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8/12/2014)**

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ARTICLE I. IN GENERAL

DIVISION 1. GOVERNMENT ADMINISTRATION

Sec. 2-1. Office of County Administrator.

The office of County Administrator to the Board of Supervisors, the governing body of the County of Bath, is created in accordance with Section 15.1-115 of the Code of Virginia and the powers and duties of the County Administrator shall be in accordance with the aforesaid Section of the Code of Virginia.

Sec. 2-2. Publication of county matters.

All advertisements and handbills of county matters requiring publication shall be published in any newspaper having general circulation in Bath County and permitted to accept legal advertisements as provided by the Code of Virginia, as amended.

State law reference-Code of Virginia, § 8.01-324.

Sec. 2-3. Public meetings.

The meetings of the Board of Supervisors are open to the public and all persons conducting themselves in an orderly manner may attend meetings.

State law reference-Meetings of Board of Supervisors, Code of Virginia, § 15.1-539.

Sec. 2-4. Procurement procedure.

The County of Bath hereby adopts and incorporates the provisions of § 11-35 et seq., of the Code of Virginia (1950), as amended, otherwise known as the Virginia Public Procurement Act, to govern its procedures for the procurement of services and goods from non-governmental sources.

DIVISION 2. MISCELLANEOUS PROVISIONS

Sec. 2-5. Fee for passing bad check to County.

Any person who utters, publishes or passes any check or draft, for payment of taxes or any other sums due the County, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, shall pay to the County a fee, in the amount of twenty dollars (\$20.00), in addition to the amount of such check or draft.

State law reference-Authority for above Section, Code of Virginia, § 15.1-29.4.

Sec. 2-6. Bonds of officers, employees and agents.

All officers, employees and agents of the County who are required to give bond (pursuant to Virginia Code § 15.1-41) shall give bond with corporate surety, and the County shall pay the premium therefor, except as to the Treasurer, who may give bond as provided in the Code of Virginia, § 15.1-43.

State law reference-Authority to pay for premium of surety on bonds, Code of Virginia § 15.1-41.

Sec. 2-7. Protection of records and other papers.

(a) No book, record, document or paper belonging to the County or any department, office, board, commission or other agency of the County shall be removed from the office of the custodian thereof without his or her permission, and then only upon the giving of a receipt therefor, except as may be provided otherwise by law in any case, or except upon order of the

Board of Supervisors or its chairman, or except in compliance with a valid subpoena duces tecum issued by a court or officer having jurisdiction over such matters.

(b) No person shall, without proper authority, destroy, tamper with, deface or otherwise damage or alter any book, record, document or paper belonging to the County or to any department, office, board, commission or other agency of the County, or fail to return any such item of property to its proper custodian after having taken it from its place of custody as authorized in subsection (a) of this section.

State law reference-Reproduction of records, destruction of originals, Code of Virginia, § 15.1-8.

DIVISION 3. EMPLOYMENT OF FAMILY MEMBERS¹

Sec. 2-8. Purpose of Article.

In order to maintain the highest level of trust and to avoid the appearance of impropriety, conflict of interest, or preferential treatment of employees, the County limits the employment and work assignment of employees who are members of the same family or otherwise closely related to one another. It shall be the policy of the County to avoid relationships by blood or marriage among employees in positions which involve a supervisory link in the organizational chain, and to provide reasonable accommodations in appropriate situations in order to minimize potential conflicts.

Sec. 2-9. Statement of Policy.

Members of the same family are eligible for employment with the County; however, such employment may not result in a Public Official or an employee directly or indirectly supervising a family member.

It shall be presumed, for the purposes of this Article, that all County employees are directly or indirectly supervised by the Board of Supervisors and the County Administrator. This presumption may be overcome by Board members abstaining from voting or other involvement in appropriate circumstances.

Employees may not be hired, promoted, demoted or transferred to a work assignment that creates a situation in conflict with this policy.

When the relationship between employees changes, such as through marriage, adoption, or living arrangements, creating a situation that violates this policy, employees must notify their supervisor immediately and must be in compliance with the policy within three (3) months.

If a promotion, demotion, or transfer creates a situation in conflict with this policy, if a new hire inadvertently creates a situation in conflict with this policy, or if employees, by

¹ The Board of Supervisors of Bath County passed Article I, Division 3, Sections 2-8 to 2-10 regarding Employment of Family Members as an amendment to the Local Code, after holding a properly advertised public hearing on August 8, 2006, and considering and affirmatively voting on the matter on September 12, 2006.

marriage or otherwise, become immediate family members, the County will make reasonable efforts to assign job duties or take other steps to minimize potential conflicts. If accommodations of this nature are not feasible, which determination shall be made in the sole discretion of the County, the employees will be permitted to determine which of them will resign. If the employees cannot or do not make a decision, the County will decide at its sole discretion who will remain employed.

Sec. 2-10. Definitions.

Family Member. A family member is defined as a brother, sister, parent, child, guardian, aunt, uncle, niece, nephew, grandparent, grandchild, or any of these as a relationship in-law or as a step relation. The term "family member" also includes spouses or unrelated persons residing in the same household.

Public Official. A public official is defined as any individual elected or appointed to a position with the County.

Secs. 2-11 to 2-15. Reserved.

ARTICLE II. OFFICE OF EMERGENCY SERVICES²

Sec. 2-16. Purpose of Article.

In order to develop and maintain an emergency services organization to ensure that preparations are adequate to deal with disaster or emergencies resulting from enemy attack, sabotage or other hostile action, resource shortage, fire, flood, earthquake or other natural cause, and generally to protect the public peace, health and safety and to preserve the lives and property and economic well-being of the people, it is hereby found and declared to be necessary to provide and authorize an office of emergency services pursuant to the Commonwealth of Virginia Emergency Services and Disaster Law of 1973.

State law reference-Emergency Services and Disaster Law, Code of Virginia § 44-146.13 et seq.

Sec. 2-17. Definitions.

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:

Director: The director of emergency services.

Emergency services: The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from natural or man-made disasters, together with all other activities

² Contents of this Article based upon the following County ordinance - Ord. __-__-__ 1973; pertaining to emergency services.

necessary or incidental to the preparation for and carrying out of the foregoing functions. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue services, engineering services, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resource management, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection.

Local Emergency: The condition declared by the Board of Supervisors when, in its judgment, the threat or actual occurrence of a disaster is, or threatens to be, of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; provided, however, that a local emergency arising wholly or substantially out of a resource shortage may be declared only by the governor, upon petition of the Board of Supervisors, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

Cross reference-Definitions and rules of construction generally, § 1-2. **State law reference-**Similar provisions, Code of Virginia § 44-146.16.

Sec. 2-18. Director designated.

The director of emergency services for Bath County shall be a member of the Board of Supervisors selected by the Board or the chief administrative officer of the County. In the event the director is unable to assume control during an emergency, succession to the position will be according to the local emergency operations plan.

State law reference-County director of emergency services, Code of Virginia § 44-146.19.B.2.

Sec. 2-19. General duties of director.

The director shall be responsible for organizing emergency services and directing emergency operations through the regularly constituted government structure, and shall utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the County to the maximum extent practicable. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the director upon request.

Sec. 2-20. Coordinator.

The director shall appoint a coordinator of emergency services and authorize the appointment of other personnel as is necessary, with the consent of the Board of Supervisors.

Sec. 2-21. Operations plan and mutual aid agreements.

The director shall prepare or cause to be prepared and kept current a local emergency operations plan. He may, in collaboration with other public and private agencies, develop or cause to be developed mutual aid agreements for reciprocal assistance in the case of a disaster or emergency.

State law reference-Similar provisions, Code of Virginia § 44-146.19(d)&(e).

Sec. 2-22. Declaration of local emergency.

(a) A local emergency may be declared by the director, with the consent of the Board of Supervisors. In the event the Board of Supervisors cannot convene due to the disaster, the director, or any member of the Board of Supervisors in the absence of the director, may declare the existence of a local disaster, subject to confirmation by the entire Board of Supervisors at a special meeting, within five (5) days of the declaration. The Board, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.

(b) A declaration of a local emergency shall activate the response and recovery programs of all applicable local and inter-jurisdictional emergency operations plans and authorize the furnishing of aid and assistance thereunder.

(c) Following such declaration, the director shall notify the State Office of Emergency Services that all local resources have been committed in the disaster and that assistance may be requested from the State.

(d) Any individual interfering with or failing to follow a directive of the director or his agent shall be guilty of a Class 1 misdemeanor and punishable by a fine per occurrence of not less than \$100.00 and not more than \$2,500 or one year in jail or both.

Cross reference-Penalty for Class 1 misdemeanor, § 1-14. **State law reference**-Similar provisions, Code of Virginia, §§ 44-146.21 and 15.1-505.

Sec. 2-23. Persons contributing to emergency or disaster responsible for expenses.

Any person causing or contributing to an emergency or disaster shall be responsible for all expenses incurred by the County in responding to, controlling, and handling such emergency or disaster. Such expenses may include, but not be limited to, costs of equipment, materials, and emergency response operations, as well as immediate accident or incident site clean-up costs, all expenses incurred in preventing or alleviating damage, loss, hardship or suffering caused by accidents or incidents involving hazardous materials, and any other incidents except hostile fires or medical emergencies. The local coordinator of emergency services is hereby authorized to seek such reimbursement by any legal means including civil process in the appropriate courts in the Commonwealth of Virginia.

State law reference-Similar provisions, Code of Virginia, § 44-146.18:1.

Secs. 2-24 to 2-32. Reserved.

ARTICLE III. BOARDS, COMMISSIONS, AUTHORITIES AND COMMITTEES³

DIVISION 1. BOARD OF ZONING APPEALS

Sec. 2-33. Board of Zoning Appeals established.

There shall be established for Bath County, a Board of Zoning Appeals, which shall consist of five (5) members, who, after recommendation by the Board of Supervisors, shall be appointed by the Judge of the Circuit Court of Bath County for terms of five (5) years each. One member shall be appointed from each of the five election (magisterial) districts. Members of the Board of Zoning Appeals shall hold no other public office except that one member may be a member of the Planning Commission.

State law reference-Code of Virginia, § 15.1-494.

DIVISION 2. PUBLIC SERVICE AUTHORITY

Sec. 2-34. Bath County Service Authority established.

There shall be established for Bath County pursuant to § 15.1-1249 et seq. of the Code of Virginia (1950), as amended, the Bath County Service Authority, which shall consist of five (5) members, who shall be appointed by the Board of Supervisors for terms of four (4) years each. One member shall be appointed from each of the five election (magisterial) districts.

DIVISION 3. SCHOOL BOARD

Sec. 2-35. Bath County Elected School Board established.

There shall be established for Bath County pursuant to Title 22.1 of the Code of Virginia (1950), as amended, the Bath County School Board, which shall consist of five (5) members, who shall be elected by the registered voters of Bath County for terms of four (4) years each. One school board member shall be elected from each of the five election (magisterial) districts, which shall be coterminous with the election districts for the election of members of the Board of Supervisors for the County. School board members shall be qualified voters and residents of the election (magisterial) district from which they are elected. **(Ordinance adopted __-__-__ 95)**

Cross Reference-Ch. 9, Elections. **State law reference**-Code of Virginia, § 22.1-57.3.

DIVISION 4. DEPARTMENT OF SOCIAL SERVICES

Sec. 2-36. Bath County Department of Social Services established.

There shall be established for Bath County pursuant to § 63.1-40 et seq. of the Code of Virginia (1950), as amended, the Bath County Department of Social Services, the board of which

³ This is not intended to be a complete or exhaustive list of the Boards, Commissions, Authorities and Committees of Bath County.

shall consist of three (3) members, who shall be appointed by the Board of Supervisors for terms of four (4) years each. One member so appointed shall be a member of the Board of Supervisors.

DIVISION 5. PLANNING COMMISSION

Sec. 2-37. Created.

A planning commission is hereby created for the County.

State law reference-Duty to create planning commission, Code of Virginia § 15.1-427.1.

Sec. 2-38. Members; qualifications; appointment; terms; etc.

The planning commission shall consist of five (5) members, one member from each of the five election (magisterial) districts, appointed by the Board of Supervisors, all of whom shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; and provided, that at least one-half of the members so appointed shall be owners of real property.

One member of the commission may be a member of the Board of Supervisors, and one member may be a member of the administrative branch of government of the County. The term of each of these two members shall be coterminous with the term of office to which he has been elected or appointed, unless the Board of Supervisors, at the first regular meeting each year, appoints others to serve as their representatives.

The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four (4) years each.

The Board of Supervisors may establish different terms of office for initial and subsequent appointments, including terms of office that are conterminous with those of the appointing governing body. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.

State law reference-Composition of planning commission and appointment of members, Code of Virginia, § 15.1-437.

Sec. 2-39. Functions, powers and duties.

The planning commission of the County shall have all the powers and authority of planning commissions prescribed by State law including, but not limited to the following:

(a) The commission shall prepare and recommend to the Board of Supervisors a comprehensive Plan for the physical development of the County and shall prepare and recommend revisions to the plan at least every five (5) years;

(b) The planning commission may formulate proposals and recommendations regarding zoning ordinances and amendments;

(c) The commission is responsible for the review of subdivision regulations and recommending revisions of such regulations to the Board of Supervisors as appropriate. The commission may, by the Board of Supervisors, be delegated the authority to review and act upon all land subdivision plat proposals and to coordinate land development in an orderly manner for the benefit of the County;

(d) The commission may undertake such other tasks as the Board of Supervisors may designate in keeping with the statutory provisions of the Code of Virginia.

State law reference-Duties of Commission, Code of Virginia, §§ 15.1-444; 15.1-447.

Sec. 2-40. Continuing body.

The planning commission shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the change in the number and terms of the commissioners as provided herein.

Sec. 2-41. Oath of Office.

Before entering upon the duties of commissioner, all members of the planning commission shall qualify before the County clerk by taking the oath of office and a record of such fact shall be maintained by said clerk.

State law reference-Similar provisions, Code of Virginia, § 15.1-437.

DIVISION 6. INDUSTRIAL DEVELOPMENT AUTHORITY

Sec. 2-42. Created; name.

(a) There is created a joint political subdivision of the Commonwealth of Virginia with such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act, constituting Chapter 33 of Title 15.1 of the Code of Virginia of 1950 as amended.

(b) The name of the political subdivision created is the Industrial Development Authority of Bath County, Virginia.

State law reference-Authority to create and name local industrial development authority, Code of Virginia § 15.1-1376.

Sec. 2-43. Directors; qualifications; terms; records; etc.

(a) *Board of directors.* The Industrial Development Authority shall be governed by a board of directors which shall be vested with all powers of the Authority and which shall be composed of seven directors, appointed by the County Board of Supervisors. The seven directors

shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term; subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms.

(b) *Terms of office.* All terms of office shall be deemed to commence upon the date of the initial appointment to the Authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If, at the end of any term of office of any director, a successor thereto shall not have been appointed, then the director whose term of office shall have expired shall continue to hold office until his successor shall be appointed and qualified.

(c) *Oath of office.* Each director shall, upon appointment or reappointment, before entering upon his duties, take and subscribe the oath prescribed by § 49-1 of the Code of Virginia. No director shall be an officer or employee of the County.

(d) *Directors must reside in Bath County.* Every director shall, at the time of his appointment and thereafter, reside in Bath County. When a director ceases to be a resident of Bath County, such director's office shall be vacant and a new director shall be appointed for the remainder of the term so vacated.

(e) *Directors shall elect certain officers.* The directors shall elect from their membership a chairman and a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors shall be elected.

(f) *Compensation and expenses.* The directors shall receive no salary but the directors may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the Board of Supervisors, not to exceed fifty dollars (\$50.00) per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

(g) *Quorum.* Four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

(h) *Records.* The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 2.1-164 of the Code of Virginia, it shall arrange to have the same audited annually. Copies of each such audit shall be furnished to the Board of Supervisors and shall be open to public inspection at all times.

(i) *Certification and distribution concerning bond issuance.* Two mechanically reproduced copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or

assistant secretary of the Authority. One copy shall be furnished to the Board of Supervisors and the other copy mailed to the Department of Economic Development.

State law reference- Similar provisions, Code of Virginia, § 15.1-1377.

Sec. 2-44. Powers and duties.

The Industrial Development Authority shall have the powers and duties set forth in §§ 15.1-1373 through 15.1-1392 of the Code of Virginia.

DIVISION 7. RESERVED

Secs. 2-45 to 2-60. Reserved.