary adjustments for lengthy temporary assignments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revisions to Chapter 2, Employment Practices, and Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual to be effective July 1, 2004.

8. FY 2005 Strategic Management Plan

Ms. Rona Vrooman, Training and Quality Performance Supervisor, presented a revised Fiscal Year 2005 Strategic Management Plan based upon feedback from the Board, identified some of the revisions, and requested the Board adopt the Plan.

Mr. Brown made a motion to adopt the resolution

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

RESOLUTION

FY 2005 STRATEGIC MANAGEMENT PLAN

WHEREAS, James City County's previous Strategic Management Plan played a significant role in successfully guiding the County's work; and

WHEREAS, it is appropriate and necessary to revisit and review such a Plan to ensure that it remains accurate and that it properly reflects citizen and staff priorities; and

WHEREAS, the proposed Strategic Management Plan was updated based on citizen input and collaborative discussions; and

WHEREAS, the proposed Strategic Management Plan charts the County's future direction by setting forth long-range Strategic Directions that describe our needs, priorities, and aspirations, and outlines Pathways or key initiatives that will move us **forward** in the right direction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the FY 2005 Strategic Management Plan.

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner thanked the Board for its guidance in the development of the Budget and the Strategic Management Plan.

Mr. Wanner stated that he and the School Board, School Superintendent, and the City Manager has recommended that the Williamsburg Area Performing Arts Center Study of 1998 be updated. Mr. Wanner requested the Board approve the request to have the Study updated prior to the planning of a third high school facility and direct the County Administrator to find the appropriate resources to fund up to \$30,000 for the updated Study.

Mr. Wanner recommended that the Board recess while the James City Service Authority Board of Directors holds a brief meeting, and then the Board should reconvene into Open Session to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards **and/or** Commissions.

K. BOARD REQUESTS AND DIRECTIVES

Mr. **McGlennon** made a motion to support the update of the Williamsburg Area Performing Arts Center Study and direct the County Administrator to find the appropriate resources to fund up to \$30,000 for the Study update.

Mr. **Goodson** stated support for the motion and invited York County to participate in the update.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5).
NAY: (0).

Mr. McGlennon thanked Mr. John E. McDonald, Director of Financial and Management Services, for his responsiveness to Board questions regarding the FY 2005 Budget.

Mr. Harrison thanked the members of the Board and staff for their sympathy and support at his time of loss.

Mr. Goodson recessed the Board at 8:17 p.m. for a brief James City Service Authority Board of Directors meeting.

At 8:23 p.m., Mr. Goodson reconvened the Board

L. CLOSED SESSION

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

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

Mr. Goodson adjourned the Board into Closed Session at 8:23 p.m.

Mr. Goodson reconvened the Board into Open Session at 8:48 p.m.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (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 2.2-3711 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, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to reappoint Mr. John Deaver, Mr. James Dorsey, and Mr. David Jarman to four-year terms on the Parks and Recreation Advisory Commission, terms to expire on April 12, 2008; to appoint Mr. Lance Pedigo and Mr. Randal Walker to the Cable Communications Advisory Committee for four-year terms, terms to expire on May 31, 2008; William K. Frymoyer to appoint to the Regional Issues Committee, term to expire on December 31, 2006; and to recommend that Mr. Mark Wenger be appointed by the Circuit Court Judge to the Board of Zoning Appeals for a five-year term.

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

Mr. McGlennon made a motion to adopt the resolution appointing the Chairman of the Board to the Williamsburg Area Destination Marketing Committee.

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

RESOLUTION

APPOINTMENT OF THE CHAIRMAN TO THE WILLIAMSBURG AREA

DESTINATION MARKETING COMMITTEE

WHEREAS, the 2004 Virginia General Assembly approved and the Governor signed the transient occupancy tax; additional amount for overnight accommodations in the Greater Williamsburg Area: and

WHEREAS, this law allows James City County to increase the transient occupancy tax up to \$2.00 for the purpose of advertising the Historic Triangle Area; and

WHEREAS, the law establishes a "Williamsburg Area Destination Marketing Committee" to direct such advertising.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors of James City County be and hereby is appointed to the Williamsburg Area Destination Marketing Committee representing James City County and said term shall run to January 1, 2005.


BE IT FURTHER RESOLVED that each subsequent term shall be for one year.

M. AJOURNMENT

Mr. Brown made a motion to adjourn

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

At 8:49 p.m., Mr. Goodson adjourned the Board.



Sanford B. Wanner
Clerk to the Board

ADOPTED

MAY 11 2004

ORDINANCE NO. 107A-42

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES, SECTION 20-11, AMOUNT OF EXEMPTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-11, Amount of exemption.

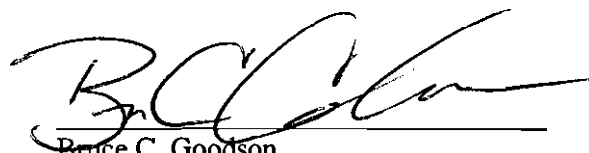
Chapter 20. Taxation

Article II. Exemption of Certain Persons from Real Estate Taxes

Sec. 20-11. Amount of exemption.

Any person or persons qualifying under section 20-10 shall be exempt from real estate taxes in an amount not to exceed the annual real estate tax rate multiplied by the first ~~\$65,000.00~~ \$80,000.00 of assessed real estate value.

This ordinance shall become effective July 1, 2004.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2004.

ADOPTED

MAY 11 2004

ORDWANCE NO. 107A-43

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, TRANSIENT LODGING TAX, SECTION 20-14, TAX LEVIED; AND SECTION 20-15, DEFINITIONS

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article N, Transient Lodging Tax, Section 20-14, Tax levied; and Section 20-15, Definitions.

Chapter 20. Taxation

Article N. Transient Lodging Tax

Sec. 20-14. Tax levied.

(a) There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by laws, on each transient a tax equivalent to four percent of the total amount paid for lodging by or for any such transient to any hotel. Such tax shall be collected from such transient at the time and in the manner provided by this article.

(b) *In addition to the tax provided for in subsection (a) above, commencing July 1, 2004, and continuing until January 1, 2008, as provided in section 58.1-3823 C of the Virginia Code, there is hereby levied and imposed an additional transient occupancy tax of \$2.00 per room night for the occupancy of any overnight guest room rented by a transient. Such additional tax shall be collected from such transient at the*

time and in the manner prodded by this **article**. The revenues collected from such additional tax shall be designated and expended solely for advertising the Historic Triangle area and shall be distributed and expended as provided in section 58.1-3823 C of the Virginia Code.

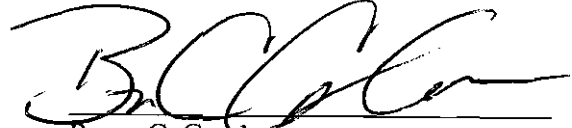
State law reference-Code of Va., § 58.1-3819 and § 58.1-3823.

Sec. 20-15. Definitions.

The following words and phrases, when used in this article, shall, for the purposes of this article, have the following respective meanings, except when the context clearly indicates a different meaning:

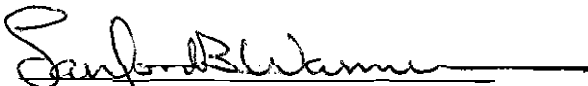
Advertising the Historic Triangle Area. Advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

This ordinance shall become effective July 1, 2004, and shall terminate on January 1, 2008.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2004.

ADOPTED

MAY 11 2004

ORDINANCE NO. 7A-17

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, DOG LICENSES, SECTION 3-48, ANNUAL FEE IMPOSED ON DOGS AND KENNELS; AND SECTION 3-49, ANNUAL DOG LICENSE FEE; EXEMPTION FOR CERTAIN DOGS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Control, is hereby amended and reordained by amending Section 3-48, Annual fee imposed on dogs and kennels; and Section 3-49, Annual dog license fee; exemption for certain dogs.

Chapter 3. Animal Control

Article III. Dog Licenses.

Sec. 3-48. Annual fee imposed on dogs and kennels.

There is hereby imposed an annual dog license fee upon all dog kennels and all dogs over the age of four months which are owned, possessed or kept in the county, as follows:

- (1) Male or female ~~and spayed/neutered~~ dogs ~~\$4.00~~ \$8.00
- (2) *Spayed/neutered dogs* \$5.00
- (~~2~~ 3) Kennel for up to ten dogs ~~10.00~~ 15.00
- (34) Kennel for up to 20 dogs ~~20.00~~ 25.00

(45) Kennel for up to 30 dogs .	30.00 35.00
(56) Kennel more than 30 dogs 45.00 50.00
(67) Duplicate for lost, destroyed or stolen tags 1.00

It shall be unlawful for any person to conceal or harbor any dog on which any required license fee has not been paid.

Cross reference-Duplicate license tags, § 3-47.

State law references-Amount of license tag, Code of Va., § 3.1-796.87; duplicate license tags, Code of Va., § 3.1-796.91.

Sec. 3-49. ~~Annual~~ Dog license fee; exemption for certain dogs.

(a) The license fee levied by section 3-48 shall be due on January first and payable not later than January thirty-first of each year. *However, a dog license may be issued for up to three years provided a multiple of the annual license fee is paid and the license does not extend beyond a valid multi-year rabies certificate.*

Payment of the license fee shall be made to the county treasurer or his designee.

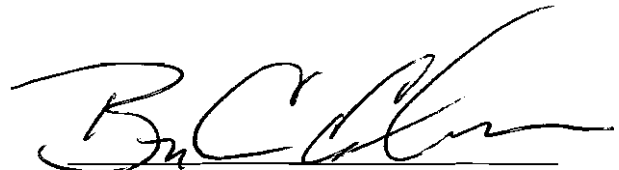
(b) If a dog shall become four months of age or come into the possession of any person between January first and October thirty-first of any year, the license fee for the current calendar year shall be paid by the owner.

(c) If a dog shall become four months of age or come into the possession of any person between November first and December thirty-first of any year, the license fee for the succeeding calendar year shall be paid by the owner and this license shall protect the dog from the date of purchase.

(d) There shall be no charge for the tag of any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond

State law references-Amount of license tag, Code of Va., § 3.1-796.87; when license tax payable, Code of Va., § 3.1-796.88.

This ordinance shall become effective July 1, 2004,



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2004.

MAY 11 2004

ORDINANCE NO. 81A-14

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE; DIVISION 2, PERMIT AND INSPECTION FEES, SECTION 4-8, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by amending Section 4-8, Generally.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 2. Permit and Inspection Fees

Sec. 4-8. Generally

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

(1) *Building Permits.*

- a. The minimum fee for any building permit shall be \$35.00
- b. For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be ~~\$0.11~~ \$0.13 per square foot.
- c. For the construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be ~~\$0.10~~ \$0.12 per square foot of the exterior dimensions of the building.
- d. For the alteration or repair of any building or structure. or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one percent of the current value of all service, labor and materials.

- e. For the demolition or razing of any building or structure having a floor area greater than 200 square feet the fee shall be \$35.00.

No fee shall be charged for a permit to raze a building with a floor area of 200 square feet or less.

- f. For the erection, placement or removal of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of ~~\$0.08~~ \$0.10 per square foot of the gross floor area.
- g. For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be \$35.00.


A BUILDING PERMIT FEE SHALL BE DOUBLE FOR ANY CONSTRUCTION THAT HAS COMMENCED BEFORE A PERMIT IS OBTAINED.

This ordinance shall become effective July 1, 2004.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
BROWNSON	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2004.

MAY 11 2004

ORDINANCE NO. 85A-16

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 8-5, PERMITS, FEES, BONDING, ETC.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by amending Section 8-5, Permits, fees, bonding, etc.

Chapter 8. Erosion and Sediment Control

Sec. 8-5. Permits, fees, bonding, etc.

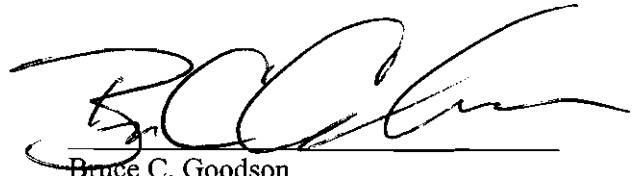
(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.

(c) Fees. The following administrative fee shall be paid to the county:

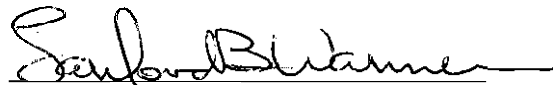
- (1) Residential subdivisions shall pay \$50.00 per lot at the time of submission of the erosion and sediment control plan;
- (2) Site plans and other land-disturbing activities shall pay \$600.00 per acre of disturbance for the first 15 acres plus \$400.00 per acre for each additional acre over 15 at the time of submission of the erosion and sediment control plan;
- (3) A ~~\$25.00~~ \$75.00 fee shall be required for each single-family residential structure at the time of submission of the building permit application.

This ordinance shall become effective July 1, 2004.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
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BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2004.

MAY 11 2004

ORDINANCE NO. 116A-35

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, LANDFILL ORDINANCE, SECTION 11-14, COUNTY REFUSE CONTAINERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by amending Section 11-14, County refuse containers

Chapter 11. Health and Sanitation

Article II. Landfill Ordinance

Sec. 11-14. County refuse containers.

Refuse containers shall be provided by the county at various locations to supplement existing private collection services as needed. The usage of said containers shall be governed by the following provisions and any other regulations as the board of supervisors or the manager may establish:

(b) *Convenience Center User Fees:*

- (1) Fees will be charged for the disposal of household refuse and garbage at the county convenience centers. A fee of ~~\$3.00~~ \$4.00 shall be imposed for up to 60 gallons of bagged household refuse or the equivalent thereof. Each additional 60 gallons or portion thereof shall be charged an additional ~~\$3.00~~ \$4.00 fee.
- (2) The county administrator or designee shall determine the charges for bulky items, such as appliances, furniture and mattresses and box springs. A schedule of these charges shall be posted at each center and a copy provided to each site user.

- (3) The county administrator or designee shall implement a system to collect fees for Convenience Center users.

This ordinance shall become effective July 1,2004.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2004.

Section 2.21 Temporary Assignments

- A. Purpose – An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which officially assigned, ~~to meet for a variety of reasons including emergencies situations, occasioned by~~ abnormal workload, or organizational changes, ~~to cover absences pending official assignment of personnel or to perform duties job vacancies, unmet~~ needs pending the ~~development and classification establishment~~ of a new position, ~~development opportunities~~; or for other purposes necessary to provide quality public service.
- B. ~~Documentation~~ – Temporary assignments shall be justified in writing by the appropriate Department Manager and coordinated with the Human Resource Manager ~~prior to the employee beginning such temporary assignment. Approved temporary assignments and the reasons therefore shall be made a part of the employee's personnel record. Temporary assignment of ten (10) working days or less shall be exempt from the formal documentation and approval requirements.~~
- C. ~~Duration~~ – No employee shall be temporarily assigned to a position, or set of duties, other than the position to which officially assigned, in excess of a total of ninety (90) work days in a twelve (12) month period, unless the operating needs of the County require an extension of time. Such extension shall be approved by the County Administrator.
- D. ~~Salary~~ – Salary of the employee in a temporary assignment shall not change.

B. *Duration, Approval, Documentation, and Compensation*

<i>Duration</i>	<i>Six (6) Weeks within a 12 month period</i>	<i>Between 6 Weeks and Six (6) Months within a 12 month period</i>	<i>Between 6 Months and One (1) Year Within a 12 month period</i>	<i>More than-1 Year</i>
<i>Approval</i>	<i>Supervisor</i>	<i>Department Manager'(DM)</i>	<i>Human Resources (HR)</i>	<i>County Administrator (CA)</i>
<i>Documentation</i>	<i>None</i>	<i>DM writes reasons and expected duration to HR</i>	<i>DM writes business reasons and expected duration to HR; if HR concurs, they notify Payroll</i>	<i>DM writes business reasons and proposed duration; HR makes recommendation; CA decides</i>
<i>Compensation</i>	<i>No change</i>	<i>No change</i>	<i>If position in higher salary range, increase consistent with promotion effective the beginning of the seventh month</i>	<i>Maintains increase given at 6 months</i>

Exceptions may be granted by the County Administrator.

C. *Salary Adjustment Considerations*

1. *Performance Increase* - *Performance increases effective during the portion of the assignment in which the employee is receiving a temporary salary adjustment shall be handled in accordance with Section 4.11.D4.*
2. *End of Temporary Salary Adjustment* - *When the employee returns to her regular duties, the salary shall be reduced by the same dollar amount by which it was temporarily increased.*

CHAPTER 4

COMPENSATION PLAN

Section 4.1 Introduction Policy Statement

- A. ~~Overview~~ - This chapter describes the County's *To support our value of "Demonstrating high standards of excellence, efficiency, and commitment to service," James City County provides a* compensation program ~~-a program~~ designed to pay employees competitively and reward employees for their efforts on behalf of the County.

section 4.4 Philosophy

- A. The County strives to pay its ~~staff members~~ *employees* competitively with local public and private sector organizations performing comparable work.
- B. **Department** Managers and the Human Resource Department work together to ensure that the salaries which individual employees receive are market competitive and commensurate with experience, skills, efficiency, and performance.
- C. The compensation program provides employees opportunities for career growth both within and outside their own work **area through** *in various ways such as:*
- *Growth Within a Job's Salary Range
 - *Job Reclassification
 - *Promotion
 - *Transfer

Section 4.3 Objectives Guiding Principles ~~-The objectives of the Compensation Plan are to:~~

- A. Keep County salaries competitive in the labor market;
- B. Provide flexibility;
- C. Be easy to use and to understand;
- D. Support the County in selecting, training, motivating, and keeping highly qualified men and women as County employees; and
- E. Reward quality performance.

Section 4.4 Legal Basis

James City County is committed to ensuring that our Personnel Policies are in compliance with the Equal Pay Act of 1963; the Fair Labor Standards Act (FLSA) of 1937, as amended, The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and James City County Ordinance No. 179: Authorization of Incentive Awards to Employees.

Section 4.5 Definitions

- A. Benchmark - A job class with standard characteristics that can easily be compared with similar jobs typically found in other local governments or comparator organizations.

- B. Career Ladder Advancement - Movement of an employee from one job class to a designated job class at a higher salary range within the same job family as a result of achieving specified job requirements.

- C. Compensation Plan - The **official** or approved assignment of job classes to salary ranges, including: 1) list of job classes and assigned salary ranges; and, 2) policies for administration.

- D. Job Class - A group of positions that are alike enough in duties and responsibilities to require substantially the same qualifications and be called by the same descriptive title.

- E. Job Family - A group of jobs which perform work of the same nature but which require different skills and have different levels of responsibility.

- F. Market Adjustment - The reassignment of a job class from one salary range to a higher or lower salary range based upon changes in the labor market.

- G. Market Average - The average of actual salaries paid for a job in the labor market. The market average, or a percentage of the average, is used as the midpoint of our salary ranges.

- H. Market Pricing - A practice of determining the salary range to be paid for a job by identifying the competitive salary in the external labor market for that job.

- I. Performance Award - *A lump sum bonus not added to base pays based on employee performance.*

- J. Performance Increase - An adjustment to an individual employee's salary based on performance.

- K. Position - A set of duties and responsibilities to be performed by one employee.
- L. Promotion - Movement of an employee from a position in one salary range to a position in a higher salary range.
- M. Salary Range - A minimum to maximum amount within which an employee whose job class is assigned to that salary range is usually paid.
- N. Pay Salary Structure - The arrangement of salary ranges to which job classes are assigned.
- O. Pay Salary Structure Adjustment - An increase or decrease to minimum and/or maximum of the salary ranges in the salary structure.
- P. Transfer - Movement of an employee from one job class to another job class in the same salary range.
- Q. Whole Job Ranking - Placing a non-benchmarked job class in the pay structure referencing other jobs in the same, or similar, job families.

Section 4.6 Establishment of the Pay Structure and Assignment of Job Classes to Salary Ranges

~~The County obtains and participates in a number of salary surveys. From these surveys, the Human Resource staff assesses industry trends in salaries and endeavors to keep County salary ranges competitive with the actual average compensation of local public and private organizations with whom the County competes for talent.~~

- A. Establish the Job - The creation of a job begins with the needs of the organization. Department management and the Department of Human Resourcecollaborateto identify the primary duties and responsibilities of the job, its title, and the skills, education and experience required to fill the job. The Department creates draft job descriptions that includes all the above information.
- B. Develop a Market Pricing System Based Compensation Plan - The County uses market pricing and whole job ranking to ~~develop~~ a salary **structure and** place a jobs within ~~one of the~~ salary ranges.

The following are key components of this process:

1. Selection of Market Data Sources: The County participates in and references a variety of published, public and private sector sources that are conducted by professional associations and/or consulting firms with expertise in salary survey design and development. Sometimes a private survey source is referenced as well. Private

survey sources are only used when the survey methodology is determined to be sound by the Human Resource Manager.

2. **Identification of Benchmark Positions:** Because there **is not** published data available to match all jobs in the County, benchmark positions serve as a basis for comparison to the external market. The Human Resource Department ensures that as many benchmark jobs as possible are selected within the following criteria:
 - a. All job families are represented.
 - b. Within each job family, as many levels as possible are matched. Typically, the entry level, career or journey level and/or the senior or top level are matched to published data sources.
 - c. The job content of benchmark positions is considered and compared to survey job descriptions - not to job titles. Jobs are matched to the survey data when the essence of the job matches the survey job description. For matching purposes, broad statements of job duties, scope of assignment, and/or qualifications are used for comparisons to outside organizations.
3. **Selection of Market Average Data:** The reported actual average salary is selected from survey sources to determine the midpoint of the salary range of the benchmark positions. The average is used to minimize salary variations in survey data due to experience, time in position, and length of service.
4. **Development of the ~~Pay Salary~~ Structure:** The market data collected for benchmark positions is combined to build the pay salary structure and identify the appropriate salary ranges for benchmark positions. The County's salary ranges have **defined** minimum, midpoint, and maximum salary amounts which are periodically adjusted. The difference between the salary range minimum and the range maximum is large enough to accommodate various levels of experience and job performance. In addition, salary ranges overlap. This recognizes that a highly capable employee at one salary range may contribute more to the organization (and therefore, earn more) than an inexperienced, or not yet fully productive employee at a higher salary range.
5. **Placing Non-Benchmark Job Classes in the ~~Pay Salary~~ Structure:** Because it is the County's goal to be competitive with organizations with whom it competes for talent, the external labor market is used

for setting the relative ranking of jobs in the organization. The Department Manager, in collaboration with the Human Resource Department, places non-benchmark positions in the pay salary structure referencing the benchmark jobs in the same job family for which there is market pay data.

Section 4.7 Placement in the Salary Range

- A. **Starting Salary** - Once a salary range has been determined for a job, the Department Manager and Human Resources set a starting salary for the individual. The salary is usually set at the minimum of the salary range for the position. Exceptions to this placement may be granted for a new employee **substantially** exceeding the minimum qualifications for the job. All exceptions to above minimum offers, must be approved by the Department Manager in consultation with Human Resources.
- B. **Reinstatement** - A reinstated employee shall be paid at a level within the approved salary range for the position to which reinstated. The level shall be determined by the department manager in consultation with Human Resources. Refer to Section 2.16.
- C. **Reemployment** - When a former County employee is rehired, the starting salary shall be determined in accordance with A above. Refer to Section 2.15.

Section 4.8 ~~Part-Time Salaries of Part-Time Permanent and Limited-Term Positions~~

~~A part-time~~ An employee in a ~~part-time permanent~~ or ~~limited-term position~~ shall be paid on an hourly basis. The hourly ~~salary rate~~ shall be determined by dividing the annual salary for ~~a full-time position~~ by the number of hours per year that a full-time employee in that position ~~or job~~ class would be required to work.

Section 4.9 Salaries of Temporary Positions

An employee in a temporary position shall be paid on an hourly basis. The salary range shall be determined in the manner described in Section 4.6. The hourly ~~salary~~ rate shall be determined in the manner described in Section 4.8.

Section 4.10 Salaries of On-Call Positions

An employee in an on-call position shall be paid on an hourly basis. The hourly ~~salary rate~~ shall be determined in the same manner as for employees in temporary positions. A flat dollar amount for a designated work period, based upon the hourly rate, may be used if department operations necessitate.

Section 4.11 Progression Through the Salary Ranges (Performance and Performance Bonus Increases)

- Eligibility - Employees in full-time and part-time permanent and limited-term position who have successfully completed their probationary periods are eligible for performance increases and/or performance awards.***
- B. Overview - The performance ~~appraisal evaluation~~ and pay for performance programs provide mechanisms for each ~~manager supervisor~~ to evaluate and reward staff performance. Rewards are based on the degree to which employees meet or exceed expected individual, team, work unit, division ~~and/or~~ organizational goals. Because the County is dedicated to providing excellent services to its citizens, the compensation program places a **premium** on performance. Salary increases are more reflective of the employees' performance and productivity than years of service with the County.
- C. Performance Review - A recommendation as to whether the employee shall receive a pay for performance increase ~~and/or award~~ and the amount ~~of such increase shall~~ be based upon the performance evaluation.
- D. Amount of Increase - If a performance increase is granted, it shall *generally be greater than the salary structure adjustment and shall* be within the following parameters:

 1. Within Salary Range - Employees within the salary range shall be eligible for a performance increase of up to a designated percent of their salary as set forth in the approved budget. No such performance increase shall cause the salary to exceed the maximum salary for the salary range.
 2. At Maximum of Salary Range - If a performance increase causes the salary to exceed the maximum of the salary range, the employee will be compensated at the maximum salary ~~and the difference shall~~ be awarded as a lump sum bonus not added to base salary.
 3. Effect of Leave Without Pay - The performance increase ~~date shall be deferred shall be prorated~~ one calendar month for each period of 30 consecutive calendar days during which the employee is absent from the service of the County without pay; ~~or the performance increase may be pro-rated: except where superceded by a law such as The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which has compensation provisions for those returning to employment from active duty.~~

4. Temporary Assignment - The performance increase shall be based on the employee's salary for her regular job duties, not including any temporary salary increase.

45. Effect of Other Salary Adjustments - The performance increase date shall not be changed pro-rated as a result of reclassification, promotion, career ladder advancement, transfer, or voluntary demotion.

E. Performance Increase Date - ~~The date of the first day of the pay period in which an employee was initially employed in a permanent or limited term position shall be the effective date for the employee's performance increases.~~

1. Common Date - October 1 of each year shall be the effective date of performance increases and performance awards for eligible employees who have successfully completed their **probationary** periods.

2. Employees in Their Probationary Period - Employees who have not completed their **probationary** period by October 1 shall not be eligible for a performance increase. However, they may receive a salary increase in the amount of the salary structure **adjustment** or an alternate salary adjustment or award provided in the budget. Employees who are in probationary periods resulting from promotions shall be eligible for a **performance** increase.

3. Exceptions may be granted by the County Administrator.

Section 4.12 Other Salary Changes in Salary Ranges

A. Promotion - When an employee is promoted, the employee's salary shall be increased in the following manner:

1. to the greater of the minimum salary of the higher class or 5% above the present salary if the new class is one or two ranges higher than the employee's current range, or

2. to the greater of the minimum salary of the higher class or 10% above the present salary if:

a. the new class is three or more ranges higher than the employee's current range, or

b. the employee is promoted from a non-exempt to an exempt or from a non-supervisory to a supervisory position.

Exceptions may be granted by the County Administrator.

- B. Career Ladder Advancement - When an employee receives a career ladder advancement, the employee's salary shall be increased in accordance with Section 4.9 A. If an employee ~~loses eligibility of required~~ **no longer qualifies** for the career ladder class, ~~the employee will be demoted to the~~ lower level career ladder class ~~for which the employee is qualified.~~ **For each lower level,** the employee's salary will be reduced consistent with the percent increase described in the promotion policy, Section 4.12A; and the employee will not be eligible for a career ladder advancement for a minimum of 90 days.
- C. Transfer - The County occasionally offers, and employees occasionally seek, the opportunity to take advantage of the valuable experiences available through a transfer to another job in the same salary range. Transfer assignments are considered lateral moves and employees' existing salaries are typically not changed.
- D. Demotion - There are a variety of circumstances and good reasons that an employee may seek a position at a lower salary range. When an employee accepts a voluntary demotion, the salary will be reduced consistent with the percent increase described in the promotion policy, Section 4.12A. Exceptions may be granted by the County Administrator.

Demotions as the result of a disciplinary or performance related action shall always be accompanied by a reduction in salary. Refer to Chapter 7 Standards of Conduct, Section 7.5 C (5).

- E. Reclassification - Job reclassification means assigning a position to a different job class because the duties and responsibilities have changed significantly enough that they are no longer consistent with the original job class. This can occur as the needs of the organization change, requiring a significant change of responsibilities in a particular position. When this happens, the department manager prepares a new job description which identifies where the job has changed and meets with the Human Resource Department to determine if the competitive market has changed for the position and if the salary range should be changed. Reclassifications must be approved by the County Administrator.
 - 1. Reclassification to a Higher Salary Range. If the job is moved to a higher salary range, the employee will be provided with a salary increase equal to that granted for promotion, as described in Section 4.12 A.
 - 2. Reclassification to a Lower Salary Range. If the job is moved to a lower salary range, the employee's salary will remain the same. If the salary is greater than the maximum of the new range, there will be no

further increases to the employee's base pay until it falls within the salary range. The employee will still be eligible for performance ~~increases~~ **awards which shall be awarded as a lump sum bonus** in accordance with Section 4.11. Exceptions may be granted by the County Administrator.

3. Reclassifications Resulting from System Wide Studies. These provisions shall not apply to reclassification changes resulting from **special** systemwide **studies**. In such instances, the **Board** of Supervisors, upon recommendation **from** the County Administrator, shall determine the manner of salary adjustments.

- F. Administrative Adjustment • Upon recommendation by a Department Manager that an employee **should be** retained, the County Administrator may, upon determining that it is cost effective and of significant benefit to the County, move an employee's **salary within** the range to which the employee's job **classification** is assigned.

- G. Temporary Assignment – *Compensation may be adjusted during the period of time in excess of six (6) months to a twelve (12) month period that an employee is temporarily assigned to a vacant position or prescribed set of duties at a higher salary range; Refer to Chapter 2, Section 2.21, Temporary Assignments.*

- H. Incentive Awards • **An** incentive award is a vehicle for recognizing outstanding performance by an individual or group of individuals in a specific assignment, special project or for a beneficial suggestion or innovative idea which results in one of the following:
 1. A cost savings or avoidance.
 2. **An** innovation which increases productivity or enhances service by causing more work to be accomplished during the standard workday or work **shift**.
 3. Identification of a tool or piece of equipment which increases the productivity of the department, specific task or job.
 4. **An** improved process or procedure for accomplishing the work which increases productivity or improves services and is measurable.
 5. A work product which exceeds required work standards for a job based upon consensus **of peers** in that department or the same field or trade.

The amount of the award shall be determined by the County Administrator, but will normally not exceed 5 percent of the employee's salary. The incentive award shall be a single lump sum cash payment. It shall not be used as a routine salary supplement. The incentive award shall be documented on the Incentive Award Nomination Form. A copy of the form shall be placed in the employee's personnel file. The receipt of such an award shall not affect the employee's base salary.

Section 4.13 ~~Other Salary Changes~~ Maintaining the Market Based Compensation Plan

- A. **Salary Structure Adjustment** - The competitiveness of salary ranges is reviewed as part of the budget process. Where appropriate, adjustments are recommended to the ranges based on actual market movement and labor supply and demand influences. *Salary structure adjustments shall be effective October 1.* Employees salaries are only affected by a structure adjustment if the adjustment causes their salaries to fall below the new minimum. In such cases, the employee's salary is increased to the new range minimum at the time the new structure is implemented. Exceptions may be recommended by the County Administrator.
- B. **Market Adjustment** - The market competitiveness of job classes is reviewed as part of the budget process. Because of fluctuations in the labor market, a job class may require reassignment to a higher or lower salary range.
1. **Market Adjustment to a Higher Salary Range** - ~~If his or her a~~ job class is assigned to a higher salary range, ~~the employee's salaries will be affected only if it that falls~~ below the new range minimum. ~~In such cases, the employee's salary is will be~~ increased to the minimum. ~~Exceptions~~ *Additional salary adjustments may be granted by the County Administrator based on such factors as placement of employees within the salary range, attraction and retention of employees in the job class, and availability of funding.*
 2. **Market Adjustment to a Lower Salary Range** - If assigned to a lower salary range, the employee's salary will be treated in the same manner as in Reclassification to a Lower Salary Range, Section 4.9 E. 2.
- C. **Other Adjustments** - ~~Job classes are typically reviewed for the need for market adjustment, reclassification, or career ladder advancements as part of the compensation plan maintenance during the budget process.~~
- D. **Recalibration** - ~~is a major review of the salary structure and placement of jobs within the structure. It is undertaken about every five(5) years to ensure the competitiveness of the plan and its ability to achieve its guiding principles. It is undertaken as part of the budget process to ensure that sufficient funds are available to make any adjustments that may be needed.~~

Section 4.14 Overtime

- A. **Responsibility** - The authorization and control of all overtime work is the responsibility of the department manager. Overtime assignments shall be permitted only when required by operational necessity. Department managers may require employees to work overtime assignments as necessary. Department managers shall assure that adequate funds are available for payment for overtime work.

- B. **Eligibility** - All employees except those in bona fide professional, administrative, executive, or seasonal positions, **as** defined by the Fair Labor Standards Act, are eligible to earn overtime. The Human Resource Department shall review each position to determine whether it is exempt or non-exempt **from** overtime payments. The status of job classes shall be indicated in **the** Compensation Plan, and the status of individual positions shall be indicated in the Human Resource Information System.

- C. **Computation of Overtime Pay** - Monetary overtime compensation shall be one and one-half times the employee's hourly rate of pay for each hour of overtime worked. The hourly rate of pay shall be determined by dividing the employees' annual salary by the number of hours per year that a full-time employee in that position or class would be required to work.

- D. **Minimum Increment of Overtime** - Overtime shall be earned in increments no smaller than thirty minutes.

- E. **Computation of Overtime Hours**
 - 1. Overtime shall be paid when, due to operational necessity, a non-exempt employee is required to work in excess of the maximum number of allowable hours in the work period.

 - 2. The work periods and maximum allowable hours for County employees are **as** follows:

<u>Category of Personnel</u>	<u>Work Period (Consecutive Days)</u>	<u>Allowable Hours</u>
Firefighting and EMS	21	159
Law Enforcement	24	147
All Other	7	40

Other work periods, in compliance with the overtime provisions of the Fair Labor Standards Act (FLSA), may be implemented with the approval of the County Administrator.

3. Paid or unpaid time off during which the employee is absent from the service of the County shall not be counted as hours worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to, sick, annual, compensatory, civil, personal and military leave, holidays, leaves of absence, lunch periods and inclement weather days.

This provision shall not apply to hours worked between the FLSA overtime maximum of **159** hours and the **168** regularly scheduled work hours for sworn Fire Department employees working a 21-day cycle. These **9** hours shall be paid at the rate of one half of the employee's hourly rate, in addition to the regular semimonthly pay, regardless of any paid time off taken during the 21-day cycle.

F. **Compensatory Leave or Compensatory Time**

1. Non-exempt employees who are authorized to work in excess of their regularly-scheduled work hours, but who **do not** exceed the maximum allowable number of hours as defined in E above, may be granted compensatory leave in the amount of one hour of leave for each hour worked or may be paid their regular hourly rate in lieu of compensatory leave for hours worked.
2. Non-exempt employees who are authorized to work in excess of their regularly scheduled work hours, and the hours exceed the maximum allowable number of hours as defined in E above, may in lieu of overtime pay be granted compensatory leave in the amount of one and one-half hours of leave for each hour worked during the work period in excess of the maximum allowable hours.
3. The department manager shall determine the most appropriate form of compensation based on available funds and workload. **Compensatory** leave shall be specifically approved by the department manager in advance of its being earned.
4. Employees in **sworn** public safety positions may accrue up to **480** hours of compensatory leave. All other employees may accrue up to 240 hours of compensatory leave. Employees shall be paid for all hours in excess of the maximum allowed.

5. Compensatory leave earned within the fiscal year shall be used by September 30 of the following fiscal year or the employee shall be paid for it. (Revised 10-15-90)

Section 4.15 Holiday Pay

Any employee in a permanent or limited-term position who is eligible to earn overtime and is required by the supervisor to work on a holiday which is observed by the County, shall be compensated for that holiday at a rate of twice the regular hourly rate, or at the discretion of the department manager, authorized compensatory leave as outlined in Section 4.11(F) above.

An employee in a position which is not eligible to earn overtime (exempt) who is required to work on a holiday which is observed by the County, may take the holiday on another date mutually agreed upon with his supervisor. In cases where this would present a hardship because of work load, and where budget **permits**, the department manager may authorize payment for that holiday at a rate of twice the regular hourly rate for hours worked in lieu of another day off.

See also Chapter 5, ~~Section 5.1(E), Holidays on Non-Scheduled Work Days~~. 5.3 (B) 2, *which describes holidays on which an employee is not scheduled to work.*

Section 4.16 Standby Pay

- A. **Eligibility** - An employee in a permanent, limited term or on call position who is required to be available by telephone or beeper after regular work hours to respond to emergency calls, and who must respond within a reasonable period of time when called, is eligible for standby pay.
- B. **Computation of Pay** - Employees who are required to be on standby shall receive compensation as set forth in the approved budget for each hour on standby. This payment shall be made regardless of whether the employee is actually called out, and shall be in addition to any payment earned for actual hours worked as outlined in Section 4.11, above.
- C. **Restrictions** - Employees who, for any reason, cannot fulfill their standby duties for part or all of the required period, shall obtain approval from their department manager or a designee for another employee to substitute for them.

Section 4.17 Premium Pay

- A. **Purpose** - Premium Pay is intended to provide additional compensation to eligible employees reporting to work in response to emergency situations arising on County-observed holidays on which the employee is not scheduled to work.

- B. Eligibility - Nonexempt employees in permanent or limited-term positions who are not on standby and are not scheduled to work on a **County** observed holiday, but are **called in** to work on the holiday with less than 72 hours prior notice.
- C. Computation of Pay - Eligible employees shall be compensated for all hours worked on the nonscheduled holiday at a premium rate of one-half times the regular hourly rate, in addition to any **other** compensation for which the employee is eligible, in accordance with Section 4.11, Overtime, and Section 4.12, Holiday Pay.
- D. Conditions - Supervisors are responsible for determining when additional staffing is required on a holiday. Employees notified more than 72 hours in advance that they must work on a holiday shall not be eligible for premium pay. Employees on standby who are called in to work on a holiday shall not be eligible for premium pay.

Section 4.18 Travel

Policy - Employees may be required to travel when it is necessary or beneficial to the performance of their duties, their professional development, or the general operations of the County. Such travel shall be approved in advance by the department manager and may be eligible for reimbursement.

Section 4.19 Miscellaneous

- A. Bonding - Each County employee is covered under a general employee "blanket" bond at no cost to the employee. The County shall pay the additional cost for those positions requiring a higher bond.
- B. Notary Fees - The fees for 'Notary Public' permits held by County employees shall be paid by the County when such services are felt to assist the County in serving the public or to further the County's own business operations. There shall be no charge for notary services for the County.
- C. Uniform Allowance
 - 1. Policy - Employees who are required to wear uniforms shall be furnished such uniforms, with accessories as required. Uniforms shall be maintained by the County at the County's expense or by the employee with an annual allowance from the County set forth in the budget. Such allowance shall also be **paid** to each member of the **Investigations** Division in the **Police Department** for the cleaning and maintenance of their on-duty clothing.

2. **Responsibilities.**

- a. All clothing and equipment issued by the County shall remain the property of the County.
- b. Only an initial uniform alteration shall be the responsibility of the County.
- c. Employees are required to return non-serviceable clothing to the County in order to receive replacements.
- d. Clothing that is lost or damaged by negligence of the employee shall be replaced at the employee's expense.
- e. Uniform and on-duty clothing maintenance allowances shall be paid only for the period of actual employment.

- D.** **Tool Allowance** - Employees who are responsible for the purchase and maintenance of tools required to perform their duties shall receive an annual allowance. The tools shall remain the employees' property, but are insured by the County against fire and **theft**.

Section 4.20 Administration and Interpretation of Plan

~~The Human Resource Manager shall interpret the application of the Compensation Plan to resolve pay determinations which are not specifically covered by this Chapter, using the principles expressed herein as a policy guide.~~

The compensation program is administered by the Human Resource Department which is responsible for interpreting, administering, and updating the program to keep it current and equitable in operation.