



Agenda
Board of Supervisors Meeting
Tuesday, May 26, 2020 at 5:00 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

Special Appearances

1. Worksession on Summer 2020 Financing (Kyle Laux, Davenport & Company)

Public Comment

Consent Agenda

- A. Approval of the May 12, 2020 meeting minutes
- B. Approval of Supplemental Appropriation #2020-53 to increase the budget for the Emergency Communications Center/Sheriff's Department security system from by \$2,350 to \$19,954

Constitutional Officers

County Departments

Committees or Organizations

Old Business

2. Presentation: Animal Control Policy (Cave)
3. Consideration: Madison County Rescue Squad Contracts Negotiation (Hobbs)

New Business

4. Consideration: Fourth of July Fireworks Acknowledgements (Jackson)
5. Consideration: Madison Free Clinic COVID-19 Screening Event (Hobbs)
6. Presentation: County Office Reopening Transition Plan (Hobbs)

Information/Correspondence

Public Comment

Closed Session

7. Economic Development (Gardner)

Adjourn

VIA EMAIL

April 24, 2020

REQUEST FOR PROPOSALS



Industrial Development Authority of Madison County, Virginia
Proposals Due: 11:00 a.m. Eastern Time on Tuesday, May 19, 2020

\$16,600,000* Tax-Exempt Lease Revenue Public Improvement Financing, Series 2020A

\$1,750,000* Tax-Exempt Lease Revenue Refunding Bond, Series 2020B

\$6,700,000* Taxable OR Tax-Exempt Lease Revenue Refunding Bond, Series 2020C

In our capacity as Financial Advisor to Madison County, Virginia (the “County”), Davenport & Company LLC (“Davenport”) is issuing this Request for Proposals (the “RFP”) on behalf of the County to solicit bids for one or more direct bank loans as evidenced by:

- The Tax-Exempt Lease Revenue Public Improvement Financing, Series 2020A (the “**2020A Financing**”). The County is requesting proposals for the 2020A Financing in the form of a permanent bond (the “**2020A Bond**”) and in the form of short-term interim financing (the “**2020A Note**”);
- The Tax-Exempt Lease Revenue Refunding Bond, Series 2020B (the “**2020B Bond**”); and
- The Taxable or Tax-Exempt Lease Revenue Refunding Bond, Series 2020C (the “**2020C Bond**”) and, together with the 2020A Financing and 2020B Bond, the “**2020 Financings**”). The tax treatment of the 2020C Bond is to be determined. Please provide a proposal for a potential taxable 2020C issuance and a potential tax-exempt 2020C issuance.

The 2020 Financings will be issued on behalf of the County by the Industrial Development Authority of Madison County, Virginia (the “Authority”). As detailed further herein, the 2020 Financings will be secured by the Moral Obligation pledge of the County’s Board of Supervisors, a Lease Agreement between the Authority and the County, a Ground Lease on one or more County buildings, and an Assignment Agreement that would assign the leases to the lender as collateral (or a comparable lease financing structure).

Respondents are invited to submit proposals for all of the 2020 Financings or any combination of the 2020A Bond, 2020A Note, 2020B Bond, and 2020C Bond. The 2020 Financings may be awarded to one or more banks. Declining to provide a proposal for one of the 2020 Financings **will not** preclude a bidder from receiving the award for the others.

*Preliminary, subject to change.

The 2020 Financings

Proceeds of the 2020 Financings will be used for the following purposes:

2020A Financing - either the 2020A Bond or 2020A Note: The 2020A Financing is being issued in a principal amount not to exceed \$16,600,000* in order to (a) provide new money financing for County capital projects and (b) pay for the costs of issuance of the 2020A Financing. The capital project costs are summarized below:

Cost	Amount
School Project (Estimate)	\$9,067,955
Admin Center Project (Estimate)	1,282,000
Radio Project (Estimate)	5,860,415
Total	\$16,210,370

If the County issues the 2020A Financing in the form of the 2020A Note, the County may wish to (a) draw all proceeds of the 2020A Note at closing or (b) structure the 2020A Note as a drawdown loan with proceeds drawn only as needed including a minimum required draw at closing. ***Please submit proposals for one or both structures.***

2020B Bond: The 2020B Bond is being issued in a principal amount not to exceed \$1,750,000* in order to (a) currently refund the outstanding principal balance of the County’s Public Improvement Refunding Bond, Series 2017 and (b) pay for the costs of issuance of the 2020B Bond.

2020C Bond: The 2020C Bond is being issued in a principal amount not to exceed \$6,700,000* in order to (a) currently refund the outstanding principal balance of the County’s Public Facility Lease Revenue Bond, Series 2013 and (b) pay for the costs of issuance of the 2020C Bond.

County Financial Information

The County’s Comprehensive Annual Financial Reports and Budgets can be found on the County’s website at the following links:

- <https://www.madisonco.virginia.gov/finance/page/final-audits>
- <https://www.madisonco.virginia.gov/finance/page/annual-budgets>

Respondents with questions related to any of the financial information of the County, or who would like to request any additional information, are asked to contact the undersigned, who will work to facilitate a timely response. No formal offering material will be prepared, although proposers should feel free to direct any questions about the County or its finances to Davenport.

Each proposal is subject to review and approval by the County Board of Supervisors. The County reserves the right to reject any or all proposals for the 2020 Financings, to waive irregularities in any proposal, and to negotiate with any proposer.

*Preliminary, subject to change.

The following key assumptions should be utilized in preparing your proposals.

Issuer: Industrial Development Authority of Madison County, Virginia.

Obligor: Madison County, Virginia.

Tax Treatment: **2020A Financing** and **2020B Bond**– Tax-Exempt, Non-Bank Qualified.

2020C Bond – Please provide a proposal for both a potential Taxable 2020C issuance and a potential Tax-Exempt 2020C issuance.

Security: Each of the 2020 Financings will be secured by the Moral Obligation pledge of the County’s Board of Supervisors, a Lease Agreement between the Authority and the County, a Ground Lease on a County building(s), and an Assignment Agreement that would assign the leases to the lender as collateral or a comparable lease financing structure. The 2020 Financings are expected to be collateralized by the following buildings:

2020A Financing – Madison Primary School (estimated insured value of approximately \$18.0 million upon completion of the School Project). Madison Primary School has an insured value of \$8,955,200. The School Project will consist of renovations to Madison Primary School that will cost approximately \$9 million and add an estimated \$9 million to the value of the school.

2020B Bond – County-owned building to be determined. The 2020B Bond may be jointly secured with the 2020C Bond if both are awarded to the same lender.

2020C Bond – Wetsel Middle School (insured value of \$14,164,640) or Madison High School (insured value of \$15,280,000) as selected by the County.

If the 2020A Financing, 2020B Bond, and 2020C Bond are issued to the same lender, the County reserves the ability to jointly collateralize all three 2020 Financings with Madison Primary School, Wetsel Middle School, or Madison High School (as selected by the County).

If the 2020B Bond and 2020C Bond are issued to the same lender, the County reserves the ability to jointly collateralize the 2020B Bond and 2020C Bond with either Wetsel Middle School or Madison High School (as selected by the County).

*Preliminary, subject to change.

Security (cont.): The 2020 Financings will not be a general obligation of the County.

Rating: None applied for on this financing.

Not-to-Exceed Par Amount:* 2020A Financing – \$16,600,000
2020B Bond – \$1,750,000
2020C Bond – \$6,700,000

Interest Payments: Interest due semi-annually on February 1 and August 1, commencing on February 1, 2021, until Final Maturity.

Principal Payment Dates: 2020A Note – All principal due in a balloon payment at Final Maturity.
2020A Bond – Principal due annually on February 1, commencing February 1, 2022, until Final Maturity.
2020B Bond – Principal due annually on February 1, commencing February 1, 2021, until Final Maturity.
2020C Bond – Principal due annually on February 1, commencing February 1, 2021, until Final Maturity.

Final Maturity: 2020A Note (3 Year Option) – February 1, 2023 (3 Years)
2020A Note (4 Year Option) – February 1, 2024 (4 Years)
2020A Bond – February 1, 2041 (21 Years)
2020B Bond – February 1, 2033 (13 Years)
2020C Bond – February 1, 2033 (13 Years)

*Preliminary, subject to change.

*Preliminary Amortization**: Preliminary amortizations for the 2020 Financings are shown below. No proposal for less than the requested funding amount will be considered.

Payment Date	Tax-Exempt New Money 2020A Bond		Tax-Exempt Refunding 2020B Bond		Taxable OR Tax-Exempt Refunding 2020C Bond
	Amortization 1	Amortization 2	Amortization 1	Amortization 2	
2/1/2021	-	-	\$31,000	\$131,000	\$193,000
2/1/2022	\$295,000	\$393,000	73,000	113,000	431,000
2/1/2023	307,000	406,000	75,000	116,000	444,000
2/1/2024	319,000	448,000	105,000	120,000	486,000
2/1/2025	331,000	462,000	108,000	124,000	502,000
2/1/2026	344,000	478,000	112,000	128,000	518,000
2/1/2027	378,000	514,000	116,000	132,000	536,000
2/1/2028	391,000	531,000	120,000	136,000	553,000
2/1/2029	1,056,000	549,000	190,000	140,000	570,000
2/1/2030	1,087,000	565,000	196,000	145,000	588,000
2/1/2031	1,120,000	586,000	202,000	150,000	607,000
2/1/2032	1,155,000	606,000	208,000	155,000	626,000
2/1/2033	1,190,000	624,000	214,000	160,000	646,000
2/1/2034	1,227,000	1,321,000	-	-	-
2/1/2035	1,264,000	1,368,000	-	-	-
2/1/2036	1,304,000	1,382,000	-	-	-
2/1/2037	911,000	1,218,000	-	-	-
2/1/2038	937,000	1,244,000	-	-	-
2/1/2039	965,000	1,272,000	-	-	-
2/1/2040	994,000	1,301,000	-	-	-
2/1/2041	1,025,000	1,332,000	-	-	-
Total	16,600,000	16,600,000	1,750,000	1,750,000	6,700,000
Average Life	13.0 Years	13.5 Years	8.1 Years	7.0 Years	7.3 Years

Interest Rate: If possible, please provide a fixed rate quote for the entire amortization period shown above. If you are unable to commit to a fixed rate over the entire amortization period, please provide a fixed rate quote for the longest time period possible and specify all pertinent details relating to the rate reset, including the applicable index on which your quote will be based. For example, to the extent that you are willing to commit to a 21-year amortization but cannot provide a fixed rate for the entire period, please specify the initial rate and its duration as well as the rate reset information (e.g. 21-year amortization with an initial rate fixed for 15 years and a rate reset for the remaining 6 years).

Interest will be calculated using a 30/360-day count.

The County is interested in receiving rate quotes that are held through closing, which is expected to occur by Friday, June 26, 2020.

Please specify any gross-up or other interest rate adjustments.

*Preliminary, subject to change.

Optional Redemption: The County prefers maximum flexibility. Please specify the call structure that would provide the County with the most flexibility at the lowest cost of funds. Please also address the possibility of a partial prepayment.

Drawdown: 2020A Note – Drawdown Option 1 (Preferred): Structured as a drawdown line of credit loan with proceeds drawn only as needed, including a minimum initial drawdown.

2020A Note – Drawdown Option 2 (Alternative): All proceeds drawn at closing.

Please provide a proposal for one or both drawdown structures for the 2020A Note. The County would prefer to issue the 2020A Note in the form of a drawdown line of credit loan.

2020A Bond, 2020B Bond, and 2020C Bond – All drawn at closing.

Proposal Matrix:

Series	Amortization 1	Amortization 2	Series	Drawdown 1 Line of Credit	Drawdown 2 All at Closing
Tax-Exempt 2020A Bond	____%	____%	Tax-Exempt 2020A Note (3 Year)	____%	____%
Tax-Exempt 2020B Bond	____%	____%	Tax-Exempt 2020A Note (4 Year)	____%	____%
Tax-Exempt 2020C Bond	____%				
Taxable 2020C Bond	____%				

Bank Closing Costs: None anticipated to be paid by the County. Please specify any exceptions.

Annual/Ongoing Fees: None anticipated to be paid by the County. Please specify any exceptions.

Opinion(s) of Bond Counsel: Bond Counsel to the County, Sands Anderson PC, will provide the necessary opinion(s).

*Preliminary, subject to change.

- Ongoing Disclosure:* The County will provide annual audited financial statements. Please specify any additional requirements.
- Direct Bank Loan:* Proposals are requested for a direct bank loan(s) evidenced by the 2020 Financings, by a single financial institution or a syndicate of financial institutions represented by one lead institution with which the County and their consultants will deal with exclusively on all aspects of the financing. The successful bidder(s) will be expected to provide a letter in form satisfactory to the County and Bond Counsel regarding the qualifications of the lender(s) and stating that the loan is being made for its own account, with the present intent to hold the loan to maturity and with no intention of sale or distribution. No formal offering document will be prepared, although bidders should feel free to direct any questions about the County or its finances to the undersigned.
- Award:* The County Board of Supervisors will make the formal award. The County reserves the right to reject any or all proposals and to waive any irregularity or informality in any proposal.
- Closing:* Closing is expected to take place by Friday, June 26, 2020 and will be facilitated by Sands Anderson PC.

Please specify any other terms or conditions that would impact the proposed structure of the financing agreement. A preliminary timetable for action is shown below.

<u>Date</u>	<u>Action</u>
Friday, April 24	Davenport distributes RFP to local, regional, and national banks.
Tuesday, May 19	RFP responses due back to Davenport at 11:00 a.m. Eastern Time.
Tuesday, May 26	<u>Meeting of the County Board of Supervisors.</u> Davenport presents results of the RFP process to the Board of Supervisors. The Board of Supervisors authorizes the 2020 Financings.
Late May / Early June	<u>Meeting of the Industrial Development Authority.</u> The Authority authorizes the 2020 Financings.
By Friday, June 26	Close on the 2020 Financings.

*Preliminary, subject to change.

We look forward to your response by 11:00 a.m. Eastern Time on Tuesday, May 19, 2020. Responses can be e-mailed to our office as follows:

Griffin Moore
Vice President
Davenport & Company LLC
Phone: (804) 697-2901
Email: gmoore@investdavenport.com

Jesse Uriss
Analyst
Davenport & Company LLC
Phone: (804) 697-2911
Email: juriss@investdavenport.com

In the meantime, should you have any further questions or concerns, please feel free to call the numbers above. We look forward to your response.

Sincerely,



Griffin Moore
Vice President
Davenport & Company LLC

cc: Jack Hobbs – County Administrator, *Madison County, Virginia*
Mary Jane Costello – Director of Finance/Asst. County Administrator, *Madison County, Virginia*
Dan Siegel – Bond Counsel, *Sands Anderson PC*
Jesse Bausch – Bond Counsel, *Sands Anderson PC*
David Rose – Senior Vice President, Manager of Public Finance, *Davenport & Company LLC*
Kyle Laux – Senior Vice President, *Davenport & Company LLC*

Municipal Advisor Disclaimer

The enclosed information relates to an existing or potential municipal advisor engagement.

The U.S. Securities and Exchange Commission (the "SEC") has clarified that a broker, dealer or municipal securities dealer engaging in municipal advisory activities outside the scope of underwriting a particular issuance of municipal securities should be subject to municipal advisor registration. Davenport & Company LLC ("Davenport") has registered as a municipal advisor with the SEC. As a registered municipal advisor Davenport may provide advice to a municipal entity or obligated person. An obligated person is an entity other than a municipal entity, such as a not for profit corporation, that has commenced an application or negotiation with an entity to issue municipal securities on its behalf and for which it will provide support. If and when an issuer engages Davenport to provide financial advisory or consultant services with respect to the issuance of municipal securities, Davenport is obligated to evidence such a financial advisory relationship with a written agreement.

When acting as a registered municipal advisor Davenport is a fiduciary required by federal law to act in the best interest of a municipal entity without regard to its own financial or other interests. Davenport is not a fiduciary when it acts as a registered investment advisor, when advising an obligated person, or when acting as an underwriter, though it is required to deal fairly with such persons.

This material was prepared by public finance, or other non-research personnel of Davenport. This material was not produced by a research analyst, although it may refer to a Davenport research analyst or research report. Unless otherwise indicated, these views (if any) are the author's and may differ from those of the Davenport fixed income or research department or others in the firm. Davenport may perform or seek to perform financial advisory services for the issuers of the securities and instruments mentioned herein.

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The value of and income from investments and the cost of borrowing may vary because of changes in interest rates, foreign exchange rates, default rates, prepayment rates, securities/instruments prices, market indexes, operational or financial conditions or companies or other factors. There may be time limitations on the exercise of options or other rights in securities/instruments transactions. Past performance is not necessarily a guide to future performance and estimates of future performance are based on assumptions that may not be realized. Actual events may differ from those assumed and changes to any assumptions may have a material impact on any projections or estimates. Other events not taken into account may occur and may significantly affect the projections or estimates. Certain assumptions may have been made for modeling purposes or to simplify the presentation and/or calculation of any projections or estimates, and Davenport does not represent that any such assumptions will reflect actual future events. Accordingly, there can be no assurance that estimated returns or projections will be realized or that actual returns or performance results will not materially differ from those estimated herein. This material may not be sold or redistributed without the prior written consent of Davenport.

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Financial Policies

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A. Policy Objective and Goals

The County of Madison has a responsibility to carefully account for public funds, to manage its finances prudently, and to diligently and effectively allocate its resources to provide to its citizens the governmental services they desire. Fiscal integrity is critical and should form the basis of the County’s management and decision-making processes of its fiscal affairs. The primary objective of establishing Financial Policies is to provide a framework within which sound financial decisions may be made for the long-term betterment and stability of the County. The County’s financial policies will provide guidelines and goals to guide its financial practices.

The goals of the Financial Policies are to:

- Guide the Madison County Board of Supervisors in reaching a consensus on the financial condition it wants for the County.
- Provide a link between long-range financial planning and current operations.
- Promote long- term financial stability by establishing clear and consistent guidelines.
- Provide a framework for evaluating the fiscal impact of budgetary decisions related to providing government services and programs.
- Reduce the risks to the County of experiencing fiscal crises.

The Financial Policies shall be reviewed periodically by the Board of Supervisors.

B. Operating Budget Policies

1. The annual Madison County operating budget will be prepared consistent with guidelines established by the Code of Virginia.
2. The operating budget will be structured so that the Board of Supervisors and the public can understand the relationship between revenues and expenditures.
3. The goal of the County is to fund all recurring expenditures with recurring revenues and to use non-recurring revenues only for non-recurring expenses.
4. The unassigned General Fund Balance in excess of the 18% target may be used for various expenditures as described in the Fund Balance Policies section below. *The General Fund as used in this Financial Policies document has the same meaning as it does in the County’s audited financial statements. It includes primary governmental activities; unless otherwise noted, it does not include the County’s component units, i.e., the School Board and the Parks and Recreation Authority.*
5. Revenues will be projected conservatively, but realistically, considering:

- o Past experience;
 - o The volatility of the revenue source;
 - o Inflation and other economic conditions; and,
 - o The costs of providing directly associated services.
6. When revenue shortfalls are anticipated in a fiscal year, spending during the fiscal year should be reduced sufficiently to offset current year shortfalls. When it is not practical to reduce expenditures in an amount sufficient to offset revenue shortfalls, the unassigned General Fund balance may be used to supplement expenditure reductions.
 7. The budget shall be prepared in a manner that reflects the full cost of providing services.
 8. Expenditures will be projected conservatively considering:
 - o A conservative, but likely, scenario of events (versus “worst case scenario”);
 - o Specific, identified needs of the program or service;
 - o Historical consumption and trends; and,
 - o Inflation and other economic conditions.
 9. An unplanned operating contingency line item shall be included in the annual operating budget to provide the ability to react to unforeseen circumstances in operations that arise during the fiscal year. A minimum of 1% of total General Fund expenditures (excluding expenditures from the Transient Occupancy Tax {TOT}, Virginia Public Assistance {VPA}, and Children’s Services Act {CSA} funds) shall be budgeted in the contingency line item and shall be an annual appropriation that will not accumulate and carry forward from year to year. The County, at its discretion, shall increase the 1% contingency for specific, estimable amounts not included in departmental budgets.
 10. The County will prepare the capital improvement budget in conjunction with estimates of available revenues in order to assure that the estimated costs and future impact of a capital project on the operating budget will be considered prior to its inclusion in the Capital Improvements Plan.
 11. The Madison County Board of Supervisors will communicate with the Madison County School Board and Madison County Parks and Recreation Authority as and when appropriate to discuss budget needs.
 12. The operating budget preparation process will be conducted in such a manner as to allow decisions to be made regarding anticipated resource levels and expenditure requirements for the levels and types of services to be provided in the upcoming fiscal year. The following budget procedures will ensure the orderly and equitable appropriation of those resources:
 - o Operating budget requests are initiated at the department level within target guidelines set by the County Administrator.

- o In formulating budget requests priority will be given to maintaining the essential services. New services will be funded through identification of new resources, reallocation of existing resources, and defunding nonessential services identified by the Board of Supervisors and County Administration.
 - o Proposed program expansions above existing service levels must be submitted as a budgetary increment requiring detailed justification. Every proposed program expansion will be scrutinized on the basis of its relationship to the health, safety and welfare of the County and is to include an analysis of long-term fiscal impacts.
 - o Proposed new programs must also be submitted as budgetary increments requiring detailed justification. New programs will be evaluated on the same basis as program expansions and are to include an analysis of long-term fiscal impacts.
13. The operating budget is approved and appropriated by the County Board of Supervisors at the department level. The operating budget will be balanced with proposed expenditures not exceeding anticipated revenues.
- o Use of excess unassigned fund balances should be used to balance budgets only after review of the County's reserve and capital needs.
 - o The County Administrator will submit a balanced budget to the County Board of Supervisors.
 - o The County Board of Supervisors will adopt the budget.
14. Budget adjustments within a department involving transfers from one category – i.e., personnel (pay and benefits), capital and operations - to another shall be approved by the County Administrator.
15. Beginning in the first year subsequent to to the adoption of these policies, quarterly cash basis actual-to-budget financial reports prepared after bank statement reconciliation will be provided to the Board of Supervisors within 45 days after the end of the quarter to enable the Board of Supervisors to monitor and control the budget.
16. Any amendments to the budget “which exceed one percent of total expenditures shown in the current adopted budget must be accomplished by publishing a notice of the meeting and a public hearing once in a newspaper having general circulation” at least seven days prior to the meeting date (State Code Section 15.2-2507).

C. Capital Budget Policies

1. The County will approve an annual capital budget as an integral part of its total County budget. The capital budget will align with a 5-year Capital Improvements Plan (CIP).

2. The County will coordinate the development of the capital budget with the development of the operating budget so that future operating costs, including annual debt service, associated with the new capital projects will be projected and included in operating budget forecasts.
3. The 5-year Capital Improvements Plan will include all new facilities and major improvements to buildings and real estate as well as all projects requiring debt financing. The CIP will include sources of funding for the capital projects, including operating revenues, excess General Fund balances, capital leases, and debt financing.
4. Emphasis will continue to be placed upon a viable level of “pay-as-you-go” capital construction to fulfill needs in the Board’s approved Capital Improvements Plan.
5. Financing plans for the five-year capital program will be developed based upon a five-year forecast of revenues and expenditures augmented by anticipated grant and loan funds.
6. The County Board of Supervisors will consider recommendations from the Planning Commission for the five-year Capital Improvements Plan that are consistent with identified needs in the adopted comprehensive plan.
7. The acquisition of vehicles, Information Technology, and other depreciable equipment and machinery shall be considered in the capital budget in addition to the Capital Improvements Plan and shall reflect the departments to which they should be charged.
8. Upon completion of a capital project, any remaining appropriated funds in that project will be returned to the original appropriating fund. Any transfer of remaining funds from one project to another must be approved by the Board of Supervisors.
9. The Madison County School Board and Madison Parks and Recreation Authority will be advised of these Madison County financial policies and shall coordinate their requests as elements of Madison County’s Capital Improvements Plan. Requests for funding will address the following areas: a) costs for required capital improvements; b) debt ratio targets; c) debt issuance schedules; d) justification.

D. Asset Maintenance, Replacement and Enhancement Policies

The County will maintain a system for maintenance, replacement and enhancement of the County's physical assets. This system will protect the County's capital investment and minimize future maintenance and replacement costs. The system will include the following:

1. The County will use the straight-line method of depreciation which is the historical cost of an asset divided by the estimated useful life of the asset.
2. The County will use professional judgments, industry standards and other relevant information based on its own past experiences with similar assets when estimating the useful life of assets.

The following ranges are to be used as a guideline in setting estimated useful lives Agenda Item #1.

- Computers, and related hardware and software: 3-5 years
 - Buildings and improvements: 20-40 years
 - Infrastructure: 30-40 years
 - Machinery and Equipment: 5-20 years
 - School Buses: 12 years
 - Vehicles, excluding buses: 3-5 years
3. Within the CIP, the County will develop a Capital Asset and Equipment Maintenance/Replacement Schedule, which will provide a five-year estimate of the funds necessary to provide for the structural, site, major mechanical/electrical rehabilitation or replacement to the County physical assets requiring a total expenditure of \$30,000 or more with a useful life of five years or more.
4. The operating budget will provide for *minor* and *preventive* maintenance of Capital Assets and Equipment.
5. Beginning in the fourth budget year subsequent to the adoption of these policies, the County will provide for *major* maintenance of its facilities each year with a goal of reinvesting, or setting aside for future use, 2.5 percent of the replacement value of County facilities. For purposes of this calculation, net book value of depreciable real property shall be used as an approximation of replacement value. The County will make such a provision by assigning a portion of its prior year available unassigned fund balance (defined as the amount of unassigned fund balance in excess of the 18% target and other items described more fully in Section F, Item 4 of this policy.) To the extent that the major maintenance provision cannot be made from available fund balance, as defined, the County shall make efforts to incorporate a major maintenance contingency expense in its operating budget in amount sufficient to reach the 2.5% annual target. Notwithstanding the above, specific major maintenance projects identified and incorporated into the annual operating budget shall also be considered as contributing to the annual 2.5% target..
6. The County shall maintain a capital budget that includes the Capital Improvements Plan and a plan for the acquisition and replacement of vehicles, Information Technology, and depreciable equipment and machinery.
- As part of the vehicles, Information Technology (IT), equipment and machinery plan, the County will maintain a schedule of individual capital assets with values in excess of \$1,000 and an estimated useful life in excess of one year. All items with an original value of less than \$1,000, or with an estimated useful life of one year or less, will be recorded as an operating expenditure.
 - The County will provide funding for vehicles, IT, equipment and machinery as part of the annual budget to replace assets at the end of their useful life, or to upgrade capital assets as appropriate.
 - The County's objective is to use pay-as-you-go funding (using cash resources) to acquire vehicles, IT, and depreciable equipment and machinery. Other sources will supplement

cash funding such as lease purchase agreements, bonds, and grants, when Agenda Item #1.

- The County shall conduct a periodic physical inventory of all vehicles, computers, and depreciable equipment and machinery.
7. The Madison County School Board is encouraged to develop similar and compatible asset maintenance, replacement and enhancement policies.
 8. Notwithstanding other items discussed in Sections C and D of this policy, the County Board (the “Board”) of Supervisors shall assign a portion of its available unassigned fund balance, as defined, upon adoption of this policy. This assigned fund balance shall be used to fund capital improvement projects and other vehicle and equipment needs in the first through third budget years subsequent to the adoption of this policy. Subsequent to adoption of this policy, the Board may elect at its discretion, to assign additional amounts of available unassigned fund balance, as defined, to meet its anticipated capital needs.

E. Debt Policies

1. The County will not fund current operations from the proceeds of borrowed funds.
2. The County will utilize long-term borrowing for capital projects only to the extent that funding from grants and current revenues is not available.
3. When the County finances capital projects through bonds or capital leases, it will repay the debt within a period not to exceed the expected useful life of the projects. To the extent possible, the County will structure its debt to achieve level annual debt service payments.
4. Recognizing the significance of debt to its overall financial condition, the County will set target debt ratios, which will be calculated annually and included in any review of fiscal trends:
 - Net general bonded debt as a percentage of the assessed value of real taxable property shall not exceed 3%.
 - Net general bonded debt expenditures as a percentage of General Fund expenditures (including the School Board’s operating budget less transfers from the General Fund) shall not exceed 10%.
5. The County’s Finance Director is responsible for monitoring the County’s outstanding debt to ensure post-issuance compliance with such matters as arbitrage rebate calculations, material event notifications, etc.

F. Fund Balance Policies

1. The Governmental Accounting Standards Board (GASB) classifies fund balances in the following categories:
 - **Non-spendable fund balance** – amounts not in a spendable form or that are required to be maintained intact;
 - **Restricted fund balance** – amounts constrained to specific purposes by their providers (such as grantors, bondholders, the state), through constitutional provisions, or by enabling legislation;
 - **Committed fund balance** – amounts constrained to specific purposes by a government itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint;
 - **Assigned fund balance** – amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority;
 - **Unassigned fund balance** – amounts that are available for any purpose; these amounts are reported only in the general fund.

Source: GASB Fact Sheet about Fund Balance Reporting and Governmental Fund Type Definitions (GASB Statement 54).

2. The County does not intend, as a common practice, to use its unassigned fund balance to fund current operations. The unassigned fund balance set aside pursuant to these policies is to be used as working capital for unforeseen emergencies, when reducing current expenditures is insufficient, in order to avoid the need to borrow.
3. The County will maintain an unassigned fund balance for cash liquidity purposes that will provide sufficient cash flow to minimize the possibility of short-term tax anticipation borrowing.
4. As a permanent reserve "rainy-day" fund, the unassigned General Fund balance at the close of each fiscal year should be equal to no less than 14% of the County's total General Fund budget (including the School Board's operating budget less transfers from the General Fund). Further, an additional 4% should be available for cash liquidity purposes resulting in a total target amount of 18% of the General Fund budget (including the School Board's operating budget less transfers from the General Fund). Under certain circumstances, the County may elect to maintain unassigned General Fund balance in excess of the 18% target by considering a variety of factors, including the predictability of revenues, the volatility of expenditures, perceived exposure to one-time outlays, and the potential drain upon the General Fund by other funds.
5. In the event that the funds in the unassigned fund balance are utilized as working capital such

as for an unforeseen emergency, the unassigned fund balance should be brought back to the required minimum balance within two (2) years from the date of the withdrawal. Agenda Item #1.

6. Unassigned fund balance in excess of the 18% target may be used in the following ways:
 - Fund accrued liabilities, including but not limited to debt service, pension, and other postemployment benefits as directed and approved within the long-term financial plan and the annual budget ordinance. Priority will be given to those items that relieve budget or financial operating pressure in future periods;
 - Increase the pay-as-you-go contributions needed to fund capital projects in the Capital Improvements Plan and the acquisition and replacement of vehicles, IT, and equipment and machinery;
 - One-time expenditures that do not increase recurring operating costs that cannot be funded through current revenues;
 - Start-up expenditures for new programs, provided that such action is approved by the Board of Supervisors and is considered in the context of multi-year projections of revenue and expenditures; or
 - When it is not practical to reduce expenditures in an amount sufficient to offset revenue shortfalls, the unassigned General Fund balance may be used to supplement expenditure reductions.

7. The County will maintain a portion of its Assigned Fund Balance in a Children Services Act (CSA) Stabilization Fund. The intent of the CSA Stabilization Fund is to allow for level budgeting from year-to-year in light of the fact that CSA-mandated expenditures can vary significantly from one year to the next.
 - The County will maintain a CSA Stabilization Fund equal to [33%] of the difference between the lowest and highest CSA expenditures over the most recent three fiscal years (which includes the projected expenditures in the current fiscal year). The CSA Stabilization Fund requirement will be calculated annually as part of the annual budgeting process.
 - If funds are withdrawn from the CSA Stabilization Fund, the County will take measures necessary to replenish the Fund within three years following the year in which they were used.
 - The CSA Stabilization Fund can only be appropriated by a resolution of the Board of Supervisors.
 - Funds in excess of the CSA Stabilization Fund requirement may be retained in the Fund, or transferred as deemed appropriate by the Board of Supervisors. The excess funds could be used for CSA expenditures, or transferred to the Unassigned Fund Balance, for example.

- 8. When restricted and unrestricted fund balance is available to fund a particular expenditure, the County will first expend any restricted fund balance that is available and then in the following order if only unrestricted fund balance is available: (1) committed fund balance, (2) assigned fund balance, and (3) unassigned fund balance.
- 9. Committed fund balance can only be approved, modified or rescinded by formal action of the County Board of Supervisors.
- 10. An analysis of the County's fund balance position and associated recommendations should be provided as an element of the budget proposal.

G. Summary of Key Financial Policy Ratios*

OPERATING BUDGET	
Allocation to Operating Contingency (as percent of total General Fund budget, as defined)	1%
ASSET MAINTENANCE, REPLACEMENT AND ENHANCEMENT POLICIES	
Allocation from operating budget and other available unassigned fund balance, as defined, to provide for Major Maintenance Contingency (as % of replacement costs of County facilities)	2.5%
DEBT RATIOS	
Net General Bonded Debt as % of Assessed Value of Real Taxable Property	3%
Net General Bonded Debt Expenditures as % of General Fund Expenditures	10%
FUND BALANCE/RESERVE POLICIES	
Unassigned General Fund Balance as % of Total General Fund Budget	14%
Unassigned General Fund Balance for Cash Liquidity as % of GF Budget	4%

** References to Operating Budget and General Fund Budget include the School Board's operating budget less transfers from the General Fund.*

Credit: VML/VACo Finance developed the original version of this document in February, 2018.

OPERATING BUDGET	TARGET	FY2018 Budget	DOCUMENTATION
Allocation to Operating Contingency (as percent of General Fund budget, as defined)	1%	\$227,188	(FY2018 General Fund Budgeted Expenditures of \$22,718,822 * 1%
Asset Maintenance, Replacement and Enhancement Policies			
Asset Maintenance, Replacement and Enhancement Policies	TARGET	As of FYE2017	DOCUMENTATION
Allocation from operating budget and available unassigned fund balance, as defined, for Major Maintenance Expenses and/or Contingency (as % of replacement costs of County facilities)	2.50%	\$708,676	FY17 Audit pg 32 - Notes to the Financial Statements; Real Property, Net of depreciation (Primary Govt \$21,448,245 + Schools \$6,898,800)*2.5%
DEBT RATIOS			
DEBT RATIOS	TARGET	As of FYE2017	DOCUMENTATION
Net General Bonded Debt as % of Assessed Value of Real Taxable Property	3%	0.63%	FY17 Audit pg 112 - Supplemental Info Table 8 (Debt \$11,513,000/AV = \$1,831,652,549)
Net General Bonded Debt Expenditures as % of General Fund Expenditures	10%	3.89%	FY17 Audit pg 113 - Supplemental Info Table 9 (DS \$1,453,435/exp = \$37,379,721)
FUND BALANCE/RESERVE POLICIES			
FUND BALANCE/RESERVE POLICIES	TARGET	FY2018 Budget	DOCUMENTATION
Unassigned General Fund Balance as % of Total General Fund Budget	14%	\$5,471,717	(FY2018 Budgeted Expenditures \$27,401,224 + FY2018 Budgeted School Expenditures \$20,288,100 - 2018 Budgeted County Contribution to Schools \$8,605,633) * 14%
Unassigned General Fund Balance for Cash Liquidity as % of GF Budget	4%	\$1,563,348	(FY2018 Budgeted Expenditures \$27,401,224 + FY2018 Budgeted School Expenditures \$20,288,100 - 2018 Budgeted County Contribution to Schools \$8,605,633) * 4%

To: Jack Hobbs, County Administrator - Madison County, Virginia
From: Kyle Laux, Senior Vice President – Davenport & Company LLC
Date: April 8, 2020
Subject: Plan of Finance for Capital Projects and Potential Refunding
CC: Board of Supervisors - Madison County, Virginia
David Rose, Senior Vice President and Manager of Public Finance – Davenport & Company LLC
Griffin Moore, Vice President – Davenport & Company LLC

Davenport & Company LLC (“Davenport”), in our capacity as Financial Advisor to Madison County, Virginia (the “County”) was asked to prepare a Plan of Finance for a series of pending County capital projects including:

1. Primary School Renovations;
2. A new E911 Radio System;
3. Renovations to the County’s Administration Building; and,
4. Potential Refunding of existing debt.

An initial capital funding analysis of including these projects was included in Davenport’s February presentation to the County entitled “Financial Review and Capital Funding Strategies.” The months since our February meeting have been much more eventful than anyone could have projected given the sudden and expected national/international health crisis related to COVID19 and the related financial/economic stress it has caused. While the news headlines have been largely negative, we can offer a few positive considerations for the County in the context of its capital program:

1. While financial markets have been highly volatile during the past month or so, borrowing costs for financially well managed local governments have remained at highly favorable levels;
2. When put into competition with one another, banking institutions have been actively bidding on Virginia local government bond issues and have been providing highly attractive interest rates and terms/conditions;
3. The Commonwealth has several long-standing pooled financing programs that offer a second option for the County to finance their capital projects. While the markets that these state programs sell their bonds into were heavily impacted by the financial crisis of the past month, it is expected that these markets will return to more normal operations given considerable support from recently enacted federal stimulus programs. This should help these programs offer an attractive second option for the County’s capital projects.

The County is planning to undertake financing for three projects (amounts are approximate):

1. Primary School Renovations:	\$9.2 million
2. E911 Radio Project:	5.7 million
3. <u>Administration Building Renovations:</u>	<u>1.2 million</u>
<u>Total New Money (Approximate)</u>	<u>\$16.1 million</u>
4. <u>Potential Refunding of Existing Debt</u>	<u>\$7.8 million</u>

Davenport recommends a dual-track financing process for the above noted projects. The dual-track process will include:

- A. A competitive Direct Bank Loan solicitation putting local/regional/and national banking institutions into competition;
- B. Applying to the Virginia Resources Authority (“VRA”) and potentially the Virginia Public School Authority (“VPSA”) to participate in their next pooled financing program.

The dual-track process will help to maximize the potential financing options available to the County which is especially critical during times of unsettled financial markets. A timeline and next steps are included as an appendix. The goal is to obtain competitive bids from banking institutions that are non-binding on the County until such time as the County’s Board of Supervisors takes affirmative action to authorize a financing. The bids from banking institutions can then be compared to the estimated interest rate that could be achieved by participating in a Virginia pooled financing program. Similarly, the County will apply to a state pooled financing program – most likely VRA – to participate in their Summer, 2010 pool program. Applying to the VRA program is non-binding and does not obligate the County to move forward with a transaction. Thus, the proposed schedule and process would allow Davenport – working with County Staff and legal counsel – to work during the balance of April and May to obtain the information necessary to allow the County’s Board of Supervisors to take action and authorize the financing in late May/early June.

Davenport estimates that the total local costs to the County will be in the range of 1% of the size of the financing and will depend on the time, complexity, and ultimate financing provider selected by the County. These costs will be known and will be able to be presented to the County prior to the County making a formal decision to move forward. It is typical to pay for these costs out of the proceeds of the financing although the County is not required to do so. Davenport and other professionals involved will work “at risk” meaning that the County will not be obligated to pay for transaction related professional services unless a transaction moves successfully to closing. Davenport is agnostic as to what funding provider is selected and thus our fee will not depend on the ultimate bank or funding provider selected. Davenport’s work related to the transaction would be covered by a fixed fee of not to exceed \$50,000 for the new money component and – if a refunding is utilized – a fixed fee of \$15,000 for that component, plus our expenses as outlined in our existing agreement with the County.

Enclosed is a detailed time schedule taking into account actions that will be required over the next 45 to 60 days. We welcome an opportunity to discuss this in greater detail at your convenience.

Municipal Advisor Disclaimer

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Version 01.13.14 GM | KL | RK

Madison County, Virginia

2020 School Financing Schedule

Draft as of April 8, 2020



April 2020							May 2020							June 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4						1	2		1	2	3	4	5	6
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30				
							31													

July 2020							August 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

Working Group

Role	Entity
Borrower	Madison County, Virginia
Financial Advisor	Davenport & Company LLC
Bond Counsel	[TBD]
Lender	[TBD]

Date

Task

Tuesday, April 14 4:00 PM	<p><u>Madison County Board of Supervisors Meeting</u></p> <p>The Board of Supervisors authorizes Davenport and County Staff to obtain funding for the: 1) Primary School Project; 2) Public Safety Radio Project; 3) Administration Building Project; and, potentially a 4) Refinancing/Restructuring of existing debt through a Dual Track Approach in which the County considers two funding vehicles:</p> <ul style="list-style-type: none"> - Competitively bid Direct Bank Loan; and - Summer 2020 Virginia Resources Authority Pooled Financing (the "VRA Pool"). <p><i>Note: By authorizing Davenport and County staff to begin the Dual Track Approach, the Board does <u>not</u> obligate the County to move forward with a financing. The County will not incur any costs unless a financing is completed.</i></p>
Wednesday, April 22	Davenport distributes RFP to local, regional, and national banking institutions.
Friday, May 1	Application deadline for Summer 2020 VRA Pool {Note: Applying to VRA does not require a cost/fee nor does it obligate the County to participate in the program}
Wednesday, May 13	Direct Bank Loan RFP responses due to Davenport.
Wednesday, May 13 through Wednesday, May 20	Davenport reviews RFP responses with County Staff and Bond Counsel, analyzes a potential VRA Pool financing, and develops a recommended financing approach for the Board of Supervisors.
Tuesday, May 26 6:00 PM	<p><u>Madison County Board of Supervisors Meeting</u></p> <ul style="list-style-type: none"> - Davenport presents results of the Direct Bank Loan RFP process. - Davenport compares estimated results of a Direct Bank Loan, estimated results of a potential VRA Pool financing, and recommended approach.

Madison County, Virginia

2020 School Financing Schedule

Draft as of April 6, 2020



April 2020

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May 2020

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
						31

June 2020

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2020

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2020

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Date	Task
	- Board of Supervisors considers formal approval of the School Financing.
Tuesday, June 9 4:00 PM	Madison County Board of Supervisors Meeting Board of Supervisors considers approval or financing documents (back-up date)
Early June	Davenport and County Staff work with the County's Bond Counsel to prepare documentation for closing (if Direct Bank Loan is selected).
Month of June (Date TBD)	Meeting of the Madison County IDA or EDA (only if bank loan is selected). Note: The IDA/EDA will be the legal conduit for the financing if a Direct Bank Loan is selected. This is common for financings of this type in Virginia. The ultimate debt obligation is the responsibility of the County's Board - not the IDA/EDA.
Week of Monday, June 15	Close on the financing if Direct Bank Loan is selected.
Friday, June 19	Deadline for the Board's Authorization to participate in the Summer 2020 VRA Pool (if VRA Pool is selected).
Wednesday, July 22	Anticipated VRA sale date. Interest rates locked in (if VRA Pool is selected).
Wednesday, August 5	Anticipated VRA closing date (if VRA Pool is selected).

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01.13.14 | JU | GM | KL

MEETING #20 – May 12

At a Regular Meeting (#1) of the Madison County Board of Supervisors on May 12, 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
 Consideration of the Proposed Agenda/Adoption of the Consent Agenda**

All members are present; a quorum is established.

Chairman Jackson referred to the Agendas presented for meeting session, and called for further amendments and/or adoption.

Regular Agenda:

Items to be added for discussion:

Old Business:

Add:

Item 5a: Consideration of Updated Floor Plan for the Madison County Administration Center Renovation Project

Item 5b: Madison County Volunteer Rescue Squad Annual Funding Contribution

Supervisor Hoffman moved that the Agenda be approved as presented, seconded by Supervisor Foster. ***Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).***

Consent Agenda:

Items for action:

1. A. Minutes of April 28, 2020 Meeting Minutes
- B. May 6, 2020 Meeting Minutes ***(Foster Absent)***
- C. Budget Adjustments [Supplemental Appropriation #52 to Receive a \$25 donation to the Sheriff's Department]***

Supervisor Yowell moved that the meeting minutes of May 6, 2020 be pulled from the Consent Agenda, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Supervisor Yowell moved that the Board approve the Consent Agenda:

A. April 28, 2020 meeting minutes

C. Budget Adjustments (Supplemental Appropriation #52 [Sheriff's Department])

Seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Yowell. Abstain: Foster. Nay: (0).*

B. May 6, 2020 Meeting Minutes: Supervisor Yowell moved that the Board approve the minutes of May 6, 2020, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Yowell. Nay: (0), Abstain: Foster.*

Public Comment - None

Special Appearances - None

Reports

A. Constitutional Officers

Commissioner of Revenue: Brian Daniel, Commissioner of the Revenue was present for today's session.

Treasurer: Stephanie Murray, Treasurer, reported that the tax bills for the first half of the real estate tax bills will be mailed out tomorrow with an adjusted due date of June 26, 2020.

Commonwealth Attorney: Clarissa Berry, Commonwealth Attorney, reported that her office will start returning to normal hours of operation; it has been suggested that necessary precautions be undertaken; her office has been rather busy during this time.

Clerk of Circuit Court: Leeta Louk, Clerk of Circuit Court, was present and advised that (to the best of her knowledge, Judge Durer will not be issuing additional order for closure of her office to the public; however, the order currently being drafting will allow her office some leeway as to how many people can be allowed in the records room; feels that her office will be open to the public next week; operations have been steady and her office was still audited; renovations are a definite asset.

Sheriff: Erik Weaver, Sheriff, advised that his office is serving to the best of their ability; overtime is being utilized by staff working on the weekends.

Schools: Barry Penn Hollar, School Board, advised that the school approved a revised budget; funding shortfalls from the state still in place; no raises allocated for staff; additional cuts will call for the elimination of 5.5 staff positions; healthcare will remain in place with Local Choice; highlights given on teacher awards and recent retirees; drive-in graduation will commence on May 29, 2020 at 6:00 p.m.

- *Chairman Jackson: Advised that County funding to the school system was increased (from \$238,000 to \$325,00).*

Planning Commission: Francoise Seillier-Moiseiwitsch was present to advise that a recent commission meeting focused on the flood plain ordinance and associated maps.

The Finance Director provided a brief explanation of allocated for the school during the year which they budgeted in their operating fund, but the County showed this allocation in the capital fund (i.e. \$238,000+

\$87,000= \$325,000).

Building/Zoning: Ligon Webb, County Planner, was present to report that administrative actions have been utilized by the planning commission; one-lot administrative approval technique has been a definite asset; plans are being made to schedule a joint meeting to discuss a few small items on June 3, 2020, to be advertised to begin at 5:30 p.m. that would allow the Board of Supervisors to participate in a 7:00 p.m. with the Commission Chair and County Planner; business is still ongoing within his office.

EMS: Noah Hillstrom, Director of Emergency Medical Services, was present to provide highlights from his departmental report (total calls, response time, etc.).

Emergency Management Services: John Sherer, Emergency Management Services Director, was present to provide highlights on the COVID 19 pandemic; currently there are 21 cases here with (2) hospitalizations and (1) deceased; feels the pandemic is well managed here and all is going as well as possible; working on getting supplies from VDEM for offices in need; Executive Order 61 has been released to the public and is expected to be signed by the Governor for implementation on Friday; all are encouraged to read the proposed order; noted that the pandemic is something that will be dealt with for quite a while; feels the County has done a very good job sustaining; Dr. Wade Kartchner of the Virginia Department of Health, has offered to attend a future meeting to answer any questions pertaining to the virus.

After discussion, the Board verbalized appreciation of Dr. Kartchner's offer.

- *Supervisor Yowell: Feels that Executive Order 61 will allow local governing boards to decide when the localities can resume functions.*
- *Chairman Jackson: Referred to a Phase I with an allowance for localities to implement reopening at a slower rate.*

Clerk's Office Renovations: Roger Berry, Director of Facilities, was present to provide an update on renovations at the Clerk's Office; quotes also received for the security system and burglar alarm for the War Memorial Building (prices ranged from \$10,700 [lowest] to \$28,200 [highest]); upgrade at the courthouse received the lower bid from Clark Security (\$20,000) and a highest bid of \$50,000; he recommended that Clark Security be attained to perform security work at the courthouse and War Memorial Building.

The County Administrator referred to the supplemental appropriation (#51 - \$31,540.43) in today's packet to approve the proposed projects being discussed.

**Madison County
Outlay for Court Security Systems
5/12/2020**

		<u>Amount</u>
War Memorial Bldg Access Control Upgrade	Clark Security	20,798.97
Courthouse - CCTV System & Alarm System	Security Innovations	<u>10,741.46</u>
		<u><u>31,540.43</u></u>

Supervisor McGhee moved that the Board approve supplemental appropriation #51, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Finance: Mary Jane Costello, Finance Director, referred to the RFP for the proposed financial software system and advised that the RFP was posted to the website and eVA procurement site; the IT consultant had also developed a list of potential vendors; several responses have been received, as well as questions from various vendors, which the consultant is suggested that a response be provided.

After discussion, it was suggested that a list of questions being proposed be publicized only for all any potentially vendors to review, and that a list also be provided to all that worked on the software system committee.

D. County Administrator: Jack Hobbs, County Administrator, followed up on:

1. Renovations at the courthouse
2. Roof repairs at the Sheriff's Office (to include replacement of drain and drainpipe)
3. Ambulance financing still being assessed

The Finance Director suggested the County explore whether the proposed CARES Act funding can be utilized to cover the costs of the ambulance purchase and/or used for items related to the school system; questioned if CARES funding could be used if additional funding has already been allocated within the County's budget.

Chairman Jackson questioned if the following could be considered as applicable COVID-19 items:

1. Renovations at the courthouse
2. Ambulance purchase
3. E911 equipment upgrades

- *Supervisor Yowell: Noted that documentation on the CARES funding advised of specific restrictions; suggested the County assess these conditions and remain in compliance.*

John Sherer, Emergency Management Services Director, was present and suggested the County assess how other localities may be looking to utilize their portion of funding; also noted that issues pertaining to the pandemic will be in place for an undetermined amount of time.

The County Administrator advised that the county has already received \$13,000 in CARES funding that is earmarked for EMS; also noted that all grant programs have different restrictions; the County will have to remain within the guidelines when utilizing these funds, and maximize this benefit.

Criglersville School Property: Efforts are still underway with the individual that has shown interest in the property.

Ligon Webb, County Planner, advised that he has conversed with someone else that has also shown interest in the school property.

COVID-19: The County Administrator referred to the Governor's Phase I plan to reopen Virginia that will begin on Friday, via executive order; suggestions are still in place for citizens, which may be re-evaluated within two (2) weeks; it's noted that the order doesn't contain anything much different that what the County is already implementing; noted than County offices will continue to be open with the existing conditions (i.e. locked doors); asked the Board to discuss its thoughts for the County with regard to:

1. Reopening the doors to the general public
2. Continuing with the electronic meeting format
3. Refraining from returning to normal operations as quickly as some would suggest

It was also noted that the electronic meeting format comes with a cost and prevents IT personnel from doing other essential tasks.

- *Chairman Jackson: Referred to the due date (June 26, 2020) for real estate taxes and the County will handle reopening the doors for citizens to pay their taxes; discussions have focused on how to block the admin building off solely for those who come to pay their taxes; business appears to be continuing as appropriately as possible; accolades were given to the Building & Zoning Office for their assistance/support to clientele; suggested that the County develop some policies/procedures for staff, the meeting process, etc.*

Economic Development: Tracey Gardner, Economic Development & Tourism Director, advised that statewide tourism welcome centers will be reopened effective June 1st with a Visitor's Center clause; noted that she will assess a way for brochures to be available to visitors into the County.

- *Supervisor Yowell: Suggested that the County rely on input from John Sherer, Emergency Management Services Director, based on input provided from the Virginia Department of Health.*

Mr. Sherer, advised that it's uncertain how quickly the virus may spread based on input from the Virginia Department of Health.

After continued discussions, it was clarified that the County can assess guidelines for overall internal operations (excluding the overall locality) based on input received.

Stephanie Murray, Treasurer, advised of the close quarters in her office and the fact that no more than two (2) people can enter at once (with regard to social distancing) and also that exiting will not allow for the appropriate social distancing guideline (i.e. six [6] feet); she noted that tape markings can be put into place to advise citizens to keep appropriate distancing from one another.

- *Chairman Jackson: Noted that there will situations that won't allow folks to practice social distancing (six feet [6'] apart)); citizens were encouraged to be socially responsible and do the right thing by wearing a mask; suggested the County assess how the guidelines evolve and initiate plans that will be most beneficial for Madison.*

The Finance Director questioned the proposed time frame for the electronic meeting format; she noted that the audio for the electronic meetings is very poor for those who listen; noted that there are remedies to improve the sound quality.

Mr. Sherer, was present and advised that the proposed date to discontinue electronic meetings is June 1, 2020.

- *Chairman Jackson: Advised of the proposed future renovations to the admin building; verbalized disfavor of utilizing county revenues to do extensive upgrades/improvements at the present time; referred to the tremendous budgetary cuts that have been initiated within the FY21 budget; feels the County should be savings funds and only move forward with absolute necessary purchases.*
 - Roger Berry, Director of Facilities, suggested the architects be asked if there is anything that can be purchased now to improve the sound quality and if those items can also be utilized after renovations have been completed.
 - Bruce Livingston, IT staff, noted that the sound quality is much better on the YOU TUBE format as opposed to the "GOTOMEETING" format; a better speaker can be purchased (at a cost of about \$1,200).

It was further reported that the CARES funding should be received by Virginia localities by June 1, 2020.

Old Business

2.Report: Courthouse/War Memorial Building Security System Upgrade (Berry & Livingston): *Discussed under Reports - Constitutional (Clerk of Circuit Court)*

3. Consideration: Emergency Meeting Ordinance (Gregg): The County Attorney advised that the Emergency Meeting Ordinance (ID #2020-10) will need to be extended for six (6) months based on State Code guideline.

The County Administrator advised that the proposed Ordinance triggers an October 27, 2020 public hearing for renewal based on State Code guidelines (i.e. Ordinance can't be initiated past six [6] months).

Supervisor Yowell moved that the Board adopt Ordinance ID #2020-10, seconded by Supervisor Foster.

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

4. Consideration: Random Drug Testing Policy (Hobbs): The County Administrator referred to the original draft document presented at an earlier meeting; additional edits have been initiated for further review by the County Attorney, Emergency Management Services Director and Emergency Medical Services Director. The proposed policy will create a program that would allow random testing of EMS, public safety and E911 call center employees per quarter. A cost estimate of \$200-\$600 annually with no further issues being noted.

Noah Hillstrom, Emergency Medical Services Director, was present to verbalize support of the proposed program.

John Sherer, Emergency Management Services Director, was present and advised that the aforementioned protocol is exercised in several other localities within the State of Virginia.

Supervisor McGhee moved that the Board amend Section 6.4 of the Personnel Policy to implement a random drug check policy for public safety employees as proposed, to be effective immediately, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

5. Consideration: FY21 Budget Resolution (#2020-15) (Costello): The Finance Director provided an updated draft Resolution #2020-15 to adopt the FY21 budget for Madison County that changed by \$604,755, due to the recent adoption of the school board's budget. Figures also reflect all suggestions discussed at the last meeting session. Further discussions will also focus on how the County will move forward with future supplemental appropriations.

- *Chairman Jackson: Advised that the County reconsider reinstating \$25,000 back to the volunteer rescue squad (for a total of \$100,000) and renegotiate the existing contract for the next year.*
- *Supervisor Yowell: Concurred with the aforementioned suggestion made by Chairman Jackson.*
- *Supervisor Hoffman: Advised that she has conversed with Steve Grayson, (Madison Volunteer Rescue Squad) that the Board would reconsider reinstating the \$25,000 and renegotiate the existing agreement.*

The Finance Director advised that the Board will need to adopt the school board's version of the budget.

Suggestions focused on:

- Amending the FY21 budget
- Leave the rescue squad allocation at \$75,000 and supplement the proposed reduction of \$25,000

The Finance Director referred to the two (2) aforementioned options as having the same result, and also noted that the adopted budget can't amended; anything done outside of the adopted budget is considered to be a supplemental appropriation. In closing, she recommended that the County adopt the FY21 budget 'as is', and suggested that a supplement be initiated afterwards.

Supervisor McGhee. moved that the Board adopt Resolution #2020-15, seconded by Supervisor Foster. Accolades were given to all that helped with the FY21 budget process.

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

The Finance Director verbalized concerns as to how the Board would like to appropriate the FY21 budget (i.e. quarterly, biennial) and suggested the Board evaluate whether there is a need to appropriate the budget in portions.

The County Administrator advised that it's anticipated that additional funding cuts will be imposed by the state.

The Treasurer referred to changes initiated within the economy in 2008 that resulted in the County electing to do real estate tax collections every six months as opposed to once annually; County departments were asked at that time to reduce departmental spending. At this time, the County is in a better financial position at the current time, and feels the County must also consider what may transpire in the years to come.

The Finance Director advised that she can compute numbers for one half year appropriations and assess that the last half of the appropriation can be initiated at a time so as to allow for a cash analysis to be initiated along with further evaluation before revenues are depleted.

After discussion, it was suggested that calculations for the appropriation of the FY21 budget be provided to the Board for review at the meeting on June 9, 2020 for a biennial appropriation.

a. Consideration of Updated Floor Plans for the Madison County Administration Center Renovation Project (Hobbs): The County Administrator advised that the architects recently met with staff; the proposed updates appear to be most promising; comments have focused on the details for which a proposed door (i.e. to swing inside instead of swing outside).

Health Department: The County Administrator referred to the health department building and items being proposed by staff that will call for the elimination of a proposed cut through (Treasurer's Office) to be initiated by Building/Zoning staff; edits to a proposed copy room and additional equipment. It was also noted that there is no budget for furniture included with the project and there may be issues with existing furniture in the event that the proposed spaces are too small.

Commissioner of the Revenue: Brian Daniel, Commissioner of the Revenue, was present to advise of a concern to see a change in his office pertaining to the proposed counter space.

Norman Smith of Norman Smith Architecture, Inc., advised that all proposed changes have been reviewed and will be initiated; a follow up session will be scheduled to assess further concerns.

The County Administrator advised that the proposal for an air-locking door is questionable. However, if justified, this may be assessed. Additional concerns were verbalized concerns pertaining to the installation

of a sidewalk between the two buildings, and suggested that all of the proposed work remain for the inside of the building at this time.

New Business:

6. Discussion: Preparing for May 26 Work Session on Capital Project Financing (Hobbs): The County Administrator referred to the County's existing debt and encouraged all Board members to be available to discuss concerns and/or provide input. Additional discussions will focus on:

- Bids received from the banks
- VRA rates
- Representatives from Davenport Financial Services will be asked forward items in advance (for review)

Information was provided from a worksheet estimate for the three (3) main projects. Representatives from Davenport Financial will plan to attend; suggested that the Board meet at 5:00 p.m. to discuss the capital project financing.

After discussion, it was the consensus of the Board to schedule the above referenced work session at 5:00 p.m. on May 26, 2020.

The members were encouraged to provide any questions or concerns for review and/or discussion.

- *Supervisor Yowell: Questioned if it would be possible to have a financing vendor in place following the on May 26th.*

The County Administrator stated that various financing scenarios will be presented for review and assessment.

7. Consideration: Appointments to Social Services Board (Frye): Chairman Jackson advised that one applicant has already served two (2) terms and isn't eligible for reappointment. Two (2) citizens have applied (Jack Cintorino and Scott Alan Bennett).

The Deputy Clerk advised that Valerie Ward, DSS Director, has endorsed Scott Alan Bennett

Supervisor McGhee moved that Scott Alan Bennett be appointed to replace Mr. Joseph Goodall on the DSS Board for a July 1, 2020-June 30, 2024 term, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Information/Correspondence

Monthly Reports: Included in today's meeting documents

The County Administrator advised that employees in the field are very busy during this time.

Public Comment - None

Chairman Jackson called for a five (5) minute recess.

Chairman Jackson reconvened the meeting session.

8. Public Hearing: Proposed Secondary Six-Year Plan for FY20/21 through 2025/26 in Madison County and on the Secondary System Construction Budget for FY 2020-21: Chairman Jackson referred to the County's list of roads on the proposed six-year road improvement plan as noted:

1. Novum Road (Rt. 606) [fully funded this year]
2. Forest Drive (Rt. 671) [fully funded in FY21]
3. Pea Ridge Drive (Rt. 666 [fully funded by FY22]
4. Desert Road (Rt. 606) [fully funded by FY23]
5. Desert Road (Rt. 606) [fully funded by FY 25]
6. Whippoorwill Road

Chairman Jackson read the following letters for the record:

1. William (Billy) C. Hill & Sallie Hill Outten [Forest Drive]:

Dear Sirs and Madams,

We have tried to take a fresh look at the prospect of what the State of Virginia's Rural Rustic Road Program (§ 33.2-332 of the Code of Virginia) would do for our neighbors. We recognize that there is a dust problem at different times of the year that would be solved by implementing this program.

VDOT has done a superior job of maintaining and specifically crowning Rural Route 671 (Forest Dr.) so much so that over a recent night we received 4.5 inches of rain and by 11:00AM the following morning the road was dry and in perfect condition.

Our family has agreed that we will go along with the Rural Rustic Road Program (§ 33.2-332 of the Code of Virginia) and its specifications exactly as stated and try to be helpful in its implementation as long as the entire length of the road is included in the improvement plan, no additional right of way is required, and that the speed limit, as per § 33.2-332 of the Code of Virginia, of 35 miles per hour is enforced.

Sincerely,

Chairman Jackson: Advised that he has conversed with William (Bill) Sanford (Forest Drive), who has also verbalized support of including Forest Drive in the Rural Rustic Road Program for paving.

2. Letter from Mrs. Arlene Aylor (237 Emmett Road, Etlan, VA 22719) [Emmett Road]:

Dear Members of the Board of Supervisors,

I live in Etlan. My driveway is off of Emmett Road. There is a ¼ mile of Emmett Road stretching from the low water bridge to Etlan Road that is unpaved. This portion of the road washes terribly. VDOT regularly has to send a grader and loads of gravel to repair this stretch. I ask that this segment of Emmett Road be placed on the six-year plan for paving.

I understand that the public hearing on the Secondary Six-Year Plan for Fiscal Years 2020/21 through 2025/26 is Tuesday, May 12th. Considering that I cannot attend in person, I respectfully request that this correspondence be read into the record.

Thank you.

Regards,

Chairman Jackson: Referred to other techniques utilized by VDOT in the past to remedy the roadway problems verbalized by Ms. Aylor.

Carrie Shephard, VDOT Residency Engineer, (entered electronically) and advised that tele-fee funds could be utilized, but VDOT must first review the roadway and develop and estimate of total costs before anything can be determined for submission.

- *Chairman Jackson: Further questioned if it would be appropriate to add the road to the existing six-year road improvement plan or is this something that should be left off and left to be address through the use of Telefee funds.*

To which Ms. Shephard indicated could be assessed through both options discussed; however, she further suggested that the road be added with the thought that an adjustment could be initiated at a later time. She further notes that Alan Saunders, VDOT Representative, advised that a citizen has verbalized concerns regarding Walker's Mill Road and a desire that the road be added to the Rural Rustic Road Project Plan for paving.

The floor of the public hearing was open to the public. With no additional comments being brought forth, the public hearing session was closed.

Supervisor McGhee moved that the Board approve Resolution #2020-16, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

9. Review of Current Road Issues (Carrie Shephard, VDOT Resident Engineer): The County Administrator advised of the following road issues noted in Madison County:

VDOT Projects and Maintenance Items
Current April 20, 2020
[Link to VDOT Road Map for Madison County](#)

Location/Issue	Status
SMART SCALE Projects	
1. US29 at Shelby Road (Shelby Road R-CUT)	Funded & under design; anticipate ad date late 2022
2. SR231 at Fairgrounds Road (Pratts Intersection)	Preliminary application filed; updated study underway
Safety and Project Studies	
3. SR15 & Oak Park Road	Potential safety improvements are being studied by VDOT
4. SR231 & Cedar Hill Road	Safety re left turn toward Town of Madison discussed with Saunders on
5. SR230 Passing Zone	Study discussed at 2/11/20 BoS meeting
6. Raceground Road Speed Study	Preliminary research conducted but no study requested
7. Kinderhook Road Speed Study	A portion of the road changed to 45 mph; signs installed.

Maintenance Tasks

8. Wayland’s Mill Rd/SR618 Gravel & Grading Potential work being investigated

Pending VDOT Projects

- 9. Novum Road Rural Rustic Road Project Resolution 2019-16 approved on December 10, 2019
- 10. Nethers Road Bridge Replacement Ad date TBD
- 11. US29 at Fairgrounds Road New right turn Study by VDOT underway per request at September 10, 2019 BOS
- 12. Walkers Mill Lane/SR663 Verified as a qualified Rural Rustic road program candidate

6-year secondary road plan Public hearing on May 12, 2020; candidate roads include: Novum Road/SR606; Forest Drive/SR671; Pea Ridge Drive/SR666; Desert Road/SR606(Phase 1?); Desert Road/SR606(Phase 2?); Whippoorwill Road/SR603

Ongoing Issues VDOT involvement in development reviews (subdivisions, site plans, special use permits & rezoning)

Ms. Shephard advised of crash data history on:

Rt. 230 (Pratts): VDOT recommended that a roundabout be installed to improve safety; study showed that the area for the proposed roundabout wouldn't accommodate larger vehicles. Changes were made and an application was submitted; concept drawing was revised and resubmitted; the proposed revision would increase the overall cost but would also reduce the safety risks. In closing, she noted that Chuck Proctor, VDOT representative, recommended that the County move forward with the proposed sketch with increased cost and moderate safety risk. It's felt that if the submission is too conservative, there is a risk that the proposal will not be competitive. The County has until August 3, 2020 to submit a proposal.

Ligon Webb, County Planner, was present and advised that he was informed that all pre-apps were in place and that a resolution would be needed.

Discussions focused on:

- Whether the proposed project would receive a higher score (as a smart scale project) due to the lower cost and/or a better cost/ratio benefit
- The fact that a lot of truck traffic travels through the Pratts intersection

To which Ms. Shephard advised that the proposal outline will not impose a greater increase for right-of-way costs, and will also allow traffic trailers to move through the roundabout while traveling on the outside of the roundabout circle. In closing, she further advised that Chuck Proctor, VDOT Representative, will be consulted to provide input on additional concerns discussed in regards to Round 3 and Round 4 of the Smart Scale Project proposal.

After discussion, it was the consensus to request that Ms. Shephard attend the meeting scheduled for June 9, 2020.

Oak Park:

Chairman Jackson advised that the area in question is now being repaved. The County Administrator advised of concerns regarding limited site distance on an awkward curve. Supervisor McGhee: Referred to the portion of Rt. 15 (traveling to Culpeper) where there is a curve when turning to travel to Oak Park.

Cedar Hill Road: Left turning lane in the Town of Madison and poor vertical site distance at Cedar Hill Rd. and Rt. 231 (right turn).

Walker's Bottom (Rt. 230) passing zone:

Chairman Jackson referred to the fact that Alan Saunders indicated that he would research the area in question that involves a passing zone being in front of a farmer's driveway (heading towards the Town of Orange) [contact information for the owner will be provided].

Raceground Road: *Will be removed (no issues have been reported).*

Kinderhook Road: *Will be removed (will converse with law enforcement).*

Ms. Shepherd advised that she will research the above referenced concerns (i.e. Cedar Hill Road and Oak Park Road).

Wayland's Mill Road: Maintenance issue noted (gravel and grading needed)

Novum Road Project: Project was noted as being listed for Culpeper (and not Madison); project will be assessed.

Nethers Road: Issues regarding a bridge that's in place (near Old Rag Mountain).

Fairgrounds Road: Request to assess installing a right turning lane from Fairgrounds Road onto Rt. 29 N. (no free right turn in place) [can possibly be a maintenance project]).

Ms. Shepherd advised that the budget for maintenance funds has been significantly slashed for the next year; unsure if there will be enough funding to initiate the concern; feels this may be an applicable project for Telefee funds in the future; an estimate on the work will be required to assess if there is sufficient funding to initiate any improvements.

Walker's Mill Lane: Was verified as a possible rural rustic program opportunity; questioned if this road could qualify for inclusion in the rural rustic road program., based on VDOT assessment.

Supervisor McGhee: Noted that the traffic count is 40-70 trips per day.

Additional concerns focused on VDOT involvement in the development/review processes with the local six-year road improvement plan., site plans and subdivision review items.

Ligon Webb, County Planner, was present and advised that all requests are being send to Adam Moore, VDOT representative (Charlottesville Residency Office), for review/consideration.

In closing, Ms. Shepherd advised that she will assess concerns regarding Kinderhook Road and Racegrouds Road. converse with Chuck Proctor on Round 3 and Round 4 of the Pratts project and attain input on the other County roadways discussed during today's report.

Closed Session - None

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:

Regular Agenda:

Ordinance ID #2020-10 (May 12, 2020)

Resolution #2020-15 [To Appropriate the FY20 Madison County Capital Budget for April 2020]

Resolution #2020-16 [Approve the 2020/21 through 2025/26 Six-Year Road Improvement Plan for Madison County]

Ordinance #2020-10

**AN EMERGENCY UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO ASSURE CONTINUITY IN
MADISON COUNTY GOVERNMENT
AND CONDUCT OF BOARD OF SUPERVISORS MEETINGS DURING THE NOVEL CORONAVIRUS DISEASE
2019 (COVID-19) EMERGENCY
#2020-10**

AN EMERGENCY UNCODIFIED ORDINANCE to establish methods to assure continuity in Madison County government and conduct of Board of Supervisors meetings during the COVID-19 Emergency, as authorized by Virginia Code §§ 15.2-1413 and -1427.

Be it ordained by the Board of Supervisors of Madison County:

1. ***That the following uncodified ordinance is hereby adopted:***

A. Purpose of the Ordinance.

This ordinance establishes methods to assure continuity in Madison County government, including the Board of Supervisors' procedures for meetings, during the COVID-19 emergency. These provisions are intended to ensure the Board of Supervisors' ability to conduct necessary public business in a manner consistent with Virginia state law and federal, state, and local health directives and guidance, all while maintaining transparency and public participation to the greatest extent feasible.

This ordinance is being adopted in response to the COVID-19 outbreak. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a National Emergency beginning March 1, 2020. On March 12, 2020, Governor Ralph Northam issued a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19). The Governor declared the emergency "to continue to prepare and coordinate our response to the potential spread of COVID-19, a communicable disease of public health threat" and he found that "[t]he anticipated effects of COVID-19 constitute a disaster as described in § 44 146.16 of the Code of Virginia." The Governor's Declaration of a State of Emergency remains in effect until June 10, 2020, unless sooner amended or rescinded. Effective March 16, 2020, Governor Northam and the State Health Commissioner jointly issued an Order declaring a state public health emergency. On March 13, 2020, the Madison County Director of Emergency Management, with the consent of the Board of Supervisors, declared a local state of emergency due to the potential spread of COVID-19. The local Declaration of Emergency remains in effect until the Board of Supervisors takes appropriate action to end the declared emergency.

The Public Health Emergency Order issued jointly by the Governor and the State Health Commissioner effective March 16, 2020, consistent with all other expert opinions, observes that COVID-19 spreads from person to person, transmitted via respiratory droplets, and can be spread from an infected person who does not have symptoms to another person. No vaccine or known treatment options exist at this time.

B. Virginia Statutory Authority for the Ordinance.

Virginia Code § 15.2 1413 authorizes localities to adopt an ordinance to "provide a method to assure continuity in its government, in the event of an enemy attack or other disaster," "[n]otwithstanding any contrary provision of law, general or special." The Governor's Declaration of a State of Emergency found that "[t]he anticipated effects of COVID-19 constitute a disaster as described in § 44 146.16 of the Code of Virginia."

Virginia Code § 15.2 1427 authorizes counties to adopt emergency ordinances without prior notice; however, no such ordinance may be enforced for more than 60 days unless readopted in conformity with the provisions of the Virginia Code.

Virginia Code § 2.2 3708.2(A)(3) allows the Board of Supervisors to meet via electronic communications without a quorum physically assembled together "when the Governor has declared a state of emergency," "the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location," and "the purpose of the meeting is to address the emergency." Public notice must be given using the best available method, in light of the nature of the emergency, and it must be provided contemporaneously with the notice provided to the members of the public body. Finally, arrangements must be made for the public to access the meeting.

Virginia Code § 2.2 3708.2(A)(l) allows members of the Board of Supervisors to participate in a meeting via electronic communications if (1) it has a written policy allowing for such electronic participation; (2) a quorum of the Board of Supervisors is physically assembled at the primary meeting location; (3) the Board of Supervisors makes arrangements for the voice of the remote participant to be heard by all persons at the primary location; and (4) any member requesting remote participation is unable to attend the meeting due either to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, or to a personal matter that is identified with specificity.

C. Definitions.

"Continuity in Madison County government" includes, without limitation, those actions, and the coordination of actions, that are necessary to assure the continuation of the County's essential functions and services.

"Electronic communication" means the use of technology having electrical, telephonic, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means the outbreak of the respiratory illness referred to as the novel coronavirus or COVID-19, as described in the Governor's Declaration of a State of Emergency and the local Declaration of Emergency, and the spread and effects of COVID- 19, which constitute a disaster as defined in Virginia Code§ 44-146.16.

"Meeting" means a regular meeting of the Board of Supervisors as established on the schedule approved by the Board of Supervisors at its 2020 Annual Meeting on January 2, 2020, the meetings of any Board of Supervisors Committee, the Planning Commission, and any special or emergency meeting called as allowed by Virginia Code§§ 15.2 1417 and 1418.

"Usual procedures" means the requirements and procedures established by the Virginia Freedom of Information Act for public meetings, including remote participation by a Board member as long as a quorum of the Board is physically assembled at the meeting location, as allowed by Virginia Code§ 2.2 3708.2(A)(l) and the policy adopted by the Board on March 26, 2020.

D. Board of Supervisors' Meeting Procedures.

- 1. For any meeting at which the Board of Supervisors transacts public business with any purpose other than addressing the emergency or assuring continuity in Madison County government, the Board of Supervisors will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act.*
- 2. If the purpose of a meeting of the Board of Supervisors is to address the emergency, the Board of Supervisors will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act unless, in the judgment of the Chairman, the catastrophic nature of the declared emergency makes it impracticable or unsafe to physically assemble a quorum at one location, in which case the Board will meet solely through electronic communication means to discuss the emergency in accordance with the emergency procedures established by FOIA and specifically Virginia Code§ 2.2 3708.2(A)(3). In no event shall any action be taken by the Board in an electronic meeting unless a quorum is participating remotely. If the Board follows the procedures established by Virginia Code§ 2.2 3708.2(A)(3), the Board will state on the record the nature of the emergency, the fact that the meeting is being held electronically, and the type of electronic communication means being used, and the Board will make arrangement for public access to the meeting.*
- 3. (A) In addition, if any meeting or any part of a meeting of the Board of Supervisors is being conducted for the purpose of assuring continuity in Madison County government, the Board of Supervisors will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act to the extent possible.*
(B) If, in the judgment of the Chairman, items proposed to be considered are necessary to assure continuity in Madison County government and the usual procedures cannot be implemented safely or practically, then, under the authority granted to the Board by Virginia Code§ 15.2 1413, the method by which the Board will conduct any meeting to consider the items will be as follows.
(1) The meeting may be held solely through electronic communication means without a quorum of members physically assembled at one location, but only after notice of the meeting is given in accordance with applicable laws. In no

event shall any action be taken by the Board in an electronic meeting unless a quorum is participating either in-person or remotely.

- (2) The meeting may be held without permitting members of the public to be physically present in the same location as any of the Board members, but alternative arrangements for public access will be made. Such alternative public access may be through electronic communication, including but not limited to audio, telephonic, or video broadcast.
- (3) Before action may be taken on any item, the Board must first approve that the item or items are necessary to assure continuity in Madison County government and that the usual procedures cannot be implemented safely or practically. A motion may be made and voted upon before each item or as to the entire agenda, as may be determined by the Chairman.
- (4) For any such matter requiring a public hearing by law, public comment will be solicited and received via written or electronic communication prior to the vote on the matter. All such comments will be provided to the members of the Board and made a part of the record of the meeting.

E. Suspension of Certain Policies.

Any policies or procedures previously adopted by the Board are suspended to the extent they are inconsistent with this Ordinance.

- 2. That this ordinance will become effective upon adoption.
- 3. That this ordinance is being adopted on an emergency basis as allowed by Virginia Code § 15.2 1427(F), and may be enforced for no more than 60 days from the date of adoption, unless the Board readopts this ordinance in conformity with all applicable provisions of state law and following the procedures established in this ordinance.
- 4. That the Clerk for the Board of Supervisors will schedule a public hearing on April 28, 2020, at which the Board will consider readopting this ordinance or a similar ordinance that assures continuity in Madison County Government during the COVID-19 pandemic. Such ordinance will be limited in its effect to a period not exceeding six months after the emergency and will provide for a method for the resumption of normal governmental authority by the end of the six-month period. The Clerk will publish descriptive notice of the Board's intention to propose the ordinance for passage once a week for two successive weeks as required by Virginia Code §15.2 1427.

CERTIFICATION OF ADOPTION OF ORDINANCE

The undersigned Chairman of the Board of Supervisors of the County Madison, Virginia hereby certifies that the Ordinance set forth above was adopted during an open meeting on the 12th day of May, 2020, by the Board of Supervisors.

RESOLUTION# 2020-15

RESOLUTION TO ADOPT THE FISCAL 2021 MADISON COUNTY BUDGET

WHEREAS, the Fiscal Year 2021 Budget has been duly prepared and fully considered by the Board of Supervisors; and

WHEREAS, numerous budget work sessions, open to the general public, have been conducted; and

WHEREAS, in accordance with the Code of Virginia, a Public Hearing on the Fiscal Year 2021 Budget was conducted on April 14, 2020; and

WHEREAS, the Board of Supervisors has evaluated existing commitments, public education and public safety needs, as well as numerous other services and programs desired by the citizens of Madison County; NOW, THEREFORE, BE IT RESOLVED on this 12th day of May, 2020, that the Madison County Board of Supervisors hereby approves and adopts the Fiscal Year 2021 Budget as summarized below:

Operating Budget

General Operations	\$ 25,683,467
School Operations	20,574,446
School Food Services	896,500
Social Services (VPA)	3,055,938
Children's Services Act (CSA)	,750,000
County Debt Service	1,750,787
Transient Occupancy Tax (TOT) Fund	<u>105,000</u>
Gross Budgeted Operational Expenditures:	\$ 54,816,138
Less Transfers:	
School-Operational	\$ 9,754,720
County Debt Service	1,750,787
Children's Services Act (CSA)	921,464
Social Services (VPA)	517,334
TOT Fund (to GF)	<u>55,000</u>
Total Transfers:	\$ 12,999,305
Net Budgeted Operational Expenditures	\$ 41,816,833

Capital Budget

General Operations	\$ 13,572,843
County Capital Projects Fund	5,866,479
School Capital Projects Fund	<u>7,862,640</u>
Gross Budgeted Capital Expenditures	\$ 27,301,962
Less Transfers:	
County Capital Projects Fund (from GF)	5,866,479
School Capital Projects Fund (from GF)	7,862,640
Total Transfers:	<u>13,729,119</u>
Net Budgeted Capital Expenditures	<u>\$ 13,572,843</u>

RESOLUTION #2020-16

At a Regular Meeting of the Madison County Board of Supervisors held at the Madison County Administrator Center Auditorium located at 414 N. Main Street, Madison, Virginia, on Tuesday, May 12, 2020:

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six Year Road Plan;

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2020-2021 through 2025-2026) as well as the Secondary System Construction Budget for Fiscal Year 2020-21, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Construction Budget for FY2020-21.

WHEREAS, Carrie, Shephard, Resident Engineer, Virginia Department of Transportation, appeared before the board and recommended approval of the Six Year Plan for Secondary Roads (2019-20 and 2024-2025) and the Secondary System Construction Budget for FY2019/20 for Madison County, Virginia.

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interest of the Secondary Road System in Madison County and of the citizens residing in the Secondary System, and said Secondary Six Year Plan (2020/21 through 2025/26) Secondary System Construction Budget for Fiscal Year 2020/21 are hereby approved on this 12th say of May, 2020, on motion of Supervisor McGhee, seconded by Supervisor Foster.



Agenda
Regular Meeting
Madison County Board of Supervisors
Tuesday, May 12, 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 & Determination of Quorum Consideration of the Proposed Agenda/Adoption of the Consent Agenda

- 5. A. April 28, 2020 meeting minutes
- A. May 6, 2020 meeting minutes
- B. [Approval of Supplemental Appropriation#52 to receive a \\$25 donation to the Sheriff's Department.](#) Budget adjustments

Public Comment

**Special Appearances
Reports**

- A. Constitutional Officers
- B. Board & Committees
- C. Departments
- D. County Administrator

Old Business

- 2. Report: Courthouse/War Memorial Building Security System Upgrade (Berry & Livingston)
- 3. Consideration: Emergency Meeting Ordinance (Gregg) *revised edition*
- 4. Consideration: Random Drug Testing Policy (Hobbs)
- 5. Consideration: FY21 Budget Resolution (Costello) **revised school budget, appropriation, post-COVID revisions**

5a. Consideration of Updated Floor Plans for the Madison County Administration Center renovation project (Hobbs)

New Business

- 6. Discussion: Preparation for May 26 Workession on Capital Project Financing (Hobbs)
- 7. Consideration: Appointments to Social Services Board (Frye)

Information/Correspondence (*Recognize written monthly reports on memory sticks*)

Public Comment

- 8. Public Hearing: Proposed Secondary Six-Year Plan for Fiscal Years 2020/21 through 2025/26 in Madison County and on the Secondary System Construction Budget for Fiscal Year 2020/21
- 9. Review of Current Road Issues (Carrie Shepheard, VDOT Resident Engineer)

Closed Session

Adjourn to May 26 at 5 PM for the Davenport presentation on project financing

Public Comment

Closed Session

Adjourn

AMENDMENT(S) DENOTED IN ROYAL BLUE

**BOARD OF SUPERVISORS
COUNTY OF MADISON**

PROPOSED SUPPLEMENTAL APPROPRIATION

DATE: 5/26/2020

FY2020

Type of Supplement	
<input type="checkbox"/>	Interdepartmental transfer (same fund)
<input type="checkbox"/>	Interfund transfer
<input type="checkbox"/>	Revenue/Expense offset
<input checked="" type="checkbox"/>	Use of contingency
<input type="checkbox"/>	Other use of fund balance not in original budget

PURPOSE: To appropriate funds from contingency to pay for additional costs on Knighthawk Security Systems contract previously approved by Board

GL Account Reference	Account type	Fund Name	Department	Object Code/Source	Debit	Credit
10-09-91-91100-9200	Exp	GF	Contingency reserve	Contingency- genl		2,350.00
10-03-31-31401-8118	Exp	GF	E911	security system	2,350.00	
					<u>2,350.00</u>	<u>2,350.00</u>

Note: A debit charged to a budgeted expense line increases the appropriated expense; a credit charged to a budgeted expense line item decreases the appropriated expense. A credit charged to a budgeted revenue line item increases the anticipated revenue available.

MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

Agenda Item #2.

- MEETING DATE:** May 26, 2020
- AGENDA TITLE:** Presentation: Animal Control Policy
- INDICATED MOTION(s):** N/A
- 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. Staff suggests that the current edition of an animal control policy is ready for review by all interested parties and would bring a refined edition back to the Board – with outstanding issues identified and clearly articulated - before asking for approval. Staff hopes to make progress on this such that the Board will be able to hold its hearing on an ordinance amendment and approve a final edition before the end of July.
- 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:** The Board is aware that one element of resolving the animal shelter/animal control issue is updating policies. With the required medical piece resolved, focus has shifted to the animal control arena under the concept of supporting a better segregation between the animal control effort and the animal shelter program in the near future.
- The current edition of the draft policy has been reformatted and supplemented vs the other recent editions and incorporates an updated animal control ordinance prepared by the County Attorney.
- Staff suggests routing this document to known interested parties such as the County Attorney, the Commonwealth’s Attorney, the Sheriff, the Shelter Veterinarian and local individuals and groups interested in the topic with a request for each to review the document. The Chief Animal Control / Shelter Manager would serve as the clearinghouse agent for those comments.
- FISCAL IMPACT:** None
- REFERENCES:** N/A
- HISTORY:** N/A
- RECOMMENDATION:** Pending instructions from the Board otherwise, staff will post the draft document on the County web site and request comments before mid-June. Depending on what is received, a report at the second June meeting should be expected.
- ENCLOSURES:** Draft Animal Control Policy (May 19, 2020 edition, including a proposed updated animal control ordinance)

Madison County, Virginia Animal Control Policy

Draft • May 19, 2020

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A. Feral Cats 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.

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 feral 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 feral 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 feral 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 feral 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.

B. 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 and the law enforcement agency who issued the order.

C. County Ordinances

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.*

Animals and Fowl Ordinances

Article I. In General Provisions

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 meanings as those set forth in the Virginia Code, including without limitation, Sections 3.2-5900; and 32-6540. 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 canine 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.

A 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. Animal Control will review complaints regarding cats and respond as necessary when the complaint is considered an emergency such as a risk to public safety, a risk to the animal's health or safety, or if the animal is sick or injured.

(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.

- (c) 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 (§ 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 ten days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee in an amount set by ordinance of the county board of supervisors, 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 the same fee 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. hat 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.

- (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, § 3.2-6540(J), within 45 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, § 3.2-6540(Q).

(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 Virginia Code Section 3.2-6548, 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 any 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 sanitarily 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)

Sec. 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)

D. 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:
Madison County

ANIMAL CUSTODY RECORD
This form includes all mandated information as required by §3.2-6557.B of the Code of Virginia.

Ever Bitten: Yes / No Explain:

ANIMAL ID		CUSTODY DATE	___ / ___ / 20___	TIME	AM / PM
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REASON FOR CUSTODY (mark appropriate box) **LOCATION WHERE CUSTODY WAS TAKEN**

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		

OWNER'S NAME & ADDRESS (if known) **ADDITIONAL INFORMATION**

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ANIMAL DESCRIPTION

Species	Breed	Color/markings	Sex	Approx. Age	Approx. Weight	Other

ANIMAL IDENTIFICATION (check for all forms and complete all boxes. If not found, write NONE)

City/county License number	Rabies tag Number	Tattoo	Collar (color, type, etc.)	Other identification (microchip, ID tag, etc.)

Date of bite:

CUSTODY RECORD PREPARED BY: **DATE:** ___ / ___ / 20___

Signature & title

DISPOSITION OF ANIMAL **DATE:** ___ / ___ / 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

*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

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: _____

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

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: _____

~~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.~~

Animals and Fowl Ordinances

Article I. In General Provisions

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~~meanings as those set forth in ~~the~~ Virginia Code ~~Section, including without limitation, Sections 3.1-796.662-5900; and 32-6540.~~ Such definitions are hereby adopted and incorporated in this chapter by reference. In addition, the following ~~terms and phrases shall have the following Meanings~~ ~~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~~canine 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.

~~Pursuant to Virginia Code Section 3.1-796.128,~~ A 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, ~~control of dangerous and vicious dogs of this chapter,~~ 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 ~~Virginia Code Section 3.1-796.104:1. The~~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 ~~Virginia Code Section 3.1-796.104.~~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, ~~control of dangerous and vicious dogs~~ 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)

~~If any article or section of this ordinance is declared invalid or unenforceable, the remaining articles or sections of this ordinance shall not be affected thereby, and such remaining articles or sections shall continue in full force and effect.~~

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-Code Section, § 3.1-796.97:12-6521A, the owner of all dogs and ~~domesticated~~ 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-Code Section, § 3.1-796.97:2-6526(B), no license tag shall be issued for any dog unless there is presented, to the treasurer or a ~~designated~~ 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 ~~onee~~ per year 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) ~~Dogs or cats showing active signs of rabies or suspected of having rabies that is not~~ Pursuant to Code of Virginia-Code Section, § 3.2-6522, when there is sufficient reason to believe that a rabid animal is at large, the ~~Madison County Board of Supervisors~~ 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 ~~thirty (30)~~ days unless renewed by the ~~Madison County Board~~ board of supervisors 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~~ state veterinarian as provided in Code of Virginia Code Section, § 3.1-796.96-2-6546. 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 ~~apparently afflicted with~~ that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the ~~Madison County Health Department~~ 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 ~~pound~~ public animal shelter, kennel or enclosure approved by the ~~Madison County Board~~ county board of ~~Supervisors~~ 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. ~~However, if confinement is not feasible, the dog or cat shall be humanely euthanized by one of the methods approved by the State Veterinarian as provided in Virginia Code Section 3.1-796.96.~~ 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 other site as may be approved by the Madison County Health Department, for a period of ninety (90) days~~ 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 ~~Director of the Madison County Health Department~~ local health director, any animal that has bitten a person shall be confined under competent observation for ten ~~(10) days~~ days at the expense of the owner or custodian, unless the animal develops active symptoms of rabies ~~or, expires, or is euthanized~~ before that time. A seriously injured or sick animal may be humanely euthanized as provided in Code of Virginia Code Section, § 3.1-796.96, ~~and its head sent to the Division of Consolidated Laboratory Services of the Department of General Services, or the Madison County Health Department, for evaluation~~ 2-6546.
- (e) When any ~~potentially~~ 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 ~~confined~~ at the discretion of the ~~Madison County Health Director in a manner approved by the Health Department or~~ humanely euthanized ~~local health director and may include euthanasia~~ as provided in Code of Virginia Code Section, § 3.1-796.96 and its head sent to the ~~Division of Consolidated Laboratory Services of the Department of General Services or the Madison County Health Department for evaluation. 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 ~~believed~~ suspected to be ~~afflicted with rabies;~~ rabid, decisions regarding that newly exposed animal shall be ~~confined~~ at the discretion of the ~~Madison County Health Director in a manner approved by the Madison County Health Department or~~ humanely euthanized as provided in Virginia Code Section 3.1-796.96 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 of public animal shelter.

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. Animal Control will review complaints regarding cats and respond as necessary when the complaint is considered an emergency such as a risk to public safety, a risk to the animal's health or safety, or if the animal is sick or injured.

(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 ~~16~~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.

(c) 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 ~~\$400~~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, ~~the~~ Title 19.2, ch. 15, art. 4 (§ 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 ten days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee in an amount set by ordinance of ~~\$50~~ the county board of supervisors, 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 the same fee 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, § ~~3.1-796.93:3;2-~~6540(J), within 45 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, § ~~3.1-796.104:1.2-6540(Q)~~.

(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 Virginia Code Section ~~3.1-796.96~~2-6548, 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 any 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 ~~deliver~~adopt more than two animals or a family of animals during any 30- day period to any one person in accordance with ~~Code of Virginia, § 3.1-796.96.3223~~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—Code Section, § 3.1-796.732-6504, any person who knowingly abandons or deserts, forsakes, or absolutely gives up without having secured another owner or custodian any cat, dog, or other ~~domesticated~~companion animal or fowl in any public place, including ~~but not limited to~~ the right-of-way of any public highway, road, or street, or on any property of another shall be guilty of a Class ~~3~~1 misdemeanor.

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

Sec. 6-180. Disposal of dead animals.

Pursuant to Code of Virginia—Code Section, § 3.1-796.1212-6554, the owner of any companion animal, ~~which has died from disease or other cause~~, shall forthwith cremate, bury or sanitarily dispose or render the ~~same~~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 ~~companion~~ 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)

Sec. 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)

MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

Agenda Item #3.

- MEETING DATE:** May 26, 2020
- AGENDA TITLE:** Consideration: Madison County Rescue Squad Contracts Negotiation
- INDICATED MOTION(s):** I move (1) that the Board of Supervisors pursue reviewing and updating all agreements between Madison County and the Madison County Rescue Squad such that a new contract will be in effect as of June 30, 2021 and (2) to officially request that the Madison County Rescue Squad participate in negotiations with the goal of agreeing upon an improved arrangement.
- STAFF LEAD:** Emergency Medical Services Chief Noah Hillstrom
- TIMING:** This agenda item is intended to follow up on the restoration of “ambulance rent” funding conversation at the May 12, 2020 Board meeting.
- Madison County has a series of contracts, arrangements and understandings with the Madison County Rescue Squad. Since written agreements have different notice of termination dates, staff proposes that the County work on a complete updating of all County-MCRS agreements during the upcoming fiscal year.
- DISCUSSION:** The series of “deals” the County has with the squad are old and based on circumstances that existed decades ago, and in certain circumstances the actual practice does not reflect the language in written documents (or what the document may or may not have been intended to accomplish).
- The County’s EMS operation has dramatically changed over the last few years in areas such as new management, purchase of County-owned ambulances, staffing increases in response to higher service level expectations, and facilities.
- Both EMS and the squad have faced challenges in the areas of staff retention and recruitment, funding and meeting ever-increasing regulations.
- In short, an updating/re-setting – or at least a formal re-examination - of the County-MCRS relationship is needed. This would be a time-consuming endeavor and would involve many stakeholders, with known interrelated issues too numerous to enumerate or analyze at this time.
- FISCAL IMPACT:** TBD
- REFERENCES:** Various contracts, arrangements and undocumented “understandings”
- HISTORY:** N/A
- RECOMMENDATION:** Following Board conversation on the issue, and assuming the Board is comfortable with the action, pass the indicated motion.
- ENCLOSURES:** Summary of EMS Documents to Renegotiate with MCRS (May 20, 2020 edition)

Summary of EMS Documents to Renegotiate with MCRS May 20, 2020

1. Agreement for Emergency Medical Services Between the Madison County Rescue Squad and the Madison County Board of Supervisors (February 8, 2000)

Articulates the terms of a volunteer/career partnership with the goal of delivering effective and efficient delivery of emergency medical services to County citizens. MCRS would provide 24/7 staffing “so far as possible” and the County would provide career personnel 5A-7P M-F. Multiple sections are out of date and do not reflect current practice. The agreement specifies a 6-month notice of termination.

2. Ambulance Use Agreement (February 20, 2009, Amended June 10, 2012)

County has the right to utilize two viable MCRS-owned ambulances, and County may bill for service when two or more County employees assigned to such ambulance are responding. County would pay MCRS a \$100,000/yr fee for this plus the cost of all fuel used by County EMS and MCRS (subject to appropriation). Note that the County recently began picking up the cost of MCRS medical supplies via a budget adjustment that is not articulated in any written agreement. The agreement renews each July 1 except that if MCRS desires to terminate it must give notice by January 1 of the then-current lease term.

The first amendment adjusted the County staffing requirement for billing to one County employee until MCRS began billing for service.

3. Rescue Squad building fund-use agreement (November 12, 2013)

Agreement for County to provide \$150,000/yr for four years starting in FY14; MCRS agrees to provide adequate space to Madison EMS for the complete operation now and into the future at no charge. MCRS would commence construction on the new building within 7 years or funds would be returned to the County.

4. Staffing Agreement (June 10, 2019)

County provides two ALS ambulance staffing 24/7; MCRS would provide BLS staffing per their established EMS Response Plan; communication is supposed to occur daily at 6 PM.

See also:

- Resolution Authorizing the Acceptance Grants (August 11, 2011)
- Ordinance #2010-6 Emergency Medical Services Cost Recovery (June 8, 2010)
- Resolution #2011-20 Schedule of Fees for EMS Vehicle Transport Services (November 2, 2011)
- Preventive Maintenance Agreement for Generator at Rescue Squad Building (December 7, 2016)
- AMB ambulance billing services agreement (May 22, 2018)

County Administrator

Frank Thomas
Interim County Attorney

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

Chair

R. Clay Jackson

Vice-Chair

Jonathon Weakley

BOARD MEMBERS

Kevin McGhee
Charlotte Hoffman
Amber Foster

Madison County Board of Supervisors

VERIFICATION OF AUTHORITY FOR AN INDIVIDUAL OR ORGANIZATION TO PURCHASE AND RECEIVE SHIPMENT OF AERIAL FIREWORKS FOR DISPLAY OR ENTERTAINMENT PURPOSES

By signature below, the Chairman of the Madison County Board of Supervisors of Madison County, Virginia, confirms that:

- Graves Mountain Lodge, Inc. has notified the County that it will conduct a fireworks display at Syringa, Virginia, 22743, on 7/4, 2020 beginning at 9:00 a.m. (p.m.) and end prior to 11:30 p.m.
- The County of Madison has no local ordinance imposing regulations on the storage, use, display or sale of fireworks. The proposed fireworks display, and any shipment of fireworks to Graves Mtn Lodge, Inc. for that display, is lawful under our local ordinances.*

By: _____

Title: Chairman
Madison County Board of
Supervisors

Date: _____

cc: Sheriff
E911
EMS

* The County of Madison **requires** individuals and organizations who will be conducting a fireworks display to comply with the minimum terms and conditions set forth in the Virginia Statewide Fire Prevention Code (SFPC) and the referenced NFPA 11-23-00 standard governing the use, storage and firing of display fireworks.

948-4705

Agenda Item #4.
County Administrator

Chair
R. Clay Jackson

Vice-Chair
Amber Foster

BOARD MEMBERS
Jonathon Weakley
Kevin McGhee
Charlotte Hoffman

Madison County Board of Supervisors



Sean Greg
County Attorney

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

VERIFICATION OF AUTHORITY FOR AN INDIVIDUAL OR ORGANIZATION TO PURCHASE AND RECEIVE SHIPMENT OF AERIAL FIREWORKS FOR DISPLAY OR ENTERTAINMENT PURPOSES

By signature below, the Chairman of the Madison County Board of Supervisors of Madison County, Virginia, confirms that:

- Rew Hall has notified the County that it will conduct a firework display at 936 Little Church Lane Virginia, 22727, on 7/4, 2020 beginning at 9:00 a.m. 9:00 p.m. and end prior to 11:30 p.m.
- The County of Madison has no local ordinance imposing regulations on the storage, use, display or sale of fireworks. The proposed fireworks display, and any shipment of fireworks to _____, for that display, is lawful under our local ordinances.*

By: _____
Title: Chairman
Madison County Board of
Supervisors

Date: _____

cc: Sheriff
E911
EMS

* The County of Madison requires individuals and organizations who will be conducting a fireworks display to comply with the minimum terms and conditions set forth in the Virginia Statewide Fire Prevention Code (SFPC) and the referenced NFPA 11-23-00 standard governing the use, storage and firing of display fireworks.

Fireworks information scraped from the Virginia Department of Fire Programs (state fire marshal's) web site at <https://www.vafire.com/state-fire-marshals-office/permits/fireworks-and-flame-effects/> on May 20, 2020

Fireworks

Permits for firework displays are obtained from one of three sources.

A permit may be obtained through the [local fire official](#) that has been appointed by the locality to administer and enforce the Statewide Fire Prevention Code.

If a locality has not appointed a local fire official to administer and enforce the Statewide Fire Prevention Code, a permit may be obtained from the locality through statutory authority granted to the locality by the following Code of Virginia section:

- § 15.2-974. Permits for display of fireworks; use and exhibitions. The governing bodies of the several counties, cities and towns shall have the power to provide for the issuance of permits for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, under the minimum terms and conditions set forth in the Virginia Statewide Fire Prevention Code (§ 27-94 et seq.) and any additional terms and conditions as may be prescribed by the locality. Any association, organization, or group that has been issued a permit may purchase and make use of fireworks under the terms and conditions of such permit.

For firework displays conducted on state-owned property or within state-owned buildings, permits are to be obtained through the State Fire Marshal's Office. Other than for what occurs on state-owned property or within a state-owned building, the State Fire Marshal's Office does not issue firework display permits for displays within any city, county or town.

Permissible Fireworks

[Virginia 2019 Approved Permissible Fireworks List](#)

Flame Effects

While a permit is required for Flame Effects inside state-owned buildings and outdoors on state-owned property before a proximate audience, flame effect operators are not required to be certified by the SFPC and are not included as part of the Pyrotechnician certification program.

An application for permit to operate flame effects is provided below under "Forms."

Bonfires

A permit is required for any bonfire that is conducted on state-owned property. A bonfire is an outdoor fire utilized for ceremonial purposes but does not in a “recreational fire”. A recreational fire is defined as an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. All other outdoor fires may be viewed as a bonfire.

An application for permit to conduct a bonfire on state-owned property is provided below under “Forms”.

Publications

- [Free Viewing of the complete set of Virginia Building and Fire Codes](#)
- [Candidate Information Bulletin \(CIB\) on Pyrotechnician Certification Examination Service](#)
- [Frequently Asked Questions \(FAQ's\) on the Virginia SFMO Pyrotechnician certification process \(Updated 3 January 2018\)](#)
- To verify the status of a Certified Blaster or Pyrotechnician, please contact John Cullinane, RCIP-LSC Program Coordinator at (804) 612-7270 or the SFMO at (804) 371-0220.
- [Pyrotechnician](#)

Forms

- [SFPC Application for BONFIRE](#)
- [SFPC Application for NFPA 160 Flame Effects](#) Inside State-owned Buildings and Outdoors on State-owned Property Before a Proximate Audience
- [SFPC Application for permit NFPA 1123 Fireworks SFPC15](#) on State-owned Property
- [SFPC Application for permit NFPA 1126 Pyrotechnics SFPC15](#) on State-owned Property
- [Application for permit open burning SFPC15](#)
- [Application for Replacement Certification or BCC Card](#)
- [Application for Open Burning](#)

For more information on firework permits and Pyrotechnician certification, contact:

- State Fire Marshal, statefiremarshal@vdfp.virginia.gov
- Or call our general office number: 804-371-0220

§ 27-97.2. Issuance of permit; background investigations.

A. The State Fire Marshal or other issuing authority shall consider all permit applications for manufacturing, storage, handling, use or sales of explosives and applications for certification as a blaster or as a fireworks operator or pyrotechnician, and may grant a valid permit or certification to applicants who meet the criteria established in the Statewide Fire Prevention Code. The State Fire Marshal shall require a background investigation, to include a national criminal history record information check, of all individual applicants and all designated persons representing an applicant that is not an individual, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster or as a fireworks operator or pyrotechnician. Each such applicant shall submit his fingerprints to the State Fire Marshal on a form provided by the State Fire Marshal and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. Any firm or company manufacturing, storing, using, or selling explosives shall provide to the enforcement agency, the State Fire Marshal or other issuing authority the name of a representative responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits. The State Fire Marshal or other issuing authority shall deny any application for a permit or for certification as a blaster or as a fireworks operator or pyrotechnician if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority. The provisions of this section shall not apply to the manufacturing, storage, handling, use or sales of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

B. No permit under this section shall be required of any person holding a certification or permit issued pursuant to the provisions of Title 45.1.

BOARD MEMBERS:

CHAIRMAN

Eddie Dean
Madison, Virginia

VICE CHAIRMAN

James L. Arrington
Brightwood, Virginia

William L. Crigler
Madison, Virginia

Bob Miller

Madison, Virginia

Clark Powers

Madison, Virginia



Agenda Item #4.

ADMINISTRATOR

V. R. Shackelford, III
COUNTY ATTORNEY

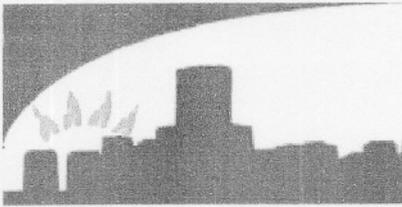
302 Thrift Road
P. O. Box 705
Madison, Virginia 22727
(540) 948-6700
FAX 948-3843

INFORMATION REGARDING THE USE/DISPLAY OF FIREWORKS
IN MADISON COUNTY, VIRGINIA

May 1, 2007

The County of Madison, Virginia currently has no local ordinances regulating the storage, use, display or sale of fireworks, or requiring any local permit(s) for those activities. The County does not currently provide local enforcement of the Virginia Statewide Fire Prevention Code.

As required by the Code of Virginia, §27-97, the Virginia State Fire Marshal's Office (SFMO) issues permits for the storage, use and sale of explosives in our area, and investigates related complaints. With respect to fireworks, the SFMO issues permits for firework displays at state-owned sites only. For more information, contact the SFMO at sfmo@dhcd.virginia.gov or call 804-371-7170. For information on blaster certification and/or background clearance cards call (804) 371-7185.



- About DHCD
- Homelessness to Homeownership
- Housing Preservation/ Rehabilitation
- Community Development & Revitalization
- Community Capacity Building
- State Building Codes and Regulations
- State Fire Marshal's Office
- Building and Fire Codes Training
- Commission on Local Government
- Reports/ Statistics / Forms/ Publications
- Grants and Requests for Proposal (RFP)

Explosive and Fireworks

As required by the *Code of Virginia* §27-97, the State Fire Marshal's Office (SFMO) issues permits for the storage, use, and sale of explosives in areas with no local enforcement. This includes investigation of complaints.

The SFMO issues permits for firework displays at state owned sites only. Fees are \$150 for outdoor and \$250 for indoor displays. Whether indoor or outdoor, in the case of identical, multi-day displays, there is an additional \$75 for each subsequent day.

Permits are renewed annually at a fee of \$150 for all use permits and \$100 for storage. Written verification that the applicant is bonded is required to properly obtain a use permit. A separate magazine is required to store explosives and detonators for all storage permits. Fees are now in effect requiring \$150 for the sale of, and \$200 for the manufacture of explosives.

In localities where the SFMO has enforcement authority, a separate application to use explosives is required for each city or county in which the applicant plans or intends to use explosives. If an applicant operates in multiple jurisdictions, multiple applications and permits are required. An application fee of \$150 is required for each permit. Photocopies of applications are acceptable.

Keep in mind that permits issued by the SFMO are not applicable in localities enforcing the Virginia Statewide Fire Prevention Code

(SFPC). If a locality has a fire official, the permit must be obtained from that local fire official.

For more information, contact: sfmo@dhcd.virginia.gov or call (804) 371-7170. For information on blaster certification and/or background clearance cards call (804) 371-7185.

MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

Agenda Item #5.

- MEETING DATE:** May 26, 2020
- AGENDA TITLE:** Consideration: Madison Free Clinic COVID-19 Screening Event
- INDICATED MOTION(s):** I move to authorize the Madison Free Clinic to host its proposed COVID-19 testing event on the Madison County Administration Center grounds at 414 N. Main Street on June 6, 2020.
- STAFF LEAD:** County Administrator Jack Hobbs
- TIMING:** The requested event would occur on Saturday, June 6 from (per conversation with Ms. Clements) 11 AM and 2 PM. Note that this is just in advance of the free clinic’s announced move away from the space at 410 N. Main Street.
- DISCUSSION:** The activity proposed is consistent with services the County should consider supporting, especially since it appears to be co-sponsored by the health department.
- It is understood that the COVID-19 testing offered would be available to those who do not have health insurance that pays for such a test. Individuals would be pre-screened before an appointment for testing would be issued. The organization would provide free mask and sanitizer gift bags to all residents.
- This would be a one-day, one-time event. No other activities are anticipated for the County Administration Center site on June 6. Staff has reached out to the Madison County Historical Society in an attempt to identify then avoid any conflicts between that group’s activities and this one.
- FISCAL IMPACT:** TBD
- REFERENCES:** None
- HISTORY:** N/A
- RECOMMENDATION:** Following Board conversation on the issue, and assuming the Board is comfortable with the action, pass the indicated motion.
- ENCLOSURES:** May 20, 2020 request email

Jack Hobbs

From: bclements@madisonfreeclinic.org
Sent: Thursday, May 21, 2020 7:33 AM
To: Jack Hobbs
Subject: COVID19 testing

Good Morning Jack,

On June 6 the Madison Free Clinic in cooperation with VDH will be holding a COVID19 testing (by appointment) for the uninsured residents of Madison County.

In conjunction with this we will be giving away bags containing a mask, hand sanitizer, and other health related items and this will be for all residents.

We would like the MC-BOS permission to use the circle and parking lot in front of the mansion during this event. This will make it easier to screen and direct those who need to be tested to the parking lot where the clinic is. The HD suggested that this would make the flow of traffic more manageable.

Of course, we are always looking for event volunteers as well and it would be wonderful to have support in the way of volunteers to pass out the bags to those who drive through.

Warmest Regards,

Brenda

Brenda Clements

Executive Director

Madison Free Clinic

bclements@madisonfreeclinic.org

540-729-4373



Madison County Economic Development and Tourism Dept
110 N Main St.
Madison, VA 22727
540-948-7500 Ext. 169

tgardner@madisonco.virginia.gov

Guidelines for reopening of the Visitor Center

May 20, 2020

COVID19 edition

The Virginia Welcome Centers plan to reopen to the general public June 1st. I've been working with our neighboring Visitor Centers to be somewhat unified and it appears we would fall into Phase 2 whenever that is. Having stated this, we will open when our County deems appropriate.

I will say that although we are not located next to a train station or heavily populated area, ALL of the research and countless number of Zoom meetings points to travelers wanting to go to the places least affected and the most room to socially distance safely.

Staff safety and the safety of the traveling public will remain the focus of these guidelines on next page.

Proposed basic guidelines are as follows:

- Visitor Center Assistants will be responsible for taking own temperature before work
- Face masks and gloves will be provided for staff as long as deemed necessary and gloves are mandatory during cleaning
- There will be signage on the front door stating all Covid-19 information regarding symptoms, temperature, masks preferred, if not possible, please stay on front entrance outside and we will either provide or if just needing a brochure, get it for them
- There will be a table with STOP as you come in stating guidelines, hand sanitizer
- X on areas to assure 6ft social distancing where appropriate
- Brochure areas will be restricted from public – Visitor Center Assistants will wear gloves and assist when brochures are requested
- Visitor Center assistant will fill out Visitor Log
- Will use “Madison Blue” Painter’s tape to line aisleway from front to restroom in the back
- All areas, handles, restroom will be cleaned after each Visitor
- May leave back door locked or strict signage and same STOP info

Respectfully submitted,

Tracey

Tracey Gardner
Economic Development and Tourism Director
madisonva.com
madisonco.virginia.gov

Suggested Closed Session Actions: May 26, 2020 v1

I move that the Board convene in a closed session pursuant to Virginia Code Section 2.2-3711(A)(5) -discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent:					

Motion to Reconvene In Open Session:

I move that the Board re-convene in open session.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent:					

Motion to Certify Compliance:

I move to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(5) only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent:					

§ 2.2-3711. Closed meetings authorized for certain limited purposes. (Excerpts)

Agenda Item #7.

A. Public bodies may hold closed meetings only for the following purposes:

Personnel 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

Real Estate 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Privacy 4. The protection of the privacy of individuals in personal matters not related to public business.

Economic Development 5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Legal 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Legal 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Public Safety 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

Negotiations 29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Economic Development 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.