



**Agenda**  
**Board of Supervisors Meeting**  
**Tuesday, June 23, 2020 at 6:00 PM**  
**County Administration Building, Auditorium**  
**414 N Main Street, Madison, Virginia 22727**

**Call to Order, Pledge of Allegiance & Moment of Silence**

**Determine Presence of a Quorum / Adopt Agenda**

**Public Comment**

**Special Appearances**

1. Public Hearing: Court Security Fee Ordinance (Gregg)

**Consent Agenda**

2. Consent Agenda
  - A. Minutes from the June 9, 2020 Meeting
  - B. Supplemental Appropriations

**Constitutional Officers, County Departments, Committees & Organizations**

**Old Business**

3. Report: Random Drug Screening Policy Implementation (Hillstrom)
4. Consideration: Animal Control Policy (Cave)

**New Business**

5. Consideration: FY21 Appropriation Resolution (Costello)
6. Consideration: Fund Balance Designations (Costello)
7. Presentation: Use of CARES Act Funding (Hobbs)

**Information/Correspondence**

**Public Comment**

**Closed Session**

**Adjourn**

# Madison Board of Supervisors

## Links for 6 pm meeting on June 23, 2020

### Vimeo Live Stream

Primary Link

<https://vimeo.com/event/115490>

Secondary Link if needed due to technical problems with the primary link

<https://vimeo.com/event/115486>

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# MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

1.

- MEETING DATE:** June 23, 2020
- AGENDA TITLE:** Public Hearing-Court Security Fee Ordinance
- INDICATED MOTION(s):** I move to approve Ordinance #2020-12 as proposed, said ordinance having the effect of increasing the court security fee from \$10.00 to \$20.00 on July 1, 2020 pursuant to Virginia Code Section 53.1-120.
- STAFF LEAD:** County Attorney Sean Gregg
- TIMING:** It came to the County's attention in May that §33.1-120 of the Code of Virginia has been amended with a July 1, 2020 effective date to allow an increase in court security fees from \$10 to \$20. It being reported that a mid-fiscal year increase may be problematic for the Clerk of the Circuit Court's office, the agency that collects the fee for the county, and since additional County revenue is sorely needed, a public hearing was organized for this Board meeting.
- DISCUSSION:** The monies raised by this fee are required to cover the cost of court security. However, the \$30,000 in the (pre-COVID-19) FY21 budget pales in comparison to the \$138,218.50 budgeted expense for that effort.
- FISCAL IMPACT:** Pending collection issues, the higher fee could raise as much as \$30,000/yr in additional net funds.
- REFERENCES:** Chapter 602 of the 2020 Acts of Assembly (SB149) amending §33.1-120 of the Code of Virginia approved on April 2, 2020.
- HISTORY:** Prior court fee ordinances are available for review.
- RECOMMENDATION:** Adopt the indicated motion.
- ENCLOSURES:**
- Proposed ordinance
  - Correspondence from the Clerk of Court
  - SB149
  - Current and earlier ordinances

**Chair**

R. Clay Jackson

**Vice-Chair**

Charlotte Hoffman

**BOARD MEMBERS**

Kevin McGhee

Amber Foster

Carty Yowell

**Madison County Board of Supervisors**



**Jack Hobbs**

County Administrator

**Sean D. Gregg**

County Attorney

302 Thrift Road

P. O. Box 705

Madison, Virginia 22727

(540) 948-7500 (ph)

(540) 948-3843 (fax)

**NOTICE OF PUBLIC HEARING**

The Madison County Board of Supervisors will hold a public hearing on June 23, 2020 at 6:00 p.m., or as soon thereafter as hearings for the regular agenda are complete, in the auditorium of the Madison County Administration Center, 414 North Main Street, Madison, Virginia, to receive public comment and consider adoption of the following Ordinance:

The purpose of the hearing is to approve Modification of the Ordinance imposing fees in Madison County General District and Circuit Court Criminal and Traffic Cases for the Funding of Courthouse Security Personnel. Virginia Code Section 53.1-120 was amended to authorize a fee increase for the funding of Madison County courthouse security personnel from Ten Dollars (\$10.00) to Twenty Dollars (\$20.00).

The public is invited to attend the public hearing and comment on the aforesaid Ordinance. Copies of the proposed Ordinance are on file in the offices of the Madison County Board of Supervisors, 302 Thrift Road, Madison, Virginia 22727 and the Madison County Zoning Administrator, 414 North Main Street, Madison, Virginia 22727, where it may be inspected on Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sean D. Gregg  
Madison County Attorney

**Publish: Thursday, June 11, 2020**  
**Thursday, June 18, 2020**

Chair  
R. Clay Jackson

Vice-Chair  
Charlotte Hoffman

BOARD MEMBERS  
Kevin McGhee  
Amber Foster  
Carty Yowell



Jack Hobbs  
County Administrator

Sean D. Gregg  
County Attorney

302 Thrift Road  
P. O. Box 705  
Madison, Virginia 22727  
(540) 948-7500 (ph)  
(540) 948-3843 (fax)

**ORDINANCE TO AMEND FEES IN CRIMINAL AND TRAFFIC CASES FOR THE FUNDING OF COURTHOUSE SECURITY PERSONNEL**

**ORDINANCE #2020 - 12**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Madison County Ordinances will promote the health, safety, and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 53.1-120;

NOW, THEREFORE, BE IT ORDAINED by the Madison County Board of Supervisors that a fee increase from ten dollars (\$10.00) to twenty dollars (\$20.00) is hereby imposed as part of the costs in each criminal and traffic case in the Madison County General District Court and Madison County Circuit Court in which the defendant is convicted of the violation of any statute or ordinance. This fee shall be collected by the Clerk of the Court in which the case is heard, remitted to the Madison County Treasurer, and held by the Madison County Treasurer subject to appropriation from the Madison County Board of Supervisors to the Madison County Sheriff to fund the cost of courthouse security personnel.

This Ordinance shall be effective on July 1, 2020.

ADOPTED this \_\_\_\_ day of June, 2020, on motion of Supervisor \_\_\_\_\_,  
seconded by Supervisor \_\_\_\_\_.

\_\_\_\_\_  
R. Clay Jackson, Chair  
Madison County Board of Supervisors

	<b>“Aye”:</b>	<b>“Nay”:</b>	<b>“Abstain”:</b>	<b>Absent:</b>
R. Clay Jackson				
Charlotte L. Hoffman				
Kevin K. McGhee				
Amber Foster				
Carty Yowell				

\_\_\_\_\_  
Jack Hobbs  
Madison County Administrator

**CHAPTER 602**

*An Act to amend and reenact § 53.1-120 of the Code of Virginia, relating to courthouse and courtroom security; assessment.*

[S 149]  
Approved April 2, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-120 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment.

A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose. A list of such designations shall be forwarded to the Director of the Department of Criminal Justice Services.

B. The chief circuit court judge, the chief general district court judge and the chief juvenile and domestic relations district court judge shall be responsible by agreement with the sheriff of the jurisdiction for the designation of courtroom security deputies for their respective courts. If the respective chief judges and sheriff are unable to agree on the number, type and working schedules of courtroom security deputies for the court, the matter shall be referred to the Compensation Board for resolution in accordance with existing budgeted funds and personnel.

C. The sheriff shall have the sole responsibility for the identity of the deputies designated for courtroom security.

D. Any county or city, through its governing body, may assess a sum not in excess of ~~\$40~~ \$20 as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment shall be by ordinance of the governing body that may provide for different sums in the circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

Ref: <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb149>

**Jack Hobbs**

---

**From:** Leeta Louk <llouk@vacourts.gov>  
**Sent:** Monday, June 1, 2020 2:40 PM  
**To:** Jack Hobbs; Sean Gregg  
**Subject:** Senate Bill 149  
**Attachments:** courthouse security fee.pdf

You both are probably already aware of this, but Senate Bill 149 - Courthouse Security Fee is increased from \$10.00 to \$20.00, but it requires an amended ordinance from our locality.

I am enclosing the original ordinance allowing collection of this fee. The code section [ ] is 53.1-120.

Please let me know as soon as possible if the Board adopts this Amended Ordinance to increase the fee, as I will need to let the OES financial group know so that they can update our system to begin collecting the new fee on July 1, 2020.

Thanks!

*Leeta D. Louk, Clerk  
Madison County Circuit Court  
PO Box 220, 1 Main Street  
Madison, VA 22727  
(540) 948-6888  
(540) 948-3759 (fax)*

*My new email address is llouk@vacourts.gov*

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EDDIE DEAN  
MADISON, VIRGINIA

VICE CHAIRMAN  
BOB MILLER  
MADISON, VIRGINIA

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BRIGHTWOOD, VIRGINIA

WILLIAM L. CRIGLER  
MADISON, VIRGINIA

CLARK POWERS  
MADISON, VIRGINIA

LISA KELLEY  
COUNTY ADMINISTRATOR

V. R. SHACKELFORD, III  
COUNTY ATTORNEY

# Madison County Board of Supervisors

302 Thrift Road  
P. O. Box 705  
Madison, Virginia 22727  
(540) 948-6700  
FAX 948-3843

## ORDINANCE TO IMPOSE A FEE IN CRIMINAL AND TRAFFIC CASES FOR THE FUNDING OF COURTHOUSE SECURITY PERSONNEL

WHEREAS, Virginia Code Section 53.1-120 has been amended to authorize a fee increase from five dollars (\$5.00) to ten dollars (\$10.00) in criminal and traffic cases for the funding of courthouse security personnel.

NOW, THEREFORE, BE IT ORDAINED by the Madison County Board of Supervisors that a fee of ten dollars (\$10.00) is hereby imposed as part of the costs in each criminal and traffic case in the Madison County General District Court and Madison County Circuit Court in which the defendant is convicted on a violation of any statute or ordinance. This fee shall be collected by the Clerk of the court in which the case is heard, remitted to the Madison County Treasurer, and held by the Madison County Treasurer subject to appropriation by the Madison County Board of Supervisors to the Madison County Sheriff to fund the costs of courthouse security personnel.

This Ordinance shall be effective on July 1, 2007.

ADOPTED this 12<sup>th</sup> day of June, 2007

  
Eddie Dean, Chairman  
Madison County Board of Supervisors

	Aye	Nay	Abstain
Eddie Dean	X	_____	_____
Bob Miller	X	_____	_____
James L. Arrington	X	_____	_____
William L. Crigler	X	_____	_____
Clark Powers	X	_____	_____

  
Lisa R. Kelley  
Madison County Administrator

**ORDINANCE TO IMPOSE A FEE IN CRIMINAL AND TRAFFIC CASES FOR THE FUNDING OF COURTHOUSE SECURITY PERSONNEL**

WHEREAS, Virginia Code Section 53.1-120 (1950, as amended) authorizes the governing body of any County to impose a fee as part of the costs in each criminal and traffic case in which a defendant is convicted of a violation of a statute or ordinance to fund its courthouse security personnel;

NOW, THEREFORE, BE IT ORDAINED by the Madison County Board of Supervisors that a fee of five dollars (\$5.00) is hereby imposed as part of the costs in each criminal and traffic case in the Madison County General District Court and Madison County Circuit Court in which the defendant is convicted of a violation of any statute or ordinance. This fee shall be collected by the Clerk of the court in which the case is heard, remitted to the Madison County Treasurer, and held by the Madison County Treasurer subject to appropriation by the Madison County Board of Supervisors to the Madison County Sheriff to fund the costs of courthouse security personnel.

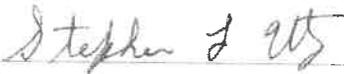
This Ordinance shall be effective on July 1, 2002.

ADOPTED this 18<sup>th</sup> day of June, 2002



David C. Jones, Chairman,  
Madison County Board of Supervisors

	Aye	Nay	Abstain
David C. Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James R. Hale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James L. Arrington	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William L. Crigler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Volchansky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Stephen L. Utz,  
Madison County Administrator

AN ORDINANCE TO AMEND AND REENACT AN ORDINANCE TO IMPOSE A FEE OF TWO DOLLARS (\$2.00) FOR COURTHOUSE CONSTRUCTION, RENOVATION OR MAINTENANCE AS PART OF THE COSTS OF EACH CIVIL, CRIMINAL OR TRAFFIC CASE

WHEREAS, the Madison County Board of Supervisors on June 12, 1990, enacted an Ordinance to Impose a Fee for Courthouse Construction, Renovation or Maintenance as Part of Fees Incident to Criminal or Traffic Cases; and

WHEREAS, Virginia Code Section 14.1-133.2 (1950, as amended) has now been amended to permit the assessment of a fee of not more than two dollars (\$2.00) to be taxed as costs in each civil case, as well as in each criminal and traffic case; and

WHEREAS, the Madison County Board of Supervisors desires to amend and reenact the aforesaid ordinance to incorporate said amendment to Virginia Code Section 14.1-133.2 (1950, as amended) (amended wording is underlined).

Now, therefore, BE IT ORDAINED by the Madison County Board of Supervisors that, in accord with and under the authority of Section 14.1-133.2, Code of Virginia, 1950, as amended, the Clerk of the Circuit Court and the Clerk of the Combined General District and Juvenile and Domestic Relations Court of Madison County shall collect and remit monthly to the Treasurer of Madison County a fee of Two Dollars (\$2.00), such fee to be taxed as part of the costs in each civil, criminal and traffic case instituted in the

Circuit Court, the General District Court or the Juvenile and Domestic Relations District Court of Madison County.

The Treasurer of Madison County shall establish a separate fund into which fees remitted shall be deposited, held and invested subject to disbursements by the Board of Supervisors for the construction, renovation or maintenance of courthouse or jail and court-related facilities and to defray increases in the costs of heating, cooling, electricity and ordinary maintenance.

The assessment provided for herein shall be in addition to any other fees prescribed by law.

This amended and reenacted ordinance shall become effective upon its adoption and shall apply to all civil, criminal and traffic cases instituted after that time.

Amended and reenacted this 11<sup>th</sup> day of August, 1992.

  
\_\_\_\_\_  
Chairman, Madison County Board  
of Supervisors

Adopted by the Madison County Board of Supervisors on August 11, 1992.

Ayes 5  
Nays 0

  
\_\_\_\_\_  
Stephen L. Utz  
County Administrator

MEETING #23 – June 9

At a Regular Meeting (#1) of the Madison County Board of Supervisors on June 9, 2020 at 4:00 p.m. at the Madison County Administrative Center Auditorium located at 414 N. Main Street:

- PRESENT:
- R. Clay Jackson, Chair
  - Charlotte Hoffman, Vice-Chair
  - Kevin McGhee, Member
  - Amber Foster, Member
  - Carty Yowell, Member
  - Jack Hobbs, County Administrator
  - Sean Gregg, County Attorney

**Call to Order, Pledge of Allegiance & Moment of Silence**

**Determination of Quorum/Adopt Agenda**

All members are present; a quorum is established.

Chairman Jackson advised of the following item to be added to today's agenda for consideration:

Regular Agenda:

**Add: New Business:**

- 1. Consideration: Madison County School Board Funding Request - \$64,497 [HVAC System]**

Supervisor Foster moved that the Agenda be adopted as amended, seconded by Supervisor Hoffman.

**Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0)**

**1. Consent Agenda**

**A. Minutes from the May 26, 2020 Meeting**

Supervisor Yowell moved that Minutes of the May 26, 2020 meeting be approved as presented, seconded by Supervisor Foster. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

**B. Minutes from the June 3, 2020 Meeting**

Supervisor Yowell called for a correction to the minutes of June 3, 2020, on page 4 (seconded to the motion concerning action on the grant funding from the Topping Fund).

Supervisor Yowell moved that the Minutes from the June 3, 2020 meeting be approved as amended, seconded by Supervisor Foster. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

**Public Comment - None**

**Special Appearances- None**

**Constitutional Officers, County Departments, Committees and Organizations**

**2. Departmental Reports**

**Treasurer:** Stephanie Murray, Treasurer, was present to advise that her office is starting to receive tax revenues.

**Emergency Management Services:** John Sherer, Director of Emergency Management Services, was present to provide a brief update on the Governor's Phase II plan of operations during the COVID-19 pandemic; guidelines for some activities will call for much discretionary efforts; current stats for Madison (as reported by the Virginia Department of Health):

- 41 cases
- 3 hospitalizations
- 1 fatality

Numbers appear to be declining; sufficient supplies in place; recent structural fires in the County - outstanding from local fire and rescue organizations.

**CARES Act Funding:** Chairman Jackson referred to an email (sent from the County Administrator) regarding the CARES Act Funding and associated guidelines.

To which Mr. Sherer advised that much information is still not known concerning associated guidelines for the funding program.

Suggestions called for all requests to be submitted to the County Administrator for review and further consideration by the Board of Supervisors.

EMS: Noah Hillstrom, Director of Emergency Medical Services, was present and advised that call volume was down slightly (58 calls); advised that the ambulance has been ordered with no ETA provided to date (supplies on backorder); advised that the Finance Director has been researching financing mechanisms.

E911: Brian Gordon, Director of Emergency Communications, was present and advised that he would like to research ideas to improve social distancing among the dispatchers in the EOC by utilizing some of the CARES Act Funding that is being awarded to the County.

NextGen: Mr. Gordon advised that the NextGen system should be should be complete by mid-August 2020; recent discussions yielded information that the State has decided to wait on moving forward with a regionwide migration and has opted to move forward with a county-by-county migration at the present time, which he feels will not be fully complete until October 2020; feels that folks should be able to text the EOC by July 1, 2020.

Facilities: Roger Berry, Director of Facilities & Maintenance, was present to advise that the glass at the Clerk's Office has now been installed; awaiting pricing on the ballistic film; Clark Security Agency plans to install the door hardware shortly; contracts signed for the security system at the War Memorial Building and the upgrades at the courthouse; three (3) vehicles sold for a total of \$6,250; roof repairs at Sheriff's Office should be 100% complete within the coming week.

Commissioner of the Revenue: Brian Daniel, Commissioner of the Revenue, was present to report that his department is working through personal property documents; will participate in a meeting on the software package soon.

**Internet Technology:** Bruce Livingston, IT Specialist, was present to advise that he has been working to

get visual and audio capability in place; working to allow the Sheriff's Office to migrate the existing telephone system and allow for future access for network systems.

**Economic Development & Tourism:** Tracey Gardner, Director of Economic Development & Tourism, was present to provide highlights on the farm tour and social distancing efforts initiated at the center; IDA Board will be meeting on June 11, 2020 to discuss proposed bonds and grant opportunities.

**Clerk of Circuit Court:** Leeta Louk, Clerk of Circuit Court, advised that her office has been open to the public since May 18th; court has also been ongoing; accolades to Roger Berry, Director of Facilities & Maintenance, for his efforts with the recent upgrades that are underway in her office.

**Commonwealth Attorney:** Clarissa Berry, Commonwealth Attorney, advised that all is going well within her department.

**Sheriff's Department:** Erik Weaver, Sheriff, provided highlights on the body cam equipment being research for his department; overall numbers for the equipment will be provided at the next meeting session.

**Old Business**

3. **Consideration: Resolution Supporting a VDOT Pratts Intersection Improvement Project (Hobbs):** The County Administrator advised that Resolution #2020-17 is being provided for review and consideration for the VDOT Pratts Intersection Improvement Project being proposed by VDOT.

Carrie Sheppard, Residency Administrator, advised (via GoToMeeting) that VDOT has an upgraded proposal for the project for review and consideration.

Chuck Proctor, VDOT, explained (via GoToMeeting) that the earlier project drawings didn't allow sufficient space to support to truck traffic that utilizes that Pratts Intersection. The new concept will better accommodate larger trucks and provide enough space for the larger vehicles (to include those 53' in length) to pass through the roundabout without difficulty. Cost estimates included with the proposal were based on the last draft.

➤ *Supervisor McGhee: Feels that the proposed upgrades will improve safety at the Pratts Intersection.*

Supervisor McGhee moved that the Board adopt Resolution #2020-17 [Supporting a VDOT Pratts Intersection Improvement Project] as presented, seconded by Supervisor Hoffman. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

*The Resolution reads as follows:*

**RESOLUTION  
#2020-17**

**A RESOLUTION OF SUPPORT FROM MADSON COUNTY FOR PROJECTS SUBMITTED FOR THE FY 2020-2026 SMART SCALE PRIORITIZATION PROCESS**

**WHEREAS**, on April 6, 2014, the General Assembly of Virginia approved an Act to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1, a section numbered 33.1-23.5:5, commonly referred to as the Smart Scale Prioritization Process, requiring projects requesting funding through the Six-Year Improvement Program (SYIP) to be scored and prioritized; and

**WHEREAS**, the Madison County Board of Supervisors, in coordination with the Virginia Department of Transportation and the Rappahannock-Rapidan Regional Commission, has identified the following project to submit for funding through the FY2020-2026 SYIP

- 1. Improvements to the Orange Road (SR 230)/Fairgrounds Road (SR687) intersection in Pratts

**NOW, THEREFORE, BE IT RESOLVED**, by the Madison County Board of Supervisors this 9th day of June 2020, that the Board supports submitting the projects listed above for the Smart Scale Prioritization Process.

- 4. **Consideration: Resolution Authorizing Summer 2020 Financing Bonds (Hobbs):** The County Administrator explained that Resolution #2020-18 being presented for consideration by the Board concerning the Summer 2020 Financing .

Jesse Bausch, of Sands Anderson, Inc., provided a brief overview (via GoToMeeting) of the financing being sought for the County and school system, and ways to restructure funding. He also noted that the proposed bonds will be issues by the Industrial Development Authority (IDA); also noted that the school buildings can be utilized as collateral (high school and middle school); the funding proposal will also create a funding stream that can be utilized between the properties being proposed.

The County Attorney advised that the language that has been incorporated in today's document is appropriate for what's being sought by the County at this time.

Supervisor Hoffman moved that the Board approve Resolution #2020-18 as presented, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

*The Resolution read as follows:*

**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
MADISON COUNTY, VIRGINIA  
#2020-18**

**WHEREAS**, Madison County, Virginia (**the "County"**), with the assistance of the Madison County School Board (**the "School Board"**) have previously issued the Prior Obligations (as described and defined

below) to finance and refinance improvements to school facilities, County and courthouse facilities, and related equipment and capital improvements, all for County public purposes; and the County has assumed payment of, or is directly obligated on, debt service on the Prior Obligations;

**WHEREAS**, the County requested Davenport & Company LLC (**the "Financial Advisor"**) to prepare a Request for Proposal (**the "RFP"**) to obtain financing proposals to (a) finance various County and School Board capital projects, including, but not limited to, improvements to Madison Primary School, acquisition and installation of a public safety radio system serving the County and improvements to the County administration center (**together, the "Project"**) and (b) refund, refinance and prepay all of the outstanding Prior Obligations as further described below (**the "Refinanced Obligations"**) in order to restructure debt service and provide flexibility to the County to address the County's long-term financial planning needs (**the "Debt Service Restructuring"**); and

**WHEREAS**, the Financial Advisor has received responses to the RFP that would finance the Project and achieve Debt Service Restructuring for the benefit of the County and, after reviewing the responses, the Financial Advisor has recommended that the Board of Supervisors of the County (**the "Board of Supervisors"**) select the proposal (**the "Proposal"**) from Sterling National Bank (**the "Lender"**); and

**WHEREAS**, the Board of Supervisors has reviewed responses to the RFP and the recommendation of the Financial Advisor and has determined that the Proposal is the most beneficial response to the RFP and provides attractive financing terms to finance the Project and to refund, refinance and prepay the Refinanced Obligations in order to achieve the Debt Service Restructuring, and the Board of Supervisors on behalf of the County desires to accept the Proposal; and

**WHEREAS**, the Prior Obligations are described and defined as follows: (a) the County's \$2,028,000 Public Improvement Refunding Bond, Series 2017, issued and sold pursuant to a Bond Purchase Agreement dated as of July 1, 2017 between the County and Signature Public Funding Corp. (**the "2017 Obligation"**), and (b) the County's \$10,762,500 Public Facility Lease Revenue Bond, Series 2013, including a Lease Agreement dated as of January 1, 2013 between the County and the School Board, and a Loan Agreement dated as of January 1, 2013 between the County and the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia, as assigned to Banc of America Public Capital Corp (**the "2013 Obligation," and, together with the 2017 Obligation, the "Prior Obligations"**); and

**WHEREAS**, the Board of Supervisors now requests the Industrial Development Authority of Madison County, Virginia, (**the "Authority"**) to (a) issue, offer and sell its (i) lease revenue bond in an amount not to exceed \$16,600,000 (**the "2020A Bond"**) to finance the Project, including costs of issuing the 2020A Bond, (ii) lease revenue refunding bond in an amount not to exceed \$1,750,000 (**the "2020B Bond"**) to refund, refinance and prepay the 2017 Obligation, including costs of issuing the 2020B Bond, and its (ii) lease revenue refunding bond in an amount not to exceed \$6,700,000 (**the "2020C Bond," and, together with the 2020A Bond and the 2020B Bond, the "Bonds"**) to refund, refinance and prepay the 2013 Obligation, including costs of issuing the 2020C Bond, (b) lease (i) the Madison Primary School and (ii) the Waverly Yowell Elementary School, or if replacement property is necessary, then other facilities used for school purposes, subject to the approval of the Lender (**together, the "Leased Property"**) for an approximately twenty two year term under a ground lease, provided that Waverly Yowell Elementary School shall be released upon the final payment of the 2020B Bond and the 2020C bond, and in turn, lease the Leased Property to the County for a term not to exceed the term of the Bonds under a lease agreement with the Authority and, (c) secure the Bonds by an assignment of its rights under such lease agreement (except the right to receive indemnification, to receive notices and to give consents and to receive its

administrative expenses) under an assignment agreement, which is to be acknowledged and consented to by the Lender, the County and the School Board, all in accordance with a bond purchase agreement among the Lender, the County and the Authority; and

**WHEREAS**, there has been presented to this meeting drafts of the following documents **(collectively, the “Documents”)** in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- a. a Ground Lease, dated as of June 1, 2020, among the County, the School Board and the Authority **(the “Ground Lease”)** conveying to the Authority a leasehold interest in the Leased Property;
- b. a Lease Agreement, dated as of June 1, 2020, between the Authority and the County **(the “Lease Agreement”)** conveying to the County a leasehold interest in the Leased Property;
- c. a Bond Purchase Agreement, dated as of June 1, 2020 among the Authority, the County and the Lender, pursuant to which the Bonds are to be issued **(the “Bond Purchase Agreement”)**;
- d. an Assignment Agreement, dated as of June 1, 2020 between the Authority and the Lender, assigning to the Lender certain of the Authority’s rights under the Lease Agreement and the Ground Lease, which is to be acknowledged and consented to by the County and the School Board **(the “Assignment Agreement”)**; and
- e. a specimen 2020A Bond, a specimen 2020B Bond and a specimen 2020C Bond.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Madison County, Virginia:

- 1. The Board of Supervisors hereby accepts the Proposal and instructs the County Administrator, the County Treasurer, the County Attorney, the Financial Advisor, Sands Anderson PC as bond counsel to the County **(“Bond Counsel”)** and other County employees and representatives as necessary to take all such action as necessary or appropriate to conclude the financing as authorized by this Resolution and for the issuance of the Bonds of the Authority based upon the recommendation of the Financial Advisor.
- 2. All costs and expenses in connection with the undertaking of the financing of the Project, the refunding, prepayment, redemption and refinancing of the Refinanced Obligations and the issuance of the Bonds, including the Authority’s expenses, the fees and expenses of the County, and the fees and expenses of Bond Counsel, the County Attorney, the Financial Advisor and the Lender, and other fees and expenses related thereto, for the sale of the Bonds, shall be paid from the proceeds therefrom or other funds of the County. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the County and that the Authority shall have no responsibility therefor.
- 3. The following plan for financing the Project and the refunding, prepayment, redemption and refinancing the Refinanced Obligations is approved, and the County requests the Authority to take such action consistent with this plan of financing. The Authority shall use a portion of the proceeds from the issuance of the 2020A Bond to finance the Project, shall use the proceeds of

the 2020B Bond and the 2020C Bond to refund, prepay, redeem and refinance, as applicable, the Refinanced Obligations, and shall lease the Leased Property from the County for a lease term of approximately ten years longer than the term of the Lease Agreement and lease the Leased Property to the County for a lease term not less than the full term of the Bonds at a rent sufficient to pay when due the interest and principal on the Bonds. The obligation of the Authority to pay principal and interest on the Bonds will be limited to rent payments received from the County under the Lease Agreement. The obligation of the County to pay rent under the Lease Agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose. The Board of Supervisors on behalf of the County has adopted this resolution as its moral obligation to the repayment of the Bonds and the Board of Supervisors recommends and requests future Boards to appropriate amounts payable under the Lease Agreement. The Bonds will be secured by an Assignment Agreement to the Lender, and any subsequent assignee of the Lender, as the holder thereof. If the Board of Supervisors exercises its right not to appropriate money for rent payments, the Lender may terminate the Lease Agreement or otherwise exclude the County from possession of the Leased Property. The issuance of the Bonds on the terms set forth in the Bond Purchase Agreement is hereby approved.

- 4. The Board of Supervisors hereby approves the Documents and the form of the 2020A Bond in an approximate aggregate amount not to exceed \$16,600,000 with a fixed interest rate not to exceed 3.00% with a term maturing no later than December 31, 2041, subject to other terms as set forth therein with such changes, including but not limited to changes in the obligations being refunded, refinanced, prepaid and redeemed, amounts for such series, dates, amortization, payment dates and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his approval of the same and whose execution of the Documents shall be conclusive evidence of such approval.
  
- 5. The Board of Supervisors hereby approves the form of the 2020B Bond in an approximate aggregate amount not to exceed \$1,750,000 with a fixed interest rate not to exceed 2.37% with a term maturing no later than December 31, 2033, subject to other terms as set forth therein with such changes, including but not limited to changes in the obligations being refunded, refinanced, prepaid and redeemed, amounts for such series, dates, amortization, payment dates and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his approval of the same and whose execution of the Documents shall be conclusive evidence of such approval.
  
- 6. The Board of Supervisors hereby approves the form of the 2020C Bond in an approximate aggregate amount not to exceed \$6,700,000 with a fixed interest rate not to exceed 2.39% with a term maturing no later than December 31, 2033, subject to other terms as set forth therein with such changes, including but not limited to changes in the obligations being refunded, refinanced, prepaid and redeemed, amounts for such series, dates, amortization, payment dates and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his approval of the same and whose execution of the Documents shall be conclusive evidence of such approval.
  
- 7. The Chairman or Vice Chairman of the Board of Supervisors, or either of them, and the County Administrator (**each, an "Authorized Representative"**) are each hereby authorized and directed to execute the Documents and such other instruments and documents as are necessary to create and perfect a complete assignment of the rents and profits due or to become due in favor of the

Lender with such changes, including but not limited to changes in amounts, dates, amortization, payment dates and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his approval of the same, to issue the Bonds, to provide such notices and irrevocable instructions regarding redemption of any portion of the Refinanced Obligations to any person or party consistent with the intent of this Resolution, to finance the Project, to refund, prepay, redeem, refinance and defease, as appropriate, the Refinanced Obligations and to lease the Leased Property, and all such actions are hereby confirmed and ratified.

8. Each Authorized Representative and such other officers of the County as are requested are hereby authorized and directed to execute, deliver and file all certificates and documents and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Bonds and the execution and delivery of the Documents, including without limitation, (a) the execution and delivery of a tax and non-arbitrage certificate setting forth, among other things, the expected use and investment of the proceeds of the Bonds to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and regulations thereunder, applicable to “arbitrage bonds,” (b) making any elections that such officers deem desirable regarding any provision requiring rebate to the United States of “arbitrage profits” earned on investment of proceeds of the Bonds, if any, (c) providing for the County to pay any such rebate amount, (d) filing Internal Revenue Service Form 8038-G in relation to the Bonds, and (e) taking all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Bonds, the undertaking of the financing of the Project, and the refunding, prepayment, redemption, refinancing and defeasance, as appropriate, of the Refinanced Obligations.
9. The Leased Property is hereby declared to be essential to the efficient operation of the County and the School Board, and the Board of Supervisors anticipates that the Leased Property will continue to be essential to the operation of the County and the School Board during the term of the Lease Agreement.
10. The Board of Supervisors consents to Sands Anderson PC serving as Bond Counsel to the County and acting in such capacity as well as special counsel to the Authority in this financing.
11. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (**the “Code”**) or otherwise cause the interest on the Bonds to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the Authority or the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the sale of the Bonds.
12. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
13. All other acts of the officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds, the leasing of the Leased Property, the financing of the Project, providing timely notice of redemption of any of the Refinanced Obligations and the refunding, prepayment, redemption and refinancing of the

Refinanced Obligations are hereby approved, ratified and confirmed.

- 14. The County by acceptance of this financing, agrees to indemnify, defend and save harmless, to the extent permitted by law, the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Authority, the issuance of the Bonds, the financing of the Project, the refunding, prepayment, redemption and refinancing of the Refinanced Obligations or the lease of the Leased Property.
- 15. Nothing in this Resolution, the Bonds or any documents executed or delivered in relation thereto shall constitute a debt or a pledge of the faith and credit of the County, and the Authority shall not be obligated to make any payments under the Bonds or the Documents except from payments made by or on behalf of the County under the Lease Agreement pursuant to annual appropriation thereof in accordance with applicable law.
- 16. This resolution shall take effect immediately.

5. Consideration: Fourth of July Fireworks Acknowledgments (Jackson): Chairman Jackson advised that fireworks notification forms by Graves' Mountain Lodge and Roger Haynes and that to date there has been no guidance from the State regarding 4th of July fireworks events.

Discussions focused on the facts that a fireworks event will support Graves' Mountain Lodge and that local events also help support local fundraising activities in Madison County.

Roger Berry, Director of Facilities & Maintenance, was present and advised that local fundraising and other publicized events for the local rescue squad and fire department have suffered as a result of the COVID-19 pandemic.

Further discussions focused on whether the Board should put a limit on how many folks can attend the event during the time frame allotted. It was further noted that it's recommended that folks follow social distancing protocol of at least 10' if at all possible. Anyone desiring to hold an event must adhere to the State Code guidelines regarding fireworks display events.

After additional discussion, it was suggested that the attendance not be limited for those attending the event.

Supervisor Hoffman moved that the Board approve the fireworks permit application for Graves' Mountain Lodge, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Supervisor Foster moved that the Board approve the fireworks permit application for Roger Haynes as submitted, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay:*

(0).

**New Business**

**A. Consideration: Madison County School Board Funding Request - \$64,497 [HVAC System]:**

Chairman Jackson referred to a request from the school system for \$64,497 to cover costs associated with the replacement of the HVAC system at the school board office.

Mary Jane Costello, Finance Director, advised that based on conversations with Tina Cropp, School Finance Officer regarding the funding request; a resolution will be required in order for these funds to be appropriated for use by the school system.

Chairman Jackson: Advised that further discussions on the aforementioned recommendation will be discussed in more detail at the upcoming meeting of the CIP Committee. Based on comments made by the Governor, school will reconvene in the fall with stringent social distancing requirements in place.

Supervisor Hoffman moved that the Board appropriate \$64,497 from the capital improvement fund for the repair/replacement of the HVAC system at the school board office, seconded by Supervisor McGhee.

The Finance Director advised that (based on her recollection), there are unbudgeted funds remaining in the school's CIP fund.

**Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

Additional comments focused on:

- IT Software Package
- FY21 Budget
- Encumbrances

The Finance It was also noted that the debt service to be paid will be different than what's noted in the FY21 budget document, and suggested that the Board:

- Assess whether to encumber funds at the 2nd meeting in July 2020
- Adopt financial policies as recommended by Davenport Financial Services, Inc.

In closing, she also advised that the adopted FY21 County budget will be uploaded to the County website later today.

**Information/Correspondence**

**2020 High School Graduation:** Chairman Jackson advised that the recent graduation of the 2020 senior class was exceptional; verbalized accolades to the Superintendent and how she requested that the event

focus solely on the senior class and their accomplishments.

**Public Comment – None**

**Closed Session**

On motion of Supervisor Hoffman, seconded by Supervisor McGhee, the Board convened in a closed session pursuant to Virginia Code Section 2.2-3711(A)(3) for discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board, and 2.2-3711(A)(29) for discussion of the terms or scope of a public contract involving the expenditure of public funds where discussion in an open session an open session would adversely affect the bargaining position or negotiating strategy of the Board. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Supervisor Hoffman moved that the Board re-convene in open session, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Supervisor Hoffman moved to certify that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A) (5) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

**Adjourn**

With no further action being required, on motion of Supervisor Foster, seconded by Supervisor Hoffman, Chairman Jackson adjourned the meeting until 5:00 p.m. on May 26, 2020. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

\_\_\_\_\_  
R. Clay Jackson, Chairman  
Madison County Board of Supervisors

\_\_\_\_\_  
Clerk of the Board of the Madison County Board of Supervisors  
Copies: Board of Supervisors, County Attorney & Constitutional Officers  
Adopted on:

\*\*\*\*\*

***Adopted Items:***

*Resolution #2020-17 [Of Support from Madison County for Projects Submitted for the FY2020-2025 Smart Scale Prioritization Process]*

*Resolution #2020-18 [Authorizing Summer 2020 Financing Bonds]*

\*\*\*\*\*



Agenda  
Regular Meeting  
Madison County Board of Supervisors  
Tuesday, June 9, 2020 at 4:00 p.m.  
County Administration Building, Auditorium  
414 N Main Street, Madison, Virginia 22727

**Call to Order, Pledge of Allegiance & Moment of  
Silence Determine Presence of a Quorum / Adopt**

**Agenda**

- 1. Consent Agenda
  - A. Minutes from the May 26, 2020 Meeting
  - B. Minutes from the June 3, 2020 Meeting

**Public Comment**

**Special Appearances**

**Constitutional Officers, County Departments, Committees and Organizations**

- 2. Departmental Reports

**Old Business**

- A. Consideration: Resolution Supporting a VDOT Pratts Intersection Improvement Project (Hobbs)
- B. Consideration: Resolution Authorizing Summer 2020 Financing Bonds (Hobbs)
- C. Consideration: Fourth of July Fireworks Acknowledgements (Jackson)

**New Business**

***A. Consideration: Madison County School Board Funding Request - \$64,497 [HVAC System]:***

**Information/Correspondence**

**Public Comment**

**Closed Session**

- 6. Negotiations (Public Safety Radio Project Antenna Location Rights Acquisition)

**Adjourn**

AMENDMENT(S) DENOTED IN ROYAL BLUE

Superintendent  
Ms. Anna Graham

Assistant Superintendent  
Mrs. Cathy Jones

Director of Administration  
Mrs. Tina Weaver



540-948-3780  
540-948-5143 facsimile

## MADISON COUNTY SCHOOL BOARD

June 9, 2020

Mr. Clay Jackson, Chairman  
Madison County Board of Supervisors  
302 Thrift Road  
Madison, VA 22727

Dear Clay:

On June-8, 2020, the Madison County School Board approved a request to ask the Madison County Board of Supervisors for a resolution to appropriate funds from the Capital Improvement Budget in the amount of \$64,479.

The funds will be used to install a new HVAC system in the gym/cafeteria at the School Board Office building.

The purpose of this letter is to request that the Board of Supervisors approve a resolution to appropriate \$64,479 from the capital improvement funds that were set aside school projects.

Thank you.

Sincerely,

Anna R. Graham  
Superintendent

c: Jack Hobbs  
Mary Jane Costello  
Tina Cropp

Madison Primary School  
158 Primary School Drive  
Madison, VA 22727  
540-948-3781

Waverly Yowell Elementary School  
1809 North Main Street  
Madison, VA 22727  
540-948-4511

William Wetsel Middle School  
186 Mountaineer Lane  
Madison, VA 22727  
540-948-3783

Madison County High School  
68 Mountaineer Lane  
Madison, VA 22727  
540-948-3785

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# MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

- MEETING DATE:** June 23, 2020
- AGENDA TITLE:** Report: Random Drug Screen Policy Implementation
- INDICATED MOTION(s):** N/A
- STAFF LEAD:** Chief of Emergency Medical Services Noah Hillstrom
- TIMING:** On May 12, 2020 the Board approved an amendment to the County’s personnel policy that had the effect of instituting a new random drug screening requirement for public safety (EMS, Emergency Communications and the Emergency Services Coordinator) positions.  
  
Implementation has taken longer than expected.
- DISCUSSION:** Several issues are at play, including nailing down contracts with the actual testing vendors, standing up the random selection process, and responding to questions and concerns expressed by the affected employees. One that rises to the Board level is a suggestion that it would be fairer, and maybe more defensible, to not limit the random screening to only public safety employees and instead include others - such as all drivers or all County employees.  
  
Chief Hillstrom has been asked to provide an oral report and answer questions on this matter.
- FISCAL IMPACT:** None
- REFERENCES:** N/A
- HISTORY:** N/A
- RECOMMENDATION:** Hear the presentation and provide appropriate guidance to the staff.
- ENCLOSURES:**
  - Sec. 6.4 of the Personnel Policy (Alcohol and Drug Free Workplace)

**6.4 ALCOHOL AND DRUG FREE WORKPLACE**

A. Purpose

Madison County recognizes that alcohol and drug abuse is a serious problem across America. It is, therefore, the goal of the County to establish and maintain a safe and healthy workplace for its employees, free from alcohol and illegal drug use and to protect the safety of its citizens by providing the highest quality of service.

B. Employee Responsibilities

1. No employee shall unlawfully manufacture, dispense, possess, use or distribute any controlled substance, medication or alcohol.
2. Any employee convicted under a Federal or State statute regulating controlled substances shall notify their supervisor and the County Administrator within five (5) days after the conviction.
3. No employee shall consume alcoholic beverages within eight (8) hours of their scheduled start time, during work hours or while at work during breaks or lunches.
4. No employee shall be impaired by alcoholic beverages less than eight (8) hours before work, during work hours or while at work during breaks or lunches.
5. No employee shall represent the County in an official capacity while impaired by alcohol, illegal drugs or medication.
6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety-sensitive functions while on duty for the County.
7. If an employee is using prescription or non-prescription medication that may impair performance of duties, the employee shall report that fact to his/her supervisor.
8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs and/or medication shall immediately notify his Supervisor, Department Head or County Administrator.
9. Department heads, and in the absence of a department head their deputy, shall be responsible for maintaining a drug and alcohol-free workplace in their area of operations and implementing the following drug and alcohol testing program.

C. Drug and Alcohol Testing

In order to achieve a drug-free workplace, all candidates offered employment with Madison County, shall be required to participate in all of the following alcohol and controlled substances testing:

1. When an applicant for any position has been extended a conditional offer of employment, but before beginning work;
2. When there is a reasonable suspicion to believe that the employee is in an impaired state. Reasonable suspicion is a belief based on objective and articulated facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol such that the employee's ability to perform the

functions of the job is impaired or such that the employee’s ability to perform his/her job safely is reduced.

- 3. Employees in public safety positions are subject to random drug testing. These tests are unannounced and unexpected by employees. According to the Department of Labor, employees are put in a lottery-like testing pool and are randomly selected. The random selection process also creates an equal chance for all employees to be picked for testing.
- 4. After any accident or incident;
- 5. As a condition for return for duty after testing positive for controlled substances or alcohol; or,
- 6. As part of follow-up procedures for return-to-duty related drug or alcohol violations.

D. Definitions

For purposes of this policy, the following terms shall mean:

- 1. Commercial Motor Vehicles - Vehicles which have a manufacturer’s gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 26,001 pounds or more; or
  - a) Vehicles made to carry sixteen (16) or more passengers, including the driver; or
  - b) Vehicles that transport hazardous materials that have to be placarded by federal law.
- 2. Controlled substances - Any drug or substance assigned a DEA controlled substance code number in the following groups: Opiates, Opium derivatives, Hallucinogenic substances, Depressants, and Stimulants. The mere possession of a valid prescription or over-the-counter drug for medical reasons does not constitute a policy violation. In addition, the use of such a drug also will not constitute a policy violation, as long as the drug does not affect the driver’s ability to function on the job.
- 3. Director - The Director of a County department.
- 4. Driver or Employee - Any Madison County employee who operates a commercial motor vehicle on behalf of the County and on County business or activity or who is employed in a safety sensitive position.
- 5. Drug - Any substance that is unlawful to possess under either the Federal Controlled Substances Act or state law, or any substance that could affect one’s ability to function on the job.
- 6. EAP - Employee Assistance Program.
- 7. DEA - Drug Enforcement Agency.
- 8. MRO - Medical Review Officer.
- 9. BAC - (Breath Alcohol Concentration). The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential

breath test or as a percentage of blood in the body as expressed by a qualifying blood alcohol test.

10. Public safety position – Any position in the following County departments: Emergency Medical Services, Emergency Management/Public Safety, and Emergency Communications Center.

11. Reasonable Suspicion - A belief based on objective and articulated facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol such that the employee’s ability to perform the functions of the job is impaired or such that the employee’s ability to perform his/her job safely is reduced.

Behaviors that include, but are not limited to, any one of the following, or in combination, may constitute reasonable suspicion:

- a) Slurred speech
- b) Dilated pupils
- c) Odor of alcoholic beverage on breath
- d) Inability to walk a straight line
- e) Lack of coordination
- f) Incoherence
- g) Tremors
- h) Convulsions
- i) Paranoia
- j) Verbal altercation
- k) Physical altercation
- l) Possession of drugs or alcohol
- m) On-duty accident or incident involving County property
- n) When the employee has endangered others in the workplace

12. An "accident" or "incident" - Defined as any occurrence in which a driver is behind the wheel of a County vehicle and death, personal injury and/or property damage occurs or when a vehicle has left the roadway under other than normal causes or any individual is injured and requires medical care as a result of an action or inaction by a County employee. "Accident" or "Incident" shall also include abnormal occurrences when a driver is not behind the wheel, such as an abnormal departure from the roadway or when other facts or circumstances suggest reasonable cause to suspect drug use. Post-accident testing will be conducted regardless of who was injured, what property was damaged or who was responsible. An occurrence may qualify as an "accident" or "incident" regardless of whether the vehicle was in motion, temporarily stopped, parked or being loaded or unloaded, or on either public or private property.

13. Randomly select means to select by a method that features an equal probability that any employee from a group of employees will be tested.

E. Guidelines for Screening

1. Reasonable suspicion

Drivers will be tested for drugs and alcohol whenever the County has "reasonable suspicion" that the driver may have used drugs or alcohol. Whenever possible, the conduct or event giving rise to the "reasonable suspicion" should be witnessed by at least two persons, and a supervisor or department head should be called to the scene.

2. Post-accident Testing

Following an accident or incident involving a County vehicle, the County shall require the driver to submit to a blood, urine and/or breath analyzer test if:

- a) The driver receives a citation for a moving traffic violation arising from the accident;
- b) The accident results in the death of a human being or a bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
- c) The accident results in total damage to any one property amounting to \$500.00 or more based upon actual costs or reliable estimates;
- d) Any condition that meets the definition of "accident" or "incident" under this policy.

Post-accident testing should be completed as soon as possible after the accident. Every effort will be made to ensure that the test is conducted within four (4) hours after the accident.

Following the accident, the driver will be taken to a medical facility or certified lab in order to have the blood, urine, breath analyzer and/or other appropriate tests. If the employee requires hospital care, the County will make arrangements to assure that the appropriate tests are performed at the hospital.

A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.

If a driver does not need hospital care but is required to have a post-accident test under this policy, he or she shall not use alcohol until eight (8) hours after the accident or until the test is performed, whichever occurs first.

3. Random Drug Screening

Madison County will randomly select two public safety employees for drug testing and compliance with its drug-free workplace policy on a quarterly basis.

Each quarter a Drug Screening Coordinator designated by the County Administrator shall randomly select two (2) employee names from the full pool of public safety employees on a day selected by a computer-based random-date and random name generator. The Drug Screen Coordinator shall inform the appropriate department head of the employees selected for testing and the testing date. In the event a department head is selected for testing, the County Administrator shall be notified.

The department head, or County Administrator in the event a department head is selected, is responsible for ensuring that the testing is completed on the next scheduled workday of the selected employee(s). The department head shall keep appropriate records concerning selection, notification, scheduling, and results for all testing.

The drug screening coordinator and department head have no discretion to waive the selection of a randomly selected employee. Employees selected for testing shall not be informed of the testing until the day of the test.

Confirmed positive tests will result in appropriate follow-up by the department head.

4. Return-to-duty Testing

Any driver found to have engaged in conduct prohibited by this regulation shall undergo a test before returning to duty. If the prohibited conduct involved alcohol, the driver shall take an alcohol test and shall not be allowed to return to work unless the result is less than 0.02 BAC. If the prohibited conduct involved controlled substances, the driver shall take a controlled substances test and shall not be allowed to return to work unless the result is verified negative for controlled substance use.

5. Follow-up Testing

Any driver identified as needing assistance in resolving problems associated with controlled substance use or alcohol misuse shall be subject to unannounced follow-up controlled substance and/or alcohol testing as directed by a substance abuse professional.

F. Drugs to be Tested

The purpose of the drug testing policy is to identify the use of any drug which affects an employee's ability to function on the job. An alcohol concentration of 0.04% BAC or greater, and/or detectable amounts any illegal drug, over-the-counter drug, or prescribed medication found in an employee's system shall violate this policy, except when an employee has advised his/her supervisor of their usage of over-the-counter drugs or prescribed medication, and the employee has been permitted to continue driving.

1. Employees will be tested for a broad range of drugs, including marijuana, cocaine, opiates, PCP (phencyclidine), amphetamines, alcohol and any other drug which impairs one's ability to function on the job.

2. Employees taking over-the-counter or prescribed medication are responsible for knowing the effects of that medication on their job duties. Employees may not drive or perform other duties under the influence of any prescription medication or over-the-counter drug that could impair their ability to function on the job. Employees must report to their supervisor the use of any medication that may have such an effect. An employee who is taking medication which adversely affects his/her performance will be removed from driving service and any public safety functions temporarily and will be eligible for sick leave or other appropriate benefits, if any are available.
3. Employees shall not report for work or be on County property while impaired by alcohol. Employees are prohibited from using alcohol within eight (8) hours of being on duty. An employee found to have a blood alcohol concentration (BAC) of 0.04% or more while on duty or on County property will be considered presumptively impaired and in violation of this policy.
4. Because alcohol consumption is legal and socially acceptable, and current technology is so accurate that it may even detect consumption from a previous night, the County will not discipline an employee based solely upon a blood alcohol test result of less than 0.04% BAC. However, an employee whose breath test reveals an alcohol concentration of 0.02% or greater but less than 0.04% shall be removed from safety-sensitive function for twenty-four (24) hours or until the start of the employee's next regular scheduled period, whichever period of time is greater.

G. Test Procedures

1. The administration of the Drug and Alcohol Testing Program shall be in accordance with the Department of Transportation Regulations, Federal Highway Administration and the Drug-Free Workplace Act of 1986. Detailed provisions are listed in the regulations regarding collecting, labeling and transporting the sample. Specific requirements regarding confidentiality are also included. The testing of the sample shall be performed by a laboratory approved by the National Institute of Drug Abuse (NIDA), including a NIDA panel screening with gas chromatography/mass spectrometry (GC/MS) confirmation on all positive tests. The cost for all drug and/or alcohol tests shall be borne by the County, with the exception of re-testing for any employee who tests positive.
2. Whenever this policy requires that an employee be tested for drugs or alcohol after an accident or incident, or upon reasonable suspicion, or for any reason allowed by the policy, then the employee will be taken to an approved testing facility for the purpose of collecting the sample (except in the case in which the County relies on tests conducted by law enforcement or any other investigative authority). In no case will an employee be given more than twenty-four (24) hours' notice of a test.
3. Once at the testing facility, the employee will be required to provide a urine, blood and/or breath analyzer sample. The employee will not be directly observed while providing the urine sample, but laboratory personnel will take appropriate steps to assure that the sample remains unadulterated. If the technician determines that a first sample was adulterated, then the County may adopt an inference of employee

drug or alcohol use. The technician will request that the employee submit a second sample, and appropriate steps, including direct observation, may be taken to assure that a proper sample has been submitted. If it is determined that the employee has altered or substituted the urine specimen provided, the employee is subject to immediate dismissal.

- 4. After the employee has provided the sample, the laboratory will comply with appropriate chain of custody procedures and will certify that the employee has actually provided the specimen submitted for testing. Results will be reported to a person designated by the County and qualifying as a Medical Review Officer (MRO).

H. Failure To Appear, Refusal To Give Consent Or Refusal To Submit To Testing

Failure to appear for testing without providing proper notice acceptable to the County shall be considered a refusal to participate in the testing and shall subject the employee to disciplinary action up to and including dismissal, or in the case of an applicant, the rescinding of a conditional offer of employment. Likewise, failure to give consent to see results or refusal to submit to testing will also subject the employee to disciplinary action up to and including dismissal.

If the employee refuses to be tested, he/she shall be immediately suspended from duty without pay and transported home. The refusal of an employee to submit to testing shall result in disciplinary action, up to and including dismissal. The supervisor who orders an alcohol and/or drug test shall document, in writing, within twenty-four (24) hours of the observed behavior the conduct giving rise to the reasonable belief of alcohol or drug use. The documentation shall include any statements made and any actions taken by persons involved. All records shall immediately be forwarded to the County Administrator to be placed in the employee's personnel file.

I. Negative Test Results

In any case of a negative test result, the MRO will contact the department head and the employee to report the negative laboratory findings.

J. Positive Test Results

- 1. When a confirmed positive test result for drugs has been returned, the employee shall be given the opportunity to provide the Medical Review Officer information to demonstrate the positive test result is a result of utilizing a legally prescribed medication.
- 2. Evidence to justify a positive test result may include, but is not limited to:
  - e) A valid prescription; or
  - f) Verification from the individual's physician verifying a valid prescription.
- 3. If the Medical Review Officer determines that there is a lack of evidence to justify a positive result, the result shall then be considered a verified positive test result. The Medical Review Officer shall immediately notify the County Administrator (or the Chairman of the Board of Supervisors if the County Administrator has been tested) of the test results.

4. All testing information is confidential and shall be treated as such by anyone authorized to review such information.
5. For the purposes of maintaining a workplace free of drugs and alcohol, the County reserves the right to search the lockers, file cabinets, desks, other County-owned or provided fixtures and fixtures owned by employees but used for County business.

K. Disciplinary Action

Because of the serious nature of illegal use or abuse of alcohol, controlled substances and/or non-prescribed use of medication, appropriate disciplinary action shall be taken, up to and including dismissal.

*Amended May 12, 2020*

# MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

- MEETING DATE:** June 23, 2020
- AGENDA TITLE:** Consideration: Animal Control Policy
- INDICATED MOTION(s):** I move to adopt the Animal Control Policy recommended by staff.
- STAFF LEAD:** Chief Animal Control / Shelter Manager Greg Cave
- TIMING:** County staff has been working to improve the animal control/animal shelter situation since November, 2019. On May 26 the Board received a draft animal control policy which was subsequently routed for review by all known interested parties. Staff feels that the “Animal Control Policy” is now mature and ready for adoption.
- A “shelter medical policy” was adopted earlier. A “shelter operating policy” would be pursued as the third and last element of the animal shelter/animal control policy effort once the current animal control policy matter is resolved.
- DISCUSSION:** During the informal vetting process it was discovered that additional discussion might be required on the Animal Control Ordinance, so due to that consideration and the upcoming codification procedure the current ordinance has been included in the “animal control policy” document. Of course, amendments to the ordinance would be inserted into the policy as they are adopted.
- Ordinance concerns aside, comments from two individuals (Terri Weaver and Laurie Counts) were received and the policy was adjusted in part to respond to those.
- Board members will remember that this policy is being isolated from the shelter piece(s) in an effort to support segregating the animal control effort and the animal shelter program in the near future.
- FISCAL IMPACT:** None
- REFERENCES:** N/A
- HISTORY:** Board members are aware of how this policy and related matters have unfolded since the fall of 2019.
- RECOMMENDATION:** Pending review and discussion on comments from the two respondents, approve the indicated motion.
- ENCLOSURES:**
- Draft Animal Control Policy (June 19, 2020 edition)
  - Comments received on the May 19, 2020 draft policy

**Comments on the May 19, 2020 draft Animal Control Policy**  
(comments on the ordinance not included)

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**From:** Jack Hobbs  
**Sent:** Wednesday, May 27, 2020 9:31 AM  
**To:** Greg Cave <gcave@madisonco.virginia.gov>  
**Subject:** Animal Control Policy

Greg,

Attached please find the current edition of the proposed Animal Control Policy as presented to the Board yesterday evening.

By copy of this I am asking all interested individuals to review the material and advise and comment how it could be improved via email to you before June 13, 2020.

Jack Hobbs  
Madison County

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**From:** MC Sheriff <mcsheriff@madisonco.virginia.gov>  
**Sent:** Wednesday, June 3, 2020 11:44 AM  
**To:** Jack Hobbs <jhobbs@madisonco.virginia.gov>  
**Subject:** Animal Control Policy

Jack,

As discussed yesterday, and after the Sheriff reviewed the section of the Animal Control Policy under B. Support for Law Enforcement”

The following is suggested.

Last paragraph,

**Delete:** “and the law enforcement agency who issued the order”.

**Add:** “Animal control will have the responsibility to bill the owner of the animal for any and all expenses.”

Terri

On Jun 12, 2020, at 7:14 PM, Laurie Counts <[madisoncommunitycats@gmail.com](mailto:madisoncommunitycats@gmail.com)> wrote:

Hi Greg,

As drafted, the proposed Animal Control Policy, uses the term “feral” in a really, really dated context, maybe before Christopher Columbus even. No one calls you the “dog catcher” anymore, do they? Well, the term “Community” replaced the word “feral” in publications and programs many years ago.

MAD Cats sees as part of our mission, to educate the public on the role of Community Cats and to provide clear definitions so that it is understood that the word “feral” is used to describe the personality of a particular cat - one not socialized to humans, but in no way does that imply that the cat is dangerous, or posing a health or safety risk.

We propose replacing the first two paragraphs with what is attached here and have also asked some questions to clarify the situations in which Animal Control would find it necessary to go in and start trapping.

As you know, it is our intention to work WITH the Shelter and we will do our best to make that happen.

Thank you for the opportunity to submit comments.

Laurie Counts  
Madison Community Cats

## ~~A. Feral Cat and Feral Cat Colonies~~

~~It is understood that the best way to address the issue of feral cats and feral cat colonies is an unsettled matter. Publications issued by the American Veterinary Medical Association, the American Society for the Prevention of Cruelty to Animals and other organizations raise a variety of issues and solutions that address a range of competing priorities with varying levels of effort and cost. It is the goal of Madison County to avoid entanglement in this issue unless and until guidance and policy advice is provided by the Commonwealth of Virginia.~~

~~Madison County Animal Control Officers are authorized by County ordinance (Ref. Sec. 6-86) to seize, deliver, and confine cats. It is the policy of Madison County, Virginia to exercise this authority in the case of complaints regarding feral cats and feral cat colonies primarily when a credible public health and safety issue is involved. In this context, "feral" is defined as not domesticated or wild and based on known information there is no known owner and no owner is likely to exist.~~

## A. Community Cats and Community Cat Colonies

"Community" Cats is the currently accepted name replacing the word "Feral" when discussing a group of cats living together in a "colony" most often fed and cared for by a person or family known as the "caretaker". A colony, or group, of community cats, may consist of "feral", stray, previously owned, friendly, and/or abandoned cats and their kittens. "Feral" cats are those characterized by avoidance of humans, generally un-socialized, and if taken to a shelter are unlikely to be adoptable. Sadly, they may be euthanized if no barn home is available to take them. Many colony cats, and even previously "feral" behaving cats, become socialized to their caretakers, but are generally wary of strangers.

Trap/Neuter/Return or TNR is the globally recognized humane approach to improving the lives of community cats. Cats are trapped, S/N, vaccinated and returned to their caregivers. Ear-tipping, while under anesthesia, easily identifies a cat as having gone through a TNR program.

The American Society for the Prevention of Cruelty to Animals (ASPCA), the Humane Society of the United States (HSUS), Best Friends Animal Society and many

other National organizations, support the non-lethal strategy of TNR as a means to reduce community cat over-populations, reduce Shelter intake and eliminate litters of kittens born to un-spayed females.

Madison County Animal Control Officers are authorized by County ordinance (Ref. Sec. 6-86) to seize, deliver, and confine cats. It is the policy of Madison County, Virginia to exercise this authority in the case of complaints regarding **Community cats and Community cat colonies** primarily when a credible public health and safety issue is involved. ~~In this context, "feral" is defined as not domesticated or wild and based on known information there is no known owner and no owner is likely to exist.~~ **Please provide an example of what is meant by a credible public health and safety issue.**

In more than 10 years involvement in cat rescue, we have never seen a colony of cats existing without a caretaker – someone who is feeding them. And, of course, a colony that has been through a TNR program would be identifiable by the tipped ears.

**"In the absence of an extraordinarily large number of feral cats at one location as well as no observed health and/or safety issues, the County will not undertake trapping or transporting activities."**

How many cats would be considered an **extraordinarily large number**? Are we talking about the health of the cats? Can you provide an example of a safety issue?

In the last paragraph, please change the word Feral to Community.

# **Madison County, Virginia Animal Control Policy**

Draft • June 18, 2020

# Table of Contents

A. Cats and Feral/Colony Cat Colonies	3
B. Support for Law Enforcement	4
C. County Ordinances	5
D. Forms	17
Custody Record	18
Body Condition Scoring Sheet	19
Bite Report	20
Corral Panel Loan Agreement	21

## A. Cats and Feral/Colony Cat Colonies

It is understood that the best way to address the cat issue is an unsettled matter. Publications issued by the American Veterinary Medical Association, the American Society for the Prevention of Cruelty to Animals and other organizations raise a variety of issues and solutions that address a range of competing priorities with varying levels of effort and cost. It is the goal of Madison County to avoid entanglement in this issue unless and until guidance and policy advice is provided by the Commonwealth of Virginia.

Madison County Animal Control Officers are authorized by County ordinance (Ref. Sec. 6-86) to seize, deliver, and confine cats. It is the policy of Madison County, Virginia to exercise this authority in the case of complaints regarding cats and cat colonies primarily when a credible public health and safety issue is involved.

The following procedure is hereby established:

1. A complaint is received from a citizen regarding an extraordinary number of cats or cats that are sick, injured, etc. requesting that a Madison County Animal Control Officer visit and investigate the location.
2. Based on the complaint, an Animal Control Officer will visit/review the location of the complaint and speak with complainant on-site if appropriate.
3. If the Animal Control Officer ascertains that an extraordinary number of cats are present or that a health and safety issue exists, he/she will notify the County Administrator of such findings for discussion on next steps.
4. The Animal Control Officer may make a second visit to the site or agree that the County should take additional steps such as trapping and transporting cats.
5. The Animal Control Officer will work with the complainant, enlisting their assistance and involvement where appropriate, and shall communicate with concerned citizen(s) regarding any steps taken as well as the outcomes.
6. The Animal Control Officers shall keep County Administrator informed as to number of cats trapped at the particular location, health/safety concerns encountered, and when staff involvement in trapping/transport activity will end.

In the absence of an extraordinarily large number of cats at one location as well as no observed public health and/or safety issues, the County will not undertake trapping or transporting activities.

Due to the potential lack of capacity and cost involved, it is the policy of Madison County to minimize the number of cats taken to the Madison County Animal Shelter by Animal Control Officers. In furtherance of this goal, the Animal Control office will work with bona fide non-profit organizations to divert as many cats as practical and provide limited and provide non-financial support to such organizations that provide trap-neuter-vaccinate-placement services in their effort to manage identified cat colonies. Such limited support may be in the form of advice and information and loaning of traps but not funds from County tax and fee sources nor any use of other County facilities or equipment.

## **A. Support for Law Enforcement**

Madison County Animal Control Officers support local, state and federal law enforcement officials who order the seizure, capture or impoundment of an animal due to necessary separation of caretaker and animal due to arrest, death, serious accidents, or other reason.

Animals taken into custody by Animal Control Officers pursuant to a law enforcement order shall be regarded as private property and not transferred or euthanized unless/until owned by County via court action.

Animals taken into custody shall be evaluated by an Animal Control Officer to ascertain ownership, licensure status and other factors. Such animals may be housed at the Madison County Animal Shelter.

Insofar as possible, the cost of housing and care (including medical evaluation and care) of animals taken into custody shall be the responsibility of the owner.

## B. County Ordinances

### CHAPTER 6: ANIMALS AND FOWL

**State law reference**—*Comprehensive animal laws, Code of Virginia, § 3.2-6500 et seq.; authority of board of supervisors to adopt certain ordinances, Code of Virginia, §§ 3.2-6537, 3.2-6543; ordinances prohibiting cruelty to animals, Code of Virginia, §§ 3.2-6543, 3.2-6544; regulation of keeping animals and fowl other than dogs and cats, Code of Virginia, § 3.2-6544; regulation of sale of animals procured from animal shelters, Code of Virginia, § 3.2-6545; power of county to adopt animal health regulations, Code of Virginia, § 15.2-1200.*

#### ARTICLE I. IN GENERAL

##### Sec. 6-1. Short title.

This chapter may be cited as the "Madison County Animal Control Ordinance."

(Ord. No. 2006-4, art. 1, § I, 10-4-2006)

##### Sec. 6-2. Definitions.

The definitions of terms used in this chapter shall have the same meaning as those set forth in state law. Such definitions are hereby adopted and incorporated in this chapter by reference. In addition, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal control officer* means the animal control officer of the county.

*Animal pound* means a facility maintained by the county board of supervisors for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility maintained for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

*Dog* means every dog four months of age or older, regardless of sex. *Domesticated cat* means every domesticated cat, regardless of age or sex. *Owner* means any person who:

- (1) Has a right of property in an animal;
- (2) Keeps or harbors an animal;
- (3) Has an animal in their care; or
- (4) Acts as a custodian of an animal.

*Running at large.* A dog shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner and not under its owner's immediate control.

*Stray animal* means any unlicensed animal running at large and not under the control of an owner.

*Treasurer* means the treasurer of the county.

(Ord. No. 2006-4, art. 1, § II, 10-4-2006; **State law reference**—*Similar provisions, Code of Virginia, § 3.2-6500*)

##### Sec. 6-3. Violations.

PA violation of this chapter shall be punishable as a Class 4 misdemeanor; provided, however, if a dog has been declared a dangerous or vicious dog in accordance with article VI, a violation of this chapter shall be punishable as set forth in Code of Virginia, § 3.2-6540.

(Ord. No. 2006-4, art. 1, § III, 10-4-2006)

**Sec. 6-4. Position of animal control officer.**

The animal control officer of the county shall complete the required training as set forth in state law the animal control officer of the county shall discharge the duties and responsibilities of the position of animal control officer as set forth in state law.

*(Ord. No. 2006-4, art. 1, § IV, 10-4-2006)*

**Sec. 6-5. Disposition of taxes and fees collected.**

- (a) The treasurer shall keep all money collected under this chapter, except as provided below, in the general fund and such funds shall be used for the purposes designated by Code of Virginia, § 3.2-6534.
- (b) The treasurer shall keep all money collected pursuant to article VI of this chapter, less the costs incurred by the animal control officer in producing and distributing the certificates and tags required by article VI of this chapter, in a special dedicated fund in the county treasury and such funds shall be used for paying the expenses of any training course required under Code of Virginia, § 3.2-6556.

*(Ord. No. 2006-4, art. 1, § V, 10-4-2006)*

**Secs. 6-6--6-28. Reserved.****ARTICLE II. LICENSING OF DOGS****Sec. 6-29. Unlicensed dogs prohibited.**

It shall be unlawful for any person to own a dog four months of age or older in the county unless such dog is licensed, as required by the provisions of this article.

*(Ord. No. 2006-4, art. 2, § 1, 10-4-2006; Ord. No. 2018-3, § I, 4-24-2018)*

**Sec. 6-30. How to obtain a license.**

(a) Any owners of a dog in the county shall obtain a dog license from the treasurer or a designated agent by making written application, accompanied by the amount of license tax and a current certificate of vaccination against rabies for each dog as required under article III of this chapter.

(b) The treasurer shall have the authority to license dogs of owners who reside within the limits of the county, and may require information to this effect from any applicant. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such license tags and receipts. Upon receipt of proper application and current certificate of vaccination against rabies, the treasurer or a designated agent shall issue a license receipt for the amount of license tax on which he shall record the name and address of the owner, the date of payment, the year for which issued, the serial number of the license tag, whether male, unsexed male, female, or unsexed female, and deliver the metal license tags or plates provided for herein. The above listed information received by the treasurer or a designated agent shall be retained and shall be open to public inspection during the period for which the license is valid.

*(Ord. No. 2006-4, art. 2, § 2, 10-4-2006; Ord. No. 2018-3, § II, 4-24-2018)*

**Sec. 6-31. Amount of license tax.**

Any person licensing a dog in the county shall pay an annual license tax on the ownership of the dog in an amount set by ordinance of the county board of supervisors.

*(Ord. No. 2006-4, art. 2, § 3, 10-4-2006; Ord. No. 2018-3, § III, 4-24-2018)*

**Sec. 6-32. Term of license; when license tax is payable.**

The term of a dog license shall be for the lifetime of the dog or as long as the owner resides in the county. The owner of any dog four months of age or older shall pay a license tax, as set forth in section 6-31, no later than 30 days of the dog turning four months of age or within 30 days after the dog comes into possession of the owner. Such license shall be valid as long as the dog's owner resides in the county and the dog's rabies vaccination is kept current.

*(Ord. No. 2006-4, art. 2, § 4, 10-4-2006; Ord. No. 2018-3, § IV, 4-24-2018)*

**Sec. 6-33. What a dog license shall consist of.**

The county dog license shall consist of a license receipt and a metal tag. The metal tag shall be stamped or otherwise permanently marked to identify the tag as a dog licensed for the county, and shall include the calendar year for which issued, and a serial number assigned to the dog.

*(Ord. No. 2006-4, art. 2, § 5, 10-4-2006; Ord. No. 2018-3, § V, 4-24-2018)*

**Sec. 6-34. Effect of dog not wearing collar as evidence of license.**

Any dog not wearing a collar bearing a license tag for the current calendar year shall be prima facie deemed to be unlicensed; and in any proceeding under this article, the burden of proof that such dog has been licensed or is otherwise not required to wear a tag at all times shall be on the owner of the dog.

*(Ord. No. 2006-4, art. 2, § 6, 10-4-2006; Ord. No. 2018-3, § VI, 4-24-2018)*

**Sec. 6-35. Duplicate license tags.**

If a dog license is lost, destroyed, or stolen, the owner shall immediately apply to the treasurer or a designated agent for a duplicate tag, presenting the original license receipt. Upon affidavit of the owner that the original license tag has been lost, destroyed, or stolen, the treasurer or a designated agent shall issue a duplicate license tag, which the owner shall immediately affix on the collar of the dog. The treasurer or a designated agent shall endorse the number of the duplicate and the date issued in the face of the original receipt. The fee for a duplicate tag shall be \$1.00.

*(Ord. No. 2006-4, art. 2, § 7, 10-4-2006; Ord. No. 2018-3, § VII, 4-24-2018)*

**Sec. 6-36. Displaying receipts; dogs to wear tags.**

Pursuant to Code of Virginia, § 3.2-6531, dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by the animal control officer or other law enforcement officer. Dog license tags shall be securely fastened to a substantial dog collar by the owner and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag:

- (1) When the dog is engaged in lawful hunting;
- (2) When the dog is competing in a dog show;
- (3) When the dog has a skin condition which would be exacerbated by the wearing of a collar;
- (4) When the dog is confined; or
- (5) When the dog is under the immediate control of its owner.

*(Ord. No. 2006-4, art. 2, § 8, 10-4-2006; Ord. No. 2018-3, § VIII, 4-24-2018)*

**Secs. 6-37--6-60. Reserved.****ARTICLE III. RABIES INOCULATION OF DOGS AND DOMESTICATED  
CATS****Sec. 6-61. Requirement of rabies inoculation; availability of certificate.**

Pursuant to Code of Virginia, § 3.2-6521A, the owner of all dogs and cats four months of age or older shall have them vaccinated for rabies by a currently licensed veterinarian or currently licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The veterinarian shall provide the owner of the dog or domesticated cat with a certificate of vaccination. Upon the request of the animal control officer or other law enforcement official, the owner of the dog or domesticated cat shall furnish, within a reasonable period of time, the certificate of vaccination for such dog or domesticated cat.

*(Ord. No. 2006-4, art. 3, § 1, 10-4-2006)*

**Sec. 6-62. Evidence showing inoculation for rabies prerequisite to obtaining dog license; rabies clinics.**

(a) Pursuant to Code of Virginia, § 3.2-6526(B), no license tag shall be issued for any dog unless there is presented, to the treasurer or other officer of the locality, or other agent charged by law with the duty of issuing, at the time application for license is made, evidence satisfactory to the treasurer or a designated agent showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian or currently licensed veterinary technician who was under the immediate and direct supervision of a licensed veterinarian on the premises within three years of the date of such application for the license.

(b) Pursuant to Code of Virginia, § 3.2-6521, rabies clinics, approved by the county health department and the county board of supervisors, shall be held at least every two years when the county board of supervisors finds that the number of resident veterinarians is otherwise inadequate to meet the need.

*(Ord. No. 2006-4, art. 3, § 2, 10-4-2006)*

**Sec. 6-63. Rabid animals at large, emergency ordinances.**

(a) Pursuant to Code of Virginia, § 3.2-6522, when there is sufficient reason to believe that a rabid animal is at large, the county board of supervisors shall have the power to pass, and the local health director may recommend, an emergency ordinance which shall become effective immediately upon passage, requiring owners of all dogs and domesticated cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such manner that persons or animals will not be subject to the danger of being bitten by the rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed 30 days unless renewed by the board of supervisors in consultation with the local health director.

(b) Dogs or cats showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, in the discretion of the local health director, confinement is impossible or impracticable, such dog or cat shall be humanely euthanized by one of the methods approved by the state veterinarian as provided in Code of Virginia, § 3.2-6546. The disposition of other animals showing active signs of rabies shall be determined by the local health director and may include euthanasia and testing. Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the local health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

(c) Any dog or cat, for which no proof of current rabies vaccination is available, and which is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, shall be confined in a public animal shelter, kennel or enclosure approved by the county board of supervisors for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the local health director. Inactivated rabies vaccine may be administered at the beginning of confinement and a rabies vaccination shall be administered prior to release. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, with proof of a valid rabies vaccination, shall be revaccinated immediately following the bite and shall be confined to the premises of the owner or custodian, or other site as may be approved by the local health department, for a period of 45 days. If the local health director determines that isolation is feasible or maintained, the dog or cat shall be humanely euthanized by one of the methods approved by the state veterinarian as provided in Code of Virginia, § 3.2-6546. The disposition of such dogs and cats not so confined shall be at the discretion of the local health director.

(d) At the discretion of the local health director, any animal that has bitten a person shall be confined under competent observation for ten days at the expense of the owner or custodian, unless the animal develops active symptoms of rabies, expires, or is euthanized before that time. A seriously injured or sick animal may be humanely euthanized as provided in Code of Virginia, § 3.2-6546.

(e) When any suspected rabid animal, other than a dog or cat, exposes or may have exposed a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, decisions regarding the disposition of that animal shall be at the discretion of the local health director and may include euthanasia as provided in Code of Virginia, § 3.2-6546, or as directed by the state agency with jurisdiction over that species. When any animal, other than a dog or cat, is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, decisions regarding that newly exposed animal shall be at the discretion of the local health director.

(f) When any animal may have exposed a person to rabies and subsequently expires due to illness or euthanasia, either within an observation period, where applicable, or as part of a public health investigation, its head or brain shall be sent to the division of consolidated laboratory services of the department of general services or to be tested as directed by the local health department.

*(Ord. No. 2006-4, art. 3, § 3, 10-4-2006)*

#### **Secs. 6-64--6-84. Reserved.**

### ARTICLE IV. COUNTY PUBLIC ANIMAL SHELTER

#### **Sec. 6-85. Maintenance.**

The county board of supervisors shall maintain a pound or enclosure as required by Code of Virginia, § 3.2- 6546. This pound or enclosure shall be known as the county animal shelter.

*(Ord. No. 2006-4, art. 4, § 1, 10-4-2006)*

#### **Sec. 6-86. Seizure and confinement of stray animals.**

The animal control officer is hereby authorized to seize, deliver, and confine dogs and cats within the pound during normal business hours or in emergency situations in accordance with Code of Virginia, § 3.2-6546 and this article.

*(Ord. No. 2006-4, art. 4, § 2, 10-4-2006)*

#### **Sec. 6-87. Redemptions.**

One of the goals of animal control is to reunite as many animals as possible with their owner. The

procedure for redemption of an animal by its owner shall be as follows:

- (1) Only the owner of an animal shall be permitted to redeem an animal unless a person other than the owner has written authorization from the owner.
- (2) A person who seeks to redeem an animal must present some proof of identification and ownership.
- (3) A person who seeks to redeem an animal must be 18 years of age or older.
- (4) A person who seeks to redeem an animal must pay all fees for licensure, seizure, and confinement of that animal.
- (5) A person who redeems an animal must complete and sign a redemption form.

*(Ord. No. 2006-4, art. 4, § 3, 10-4-2006)*

### **Sec. 6-88. Fees for seizure and confinement.**

The owner of an animal that has been seized and confined shall pay to the treasurer or a designated agent fees for seizure, confinement and adoption in an amount set by resolution of the county board of supervisors.

*(Ord. No. 2006-4, art. 4, § 4, 10-4-2006)*

### **Secs. 6-89--6-119. Reserved.**

## ARTICLE V. CONTROL OF DOGS GENERALLY

### **Sec. 6-120. Unlicensed dogs running at large.**

(a) Pursuant to Code of Virginia, §§ 3.2-6538 and 3.2-6546, the animal control officer may seize and confine any dog of unknown ownership found running at large without a license tag. If such animal has not been claimed upon the expiration of the holding period of not less than five days, and is not delivered to a person in the county, the animal control officer may humanely euthanize such dog by one of the methods approved by the state veterinarian as provided in Code of Virginia, § 3.2-6546. The animal control officer or other law enforcement officer may deliver such dog to any person in the county who will pay the required license fee on such dog and the charge assessed for seizure and confinement as required by this chapter, with the understanding that should the owner therefore claim the dog and prove ownership, such owner may recover the dog by paying to the person to whom such animal was delivered, the cost of the license and a reasonable charge for the keep of the dog.

(b) If the animal control officer or other law enforcement officer delivers a dog to any person in the county who will pay the required license fee and cost on such dog as provided herein, the person accepting the delivery of such dog shall within five days after such delivery furnish to the animal control officer evidence of the rabies inoculation and licensing of such dog as required by this chapter. The failure to provide such evidence shall be a violation of this article.

*(Ord. No. 2006-4, art. 5, § 1, 10-4-2006)*

### **Sec. 6-121. Confinement of female dogs in season.**

Pursuant to Code of Virginia, § 3.2-6538, the running at large of a female dog in season is prohibited, and such dog shall be confined in a place inaccessible to a male dog unless the owner is breeding said female dog to a specific male dog.

*(Ord. No. 2006-4, art. 5, § 2, 10-4-2006)*

### **Sec. 6-122. Dogs destroying property.**

Pursuant to Code of Virginia, § 3.2-6538, no owner of a dog shall permit it to go upon the land of

any other person and damage or destroy any garden, shrub, grass or other property thereon. Any person owning property, which is damaged or destroyed by any violation described in this section, may enter a complaint by warrant issued against the owner of the animal involved. The district court shall hear the complaint.

*(Ord. No. 2006-4, art. 5, § 3, 10-4-2006)*

### **Sec. 6-123. Dogs killing livestock or poultry.**

(a) Pursuant to Code of Virginia, § 3.2-6552, it shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock.

Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

(b) Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section shall apply to a magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the county general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer or has committed any of the depredations mentioned in this section, the county general district court shall order that the dog be:

- (1) Killed immediately by the animal control officer or other officer designated by the court; or
- (2) Removed to another state which does not border on the state and prohibited from returning to the state. Any dog ordered removed from the state which is later found in the state shall be ordered by a court to be killed immediately.
- (3) Notwithstanding the provisions of subsection (b), if it is determined that the dog has killed or injured only poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (a) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to that owner or (b) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent the dog's escape; direct contact with the dog by minors, adults, or other animals; or entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.

*(Ord. No. 2006-4, art. 5, § 4, 10-4-2006)*

### **Sec. 6-124. Compensation for livestock or poultry killed by dogs.**

(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$750.00 per animal or \$10.00 per fowl, provided that:

- (1) The claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;
- (2) The animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and
- (3) The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

(b) Any claims for compensation made as set forth above shall be paid only if there are sufficient monies in the general fund of the county budgeted to pay those claims approved by the county board of supervisors. If there are not sufficient monies in the general fund budgeted to pay a claim, the claim shall be paid in the order it is received when monies become available. Upon payment under this section, the county board of supervisors shall be subrogated to the extent of compensation paid to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

(Ord. No. 2006-4, art. 5, § 5, 10-4-2006)

**Secs. 6-125--6-146. Reserved.**

**ARTICLE VI. CONTROL OF DANGEROUS OR VICIOUS DOGS**

**Sec. 6-147. Definitions, control, and penalties.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dangerous dog* means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous:

- (1) If no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite;
- (2) If both animals are owned by the same person;
- (3) If such attack occurs on the property of the attacking or biting dog's owner or custodian; or
- (4) For other good cause as determined by the court.

No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

*Vicious dog* means a canine or canine crossbreed that has:

- (1) Killed a person; Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or
- (2) Continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by this article, that it is a dangerous dog, provided that its owner has been given notice of that finding.

- (b) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before the county

general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia, § 3.2-6562. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Code of Virginia, title 19.2, ch. 15, art. 4 (Code of Virginia, § 3.2-6521§ 19.2-260 et seq.). The state shall be required to prove its case beyond a reasonable doubt.

(c) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was:

- (1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
- (2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or
- (3) Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.

No police dog that was engaged in the performance of its duties as such, at the time of the acts complained of, shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

(d) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(e) The owner of any animal found to be a dangerous dog shall, within thirty days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee as required by the Code of Virginia (*Reference §3.2-6540g*), in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for a fee required by the Code of Virginia (*Reference §3.2-6540g*) and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian.

(f) Dangerous dog registration certificates; renewals.

- (1) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence:
  - a. Of the animal's current rabies vaccination, if applicable;
  - b. That the animal has been neutered or spayed; and

- c. That the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed.
- (2) In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that:
  - a. Their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and
  - b. The animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.
- (3) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000.00, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.

(g) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(h) The owner of any dog found to be dangerous shall register the animal with the state dangerous dog registry, as established under Code of Virginia, §3.2-6542, within 30 days of such a finding by a court of competent jurisdiction. The owner shall also cause the local animal control officer to be promptly notified of:

- (1) The names, addresses, and telephone numbers of all owners;
- (2) All of the means necessary to locate the owner and the dog at any time;
- (3) Any complaints or incidents of attack by the dog upon any person or cat or dog;
- (4) Any claims made or lawsuits brought as a result of any attack;
- (5) Tattoo or chip identification information, or both;
- (6) Proof of insurance or surety bond; and
- (7) The death of the dog.

(i) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal:

- (1) Is loose or unconfined;
- (2) Bites a person or attacks another animal; or
- (3) Is sold, given away, or dies.

Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

- (j) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
  - (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog

pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or

- (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(k) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

(l) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under Code of Virginia, § 3.2-6556.

*(Ord. No. 2006-4, art. 6, § 1, 10-4-2006)*

**Secs. 6-148--6-177. Reserved.**

**ARTICLE VII. CONTROL OF STRAY OR DEAD ANIMALS**

**Sec. 6-178. Confinement and disposition of stray animals.**

Pursuant to state law, the animal control officer may seize and confine any stray animals found running at large.

- (1) Upon receipt of a complaint about a stray animal, it shall be the duty of the animal control officer, upon locating such animal, to seize and confine it in the county animal pound, or an appropriate facility.
- (2) Any animal confined pursuant to this article shall be kept for a period of not less than five days if not wearing a collar, tag, license, tattoo, micro-chipping device, or other form of identification; or kept for a period of not less than ten days if wearing a collar, tag, license, tattoo, micro-chipping device or other form of identification, such period to commence on the day immediately following the day the animal is initially confined, unless sooner claimed by the owner thereof.
- (3) If any animal confined pursuant to this section bears identification of the owner, the animal control officer shall make a reasonable effort to notify the owner within a reasonable time after the animal is seized and confined.
- (4) If the animal has not been claimed within such period of time, it may be humanely euthanized or, after having been spayed or neutered, disposed of in accordance with Code of Virginia, § 3.2-6546 by:
  - a. Sale or gift to a federal agency or state-supported institution, agency of the state, agency of another state, or licensed federal dealer, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five days;
  - b. Delivery to any local humane society or animal shelter within the state;
  - c. Adoption by any person who is a resident of the county who will pay the required license

- fee, if any, on such animal;
- d. Adoption by an person who is not a resident of the county; or
  - e. Delivery, for the purposes of adoption or euthanasia only, to a humane society or animal shelter located in and lawfully operating under the laws of another state, provided that such humane society or animal shelter:
    1. Maintains records which would comply with Code of Virginia, § 3.2-6557;
    2. Requires that adopted dogs and domesticated cats be spayed or neutered; and
    3. Has been approved by the state veterinarian or a designated agent as a facility which maintains such records, requires adopted dogs and domesticated cats to be spayed or neutered, and provides adequate care and euthanasia.
- (5) The county animal shelter shall not adopt more than two animals or a family of animals during any 30- day period to any one person in accordance with state law.
  - (6) No provision herein shall prohibit the destruction of a critically injured or critically ill animal for humane purposes.
  - (7) Any animal destroyed pursuant to this section shall be humanely euthanized by one of the methods approved by the state veterinarian as provided in Code of Virginia, § 3.2-6546.

**State law reference**—*Code of Virginia, § 3.2-6546d. (Ord. No. 2006-4, art. 7, § 1, 10-4-2006)*

**Sec. 6-179. Abandonment of domesticated animals or fowl in public place or on property of another.**

Pursuant to Code of Virginia, § 3.2-6504, any person who knowingly abandons or deserts, forsakes, or absolutely gives up without having secured another owner or custodian any cat, dog, or other companion animal or fowl in any public place, including the right-of- way of any public highway, road, or street, or on any property of another shall be guilty of a Class 1 misdemeanor.

*(Ord. No. 2006-4, art. 7, § 2, 10-4-2006)*

**Sec. 6-180. Disposal of dead animals.**

Pursuant to Code of Virginia, § 3.2-6554, the owner of any companion animal shall forthwith cremate, bury or sanitarly dispose or render the animal upon its death. If, after notice, any owner fails to do so, the animal control officer or other law enforcement officer shall bury or cremate the animal and then may recover from the owner, on behalf of the county, the cost for this service.

*(Ord. No. 2006-4, art. 7, § 3, 10-4-2006)*

**Secs. 6-181--6-198. Reserved.**

ARTICLE VIII. CONTROL OF LIVESTOCK, HORSES, AND FOWL

**Sec. 6-199. Maintenance of premises where animals and fowl are kept.**

Each stable, pen, coop, or other place where any animal or fowl is kept shall be maintained at all times in a safe and sanitary condition.

*(Ord. No. 2006-4, art. 8, § 1, 10-4-2006)*

**Secs. 6-200. Fence out.**

The boundary line of each lot or parcel of land in Madison County, Virginia is declared a lawful fence.

*(Ord. of 9-9-1946. State law reference—Code of Virginia, § 55.1-2814)*

## C. Forms

The following section contains relevant forms pertaining to the operation of Animal Control in Madison County. Forms will appear in the order that they are listed in the Manual's table of contents.

AGENCY NAME: <b>Madison County</b>				<b>ANIMAL CUSTODY RECORD</b> <i>This form includes all mandated information as required by §3.2-6557.B of the Code of Virginia.</i>		
ANIMAL ID		CUSTODY DATE	___ / ___ / 20___		TIME	AM / PM
<b>REASON FOR CUSTODY (mark appropriate box)</b>					<b>LOCATION WHERE CUSTODY WAS TAKEN</b>	
Stray/ At Large/ Unowned	Owner Surrender	Seized	Bite Case Quarantine	Transfer from Another Releasing Agency	Other	
				<input type="checkbox"/> Virginia		
				<input type="checkbox"/> Out of State		
<b>OWNER'S NAME &amp; ADDRESS (if known)</b>				<b>ADDITIONAL INFORMATION</b>		
<b>ANIMAL DESCRIPTION</b>						
Species	Breed	Color/markings	Sex	Approx. Age	Approx. Weight	Other
<b>ANIMAL IDENTIFICATION (check for all forms and complete all boxes. If not found, write NONE)</b>						
City/county License number	Rabies tag Number	Tattoo	Collar (color, type, etc.)		Other identification (microchip, ID tag, etc.)	
<b>CUSTODY RECORD PREPARED BY:</b>				<b>DATE:</b> ___ / ___ / 20___		
Signature & title						
<b>DISPOSITION OF ANIMAL</b>				<b>DATE:</b> ___ / ___ / 20___		
Return to owner	Adopted	Euthanized	Died in Custody	Transferred to another Virginia releasing agency (name of agency)	Transferred to Out-of-state releasing agency (name of agency)	Other

Ever Bitten: Yes / No Explain:

Date of bite:

*This form may be used by animal control officers, custodians of any public or private animal shelter, representatives of a humane society, or humane investigators to record and maintain the information required by §3.2-6557.B of the Code of Virginia. **This record shall be maintained for at least five years, and must be made available for public inspection upon request.** Information on this form is to be summarized and submitted annually to the State Veterinarian in the prescribed format. Questions regarding the use of this form may be directed to the Office of Animal Care and Emergency Response, (804) 692-4001, P.O. Box 1163, Richmond, Virginia 23218.*

Effective 7/2015

**Body Condition Score:** 1 (emaciated) 2 3 4 5 6 7 8 9 10 (obese)

**Gait:** Walks normally      Limp on \_\_\_\_\_      Will not walk      Other: \_\_\_\_\_

**Skin:** Normal      Missing Hair      Itchy, red

**Mucus membranes:** Pink      Red      Yellow      Blue      Pale / White      Other: \_\_\_\_\_

**Ears:**      Clean / No debris      Little debris      Lots of debris

**Eyes:**      Clean      Discharge      Red      Not opening eye(s)

**Fleas?**      Yes      None seen

**Ticks?**      Yes      None seen

**Visible injuries or wounds?** No      Yes, Describe: \_\_\_\_\_

**Temperament/Disposition:** \_\_\_\_\_

## Madison County Animal Control Animal Bite Report

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Owner's Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Date of Bite: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Breed of Animal: \_\_\_\_\_ Color of Animal: \_\_\_\_\_ Sex: \_\_\_\_\_

Rabies Shots?: \_\_\_\_\_ Date Expire: \_\_\_\_\_ County Tags?: \_\_\_\_\_

Directions to Where Animal Will Be Confined: \_\_\_\_\_

Person Bitten Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

Age: \_\_\_\_\_ Parent's Name (If Minor): \_\_\_\_\_ Home #: \_\_\_\_\_ Work #: \_\_\_\_\_

Treatment Given: \_\_\_\_\_ Severity: \_\_\_\_\_ Location: \_\_\_\_\_

Doctor's Name And/Or Hospital: \_\_\_\_\_ Provoked?: \_\_\_\_\_

---

### I HAVE READ AND UNDERSTAND THE QUARANTINE REGULATIONS BELOW:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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### NOTICE OF ANIMAL QUARANTINE

Rabies is a fatal disease. When the person has been exposed to the danger of contacting rabies from an animal, it becomes of the utmost importance to keep the animal under observation to see whether it develops rabies symptoms. If the animal dies during the period of observation, it must be examined to see whether it died of rabies. This procedure enables us to either get a person to treatment in time or to prevent them from having to undergo a series of painful inoculations.

You are hereby directed to confine, under the conditions below, the animal owned or harbored by you for a period of TEN (10) days from the date shown below because the animal was involved in exposing a person to the danger of rabies. Failure to comply with this notice may subject you to penalties provided by law.

### RULES FOR CONFINEMENT OF ANIMAL

1. The animal must be under adequate physical control at all times & must not be able to reach persons passing by.
2. The animal must be kept inside either a building or a pen in the yard.
3. The animal must not be moved from its original place of confinement.
4. If the animal shows a change in behavior during the confinement period, notify the Health Dept. (948-5481) or Animal Control (948-7042) immediately. You can reach Animal Control after hours at the Sheriff's Office (948-5161).
5. Do not destroy the animal during the period of confinement.
6. Do not vaccinate for rabies. perform surgery, or give routine immunizations during the quarantine period.
7. If the animal dies during the period of confinement, notify the Health Dept. **Do NOT dispose of the animal.** If necessary, refrigerate, do not freeze..



Madison County Animal Control  
 P.O. Box 705  
 Madison, VA 22727  
 540-948-7042

## Corral Panels Loan Agreement

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Corral Panels:      Red \_\_\_\_\_      Blue \_\_\_\_\_

Name: \_\_\_\_\_

Phone: \_\_\_\_\_      Cell: \_\_\_\_\_

Address: \_\_\_\_\_      Work: \_\_\_\_\_

City: \_\_\_\_\_      State: \_\_\_\_\_      Zip-code: \_\_\_\_\_

I, \_\_\_\_\_, the undersigned, do hereby declare that I am aware:

1. I agree to replace any damages to the corral panels if damaged while in my possession.
2. For any reason Madison County Animal Control is in need of the corral panels I agree to return within 24 hours after being contacted.
3. I agree to return the corral panels back to Madison County Animal Control's Office.
4. The corral panels should be appropriately cleaned to avoid risk of cross contamination.
5. I take full responsibility for any injury caused while using the corral panels. I hereby accept the terms and conditions of the loan of the corral panels. I hereby accept release Madison County from any liability for any injury caused while using the corral panels and any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injuries.

Signature: \_\_\_\_\_      Date: \_\_\_\_\_

MCAS Representative: \_\_\_\_\_      Date: \_\_\_\_\_

Loan Date: \_\_\_\_\_      Return Date: \_\_\_\_\_

Notes: \_\_\_\_\_

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## MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

5.

- MEETING DATE:** June 23, 2020
- AGENDA TITLE:** Consideration: FY21 Appropriation Resolution
- INDICATED MOTION(s):** I move to approve Resolution #2020-XX to appropriate monies for Fiscal Year 2021.
- STAFF LEAD:** Assistant County Administrator/Finance Director MJ Costello
- TIMING:** The County's budgeting process includes a requirement that the Board appropriate funds before they can be spent.
- The County's strategy this year is to appropriate approximately half of the budget and consider adjustments in the fall of 2020 after the effects of the financing have been decided and the impact of the pandemic is better understood.
- DISCUSSION:** Except for the financing and pandemic factors, this is consistent with the County's annual process.
- FISCAL IMPACT:** None
- REFERENCES:** N/A
- HISTORY:** N/A
- RECOMMENDATION:** Hear a brief explanation, answer questions as appropriate, make adjustments if needed, then pass the indicated motion.
- ENCLOSURES:** Documents to support this item are not available as of this writing and will be provided as they are developed. These should include a resolution document and a fairly extensive spreadsheet.

# MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

- MEETING DATE:** June 23, 2020
- AGENDA TITLE:** Consideration: Fund Balance Designations
- INDICATED MOTION(s):** I move to approve the fund balance designations as proposed by staff.
- STAFF LEAD:** Assistant County Administrator/Finance Director MJ Costello
- TIMING:** The County’s financial policy is to “earmark” portions of its fund balance for various purposes toward the end of the fiscal year so they can be reflected in the audited statements.
- DISCUSSION:** The calculation this year will include several changes. Of note is that the discussion during the financing process indicated that the Board might prefer a higher unassigned fund balance goal than the current policy requires.
- FISCAL IMPACT:** None
- REFERENCES:** N/A
- HISTORY:** N/A
- RECOMMENDATION:** Hear a brief explanation, answer questions as appropriate, make adjustments if needed, then pass the indicated motion.
- ENCLOSURES:** Documents to support this item are not available as of this writing and will be provided as they are developed. This should include a short spreadsheet.

## MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

7.

- MEETING DATE:** June 23, 2020
- AGENDA TITLE:** Presentation: Use of CARES Act Funding
- INDICATED MOTION(s):** N/A
- STAFF LEAD:** County Administrator Jack Hobbs
- TIMING:** The pandemic resulted in the March 27, 2020 adoption of the federal Coronavirus Aid, Relief and Economic Security (CARES) Act and \$1,169,964.88 routed to the County as of June 1, 2020. Apparently more will follow with “direct” grants that will be provided to the school board, sheriff’s department, electoral board and potentially agencies.
- Unless outlays have been incurred during the March 1, 2020-December 20, 2020 time frame, the County will be required to return the monies.
- DISCUSSION:** Although most of the monies involved are in the County’s bank account, guidance on their use is relatively thin and unclear. As a first step toward developing a plan to use the monies, County departments were have been asked to provide ideas and requests that would need to be triaged, vetted and sorted before the Board will be in a position to make all of its decisions on the matter. As such, the material submitted is being compiled into a report to the Board that will be delivered during the meeting.
- FISCAL IMPACT:** The funding involved is supposed to be targeted to COVID-19 items and, if appropriately managed, might result in approximately \$1.2 million in heretofore unbudgeted FY21 revenue (and expense).
- REFERENCES:** N/A
- HISTORY:** This item has evolved with the pandemic and was placed on the County’s agenda with the passage of the CARES Act.
- RECOMMENDATION:** Hear the presentation and provide appropriate guidance to the staff.
- ENCLOSURES:** Documents to support this item are not available as of this writing and will be provided as they are developed. This is expected to include a listing of all known ideas and requests and other pertinent material.