

**Special Joint Town Council &  
Board of Supervisors Meeting**

**Germanna Center for  
Advanced Technology  
July 29, 2009**

The Council of the Town of Culpeper and the Culpeper County Board of Supervisors convened in special joint session at 6 p.m. with Mayor Pranas A. Rimeikis and Chairman William C. Chase Jr. presiding. Present: Calvin L. Coleman, F. Steve Jenkins, James C. Risner, Robert M. Ryan, William M. Yowell, Council Members. Also present: Jeffrey B. Muzzy Town Manager; Kimberly D. Allen, Town Clerk; Christopher D. Hively, Environmental Services Director; Robert W. Bendall, Town Attorney. Absent: Duke M. duFrane, Michael T. Olinger, Christopher H. Snider, Council Members.

County Board of Supervisors present were Chairman William C. Chase Jr., Larry W. Aylor, Sue D. Hansohn, Steven E. Nixon, Steven L. Walker, and Tom S. Underwood. Also present: Frank T. Bossio, County Administrator; Roy Thorpe, County Attorney; John Egertson, County Planner. Absent: Bradley C. Rosenberger, Supervisor.

**AGENDA APPROVAL**

By general consensus, Council adopted the agenda as presented.

**TIME LINE FOR ACTIVITIES AND SUBSEQUENT MEETINGS**

**Introduction by Town Manager and County Administrator**

Town Manager Muzzy stated the published purpose on the joint meeting was “to establish a consensus on the major issues involved in the process of creating a regional water/sewer authority, with discussion to identify alternatives and directions to be brought to the governing bodies for consideration and approval. The meeting is designed to clarify the issues and alternatives, address some commonly held misconceptions and to establish agreed- upon time frames. The intent is to ensure a common agreement on the issues for which staff will be developing recommendations and to ensure that staff has clear direction and is working in a timely manner towards a desired outcome(s).”

County Administrator Bossio stated a timeline and schedule for deliverables would be needed so both governing bodies could deliberate on the issues. He referenced the legal effects of a referendum and possible changes to the Town Charter under Item #3 – Transfer of Assets as well as the methodologies listed under Item #4 – Boundary Adjustment and stated the Council and Board should give staff input on these issues.

**Discussion on the Process to Bring Information to the Governing Bodies and Meeting Schedules**

Council Member Risner suggested a three-step process to address issues before the Council and Board:

- Staff for each body could research issues, meet to discuss them, and consider possible recommendations;
- Council and the Board could then meet separately to discuss issues;
- Finally, both bodies could meet jointly.

A brief discussion ensued. Mayor Rimeikis stated debates regarding the process led to an impasse in the past. Supervisor Walker noted Council and the Board were in charge of the schedule and suggested joint meetings could be held after Council meetings on the second Tuesday of the month.

Vice Chairman Nixon suggested council and the board meet every other month in order to provide the time for staff to work together and answer questions from the governing bodies. Mayor Rimeikis agreed; however, he suggested creating windows of time during which certain items must be addressed. He noted the meeting schedule could vary depending on the issues to be reviewed.

Council Member Risner referenced past experiences and stated specific meeting dates should be set through July 2010 with the understanding the Mayor or Chairman could reschedule meetings if necessary. He indicated if the meeting times were too flexible, the tendency could be to move the issues to the back burner.

Vice Chairman Nixon suggested Council and the Board meet bimonthly on the fourth Wednesday with the understanding adjustments could be made as needed. Council Member Risner suggested staff check the calendar to determine the best date.

Town Manager Muzzy stated that staff hoped to bring recommendations regarding the transfer of assets and boundary adjustments to both bodies by the end of October followed by a recommendation on Item #5 – Financial Implications by the end of December. County Administrator Bossio stated staff would meet continuously during the interim between joint meetings.

Vice Chairman Nixon stated he disagreed with the timeframe and indicated both bodies should be involved with the process. Council Member Jenkins concurred stating both bodies had met separately for three years.

Town Manager Muzzy clarified this would most likely be the timeframe for staff to address those issues; however, staff could give progress reports in the meantime.

Supervisor Aylor referenced the six items on the agenda and indicated it would be necessary to meet monthly to address the items and come to an agreement by July 2010. He noted elected officials needed to attend the meetings.

A general discussion ensued regarding meeting monthly vs. bimonthly. Mayor Rimeikis stated he preferred the previous model of meeting to reach certain windows of a timeframe. Supervisor Walker concurred with Supervisor Aylor and indicated the Chairman and Mayor could adjust the schedule if necessary.

Supervisor Hansohn questioned staff on the proposed timeframe. County Administrator Bossio replied scheduling a meeting in September would accommodate those who wish to meet bimonthly and give staff time to consider issues regarding the transfer of assets and boundary line adjustments. Town Manager Muzzy agreed.

Vice Mayor Yowell stated a meeting could be called earlier if needed.

### **Item #3 – Transfer of Assets, Item #4 – Boundary Adjustment**

County Administrator Bossio referenced Item #3 – Transfer of Assets that included the following options: a referendum, long-term operating agreement, or a change in the Town Charter. He asked Council Members and Supervisors for their input and noted these were the issues that had been discussed in the past.

Mayor Rimeikis stated Council and the Board could forward questions to the staff. Vice Chairman Nixon questioned if staff would be prepared to discuss the advantages and disadvantages of each option in September. County Administrator Bossio responded yes.

Council Member Ryan suggested the issue regarding a change in the Town Charter could be addressed immediately. Mayor Rimeikis indicated Council was not prepared to make a decision at the present time.

Mayor Rimeikis questioned the trigger points for Item #4 – Boundary Adjustment. County Administrator Bossio replied staff would research and submit a report on possible trigger points under the option of a phased boundary adjustment.

Supervisor Aylor stated it would be difficult to keep the momentum going and to stay fresh if meetings were held every 60 days rather than on a monthly basis.

### **Issues Regarding Majority Rule**

Council Member Jenkins stated at the present time, joint decisions were made based on a majority vote by Council as well as a majority vote by the Board of Supervisors and questioned if an action could be taken by a single vote of the majority of the combined governing bodies.

Mayor Rimeikis responded Town Council and the County Board of Supervisors were two separate bodies and noted there was no joint town/county governing body. He stated he did not want to combine the two governing bodies.

Council Member Jenkins asked Town Attorney Bendall and County Attorney Thorpe to respond.

Town Attorney Bendall concurred with the Mayor and made the following comments:

- Sovereignty would be lost by combining the two bodies.
- Town citizens elected Council to manage their affairs within Town government; these citizens also elected County Supervisors to manage County affairs.
- To suggest that a majority of the combined bodies should rule would seem to abjure responsibility the bodies made when they were elected.

County Attorney Thorpe replied with the following comments:

- Regarding the fundamental question of what would go into the final agreement and how decisions would be made:
  - If a majority of the Board of Supervisors were present then they would constitute a quorum and could act for the body; the same would be true for the Town Council.
  - A combined majority would not be used to reach those kinds of decisions.
- To effectuate some of the things that are called for, i.e. the transfer of assets, there are other voter requirements contained in the Town Charter that could potentially trigger a three-fourths vote of the Town Council.
- The procedural question would be what would be the timeframe for Council action if a super majority vote was required?

Vice Chairman Nixon questioned if scheduling could be determined by general consensus between the two bodies. County Attorney Thorpe responded decisions requiring more than just administrative details would require a separate affirmative vote by each body at the joint meeting.

### **Schedule and Agenda for the Next Joint Meeting**

**By general consensus, the Town Council and County Board of Supervisors agreed to meet at the end of September on a date to be determined by staff to discuss Item #3 – Transfer of Assets and Item #4 – Boundary Adjustment; a schedule for future meetings would be decided at that time.**

**Further Discussion on Items #3 – Transfer of Assets and #4 – Boundary Adjustment**

County Administrator Bossio referenced the previous discussion on trigger points for a possible phased boundary adjustment and asked members of the two bodies whether or not there were other issues staff should address. Vice Chairman Nixon suggested staff research possible changes in taxes and joint land use. Supervisor Underwood requested staff submit a report on potential changes in population density due to boundary adjustments as well as permitted commercial changes.

Supervisor Walker questioned if taxes would be discussed under Item #5 – Financial Implications. County Administrator Bossio responded yes; however, political issues should be discussed under Item #4 – Boundary Adjustment.

Supervisor Underwood stated staff should research the affect a boundary adjustment would have on schools as well as agricultural areas discussed in the Memorandum of Understanding.

Council Member Jenkins questioned if the MOU would be used as a guide. County Administrator Bossio and Town Manager Muzzy responded yes.

Vice Chairman Nixon stated staff should be prepared to discuss its progress at the September meeting even if it has only addressed one of the two issues.

County Administrator Bossio stated staff should be prepared to discuss a long-term operating agreement for the transfer of assets at the September meeting. Supervisor Walker questioned if both bodies could legally construct a long-term operating agreement. Council Member Risner stated each body should know what the statute says in addition to their attorneys’ interpretations. County Attorney Thorpe indicated there should not be a disagreement between legal counsels.

**ADJOURNMENT**

There being no further business to discuss, a motion was made to adjourn. The meeting adjourned at 6:40 p.m.

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Clerk

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Mayor



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