

**BOARD OF SUPERVISORS  
ADJOURNED MEETING  
SEPTEMBER 6, 2012**

At an adjourned meeting of the Board of Supervisors of Floyd County, Virginia, held on Thursday, September 6, 2012 at 6:00 p.m. in the Board Room of the County Administration Building thereof;

PRESENT: Case C. Clinger, Chairman; Virgel H. Allen, Vice Chairman; J. Fred Gerald, Joe D. Turman, Lauren D. Yoder, Board Members; Daniel J. Campbell, County Administrator; Terri W. Morris, Assistant County Administrator.

The Chairman called the meeting to order at 6:00 p.m.

Mr. James E. Cornwell, County Attorney, appeared before the Board. He and Mr. Campbell reported on the refinancing of the 2006 bond issuance. Mr. Campbell noted that there was a change in the payment amounts since the Board had chosen the semi-annual payments. One of the payment dates had to be bumped up to January of 2013. One payment has already been made in July in the current year budget but there will not be enough funds in the line item for the remaining payment. This would only be from a budget standpoint, not actual cash flow. The funds could be transferred from Contingency or from another line item before the budget year is over. We would actually be making an extra payment this year which will knock down the principal even more. The actual savings over the ten year term is over \$271,000. The cost of issuance is approximately \$9000 for the bond counsel and approximately \$2200 for the bank. The costs have been capitalized into the closing and the savings consider those costs.

On a motion of Supervisor Allen, seconded by Supervisor Yoder, and unanimously carried, it was resolved to adopt the resolution as presented concerning the 2006 bond issuance refinancing (Document File Number \_\_\_\_\_).

Supervisor Yoder – aye  
Supervisor Turman – aye  
Supervisor Gerald – aye  
Supervisor Allen – aye  
Supervisor Clinger – aye

Agenda Item 3 – Public Hearing – Draft Ordinance – “Ordinance Requiring Reimbursement of Expenses Incurred in Responding to DUI and Traffic Incidents”.

The Chairman called for the Public Hearing on the draft ordinance as noted above.

The County Administrator read the call for the Public Hearing.

Mr. Cornwell commented that the ordinance is written straight from the Code of Virginia, Section 15.2-1716 which statute has been in effect for some time. In order to be effective, the County has to adopt an ordinance. It is basically to cover costs of fire fighting, rescue and

emergency services for persons that have been convicted of offenses set forth in the statute. They are primarily driving while under the influence, reckless driving, driving without a license, driving with a revoked license and improperly leaving the scene of an accident. It is capped, the recovery that could be made by the County, at \$1000 in aggregate for the particular accident or incident. The County has the right to determine reasonable expenses by a flat fee of \$350 or minute-by-minute accounting of actual costs incurred. Appropriate emergency response includes all costs for providing law enforcement, fire fighting, rescue and emergency medical services. In addition, the court can order restitution also if the court deems so. The County could pursue other remedies as provided by law. Basically, this sets up a framework for recovering costs for volunteer rescue and fire service expenses if they have to show up at the scene of an accident. My understanding is that almost all insurance companies cover these costs.

The Chairman called for comments from the audience on the proposed ordinance.

After no comments from the audience, the Chairman declared the Public Hearing closed.

After discussion, it was the consensus of the Board to return any collected revenue to the General Fund instead of the Fire/Rescue Fund.

On a motion of Supervisor Yoder, seconded by Supervisor Allen, and unanimously carried, it was resolved to adopt the ordinance as presented, known as “Ordinance Requiring Reimbursement of Expenses Incurred in Responding to DUI and Traffic Incidents” (Document File Number \_\_\_\_\_).

Supervisor Yoder – aye  
Supervisor Turman – aye  
Supervisor Gerald – aye  
Supervisor Allen – aye  
Supervisor Clinger – aye

Agenda Item 4 – Public Hearing – Draft Ordinance known as “Ordinance Requiring Those Convicted of an Offense for the Manufacture of Methamphetamine to Pay the Expenses of Cleanup of Methamphetamine Labs”.

The County Administrator read the call for the Public Hearing.

Mr. Cornwell commented that this ordinance is also directly from the State Code. It was enacted July 1, 2012 by the General Assembly. It does provide that any person convicted of the offense of manufacture of meth, at the time of sentencing or a separate civil action, shall be responsible to the locality or other law enforcement entities for the cleanup costs not to exceed the actual expenses. What I’ve done on both this ordinance and the ordinance just adopted, is make sure that the courts, Commonwealth’s Attorney, Probation and Parole, all have a copy. When a person is sentenced, they will know that they must pay the costs.

The Chairman opened the public hearing and called for comments from the audience on the proposed ordinance.

After no comments from the audience, the Chairman declared the Public Hearing closed.

On a motion of Supervisor Allen, seconded by Supervisor Turman, and unanimously carried, it was resolved to adopt the ordinance known as “Ordinance Requiring Those Convicted of an Offense for the Manufacture of Methamphetamine to Pay the Expenses of Cleanup of Methamphetamine Labs” as presented (Document File Number ).

Supervisor Yoder – aye  
Supervisor Turman – aye  
Supervisor Gerald – aye  
Supervisor Allen – aye  
Supervisor Clinger – aye

On a motion of Supervisor Allen, seconded by Supervisor Gerald, and unanimously carried, it was resolved to adjourn.

Supervisor Yoder – aye  
Supervisor Turman – aye  
Supervisor Gerald – aye  
Supervisor Allen – aye  
Supervisor Clinger – aye