

VIRGINIA: At a Special Called Meeting of the Tazewell County Board Of Supervisors held June 19, 2009 at 5:30 P.M. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

PRESENT: David R. Anderson, Chairman
Bill Wimmer, Vice-Chairman
D. Michael Hymes, Member
Dr. Thomas Brewster, Member
James H. Spencer, III – County Administrator
C. Eric Young, County Attorney
Patricia Green, Assistant County Administrator
Ruth Groseclose, Administrative Assistant
Members of the Press: Jim Talbert, Clinch Valley News/
Richlands News Press; Tammy Wolford, The Voice/Cedar Bluff Review

ABSENT: Seth R. White, Member

The Chairman, David R. Anderson, called the Special Called Meeting to order and presided with four (4) members of the Board of Supervisors in attendance, with Supervisor Seth R. White absent. The Special Called Meeting was called in order for the Board of Supervisors to discuss and possibly act upon the following:

- Declaration of Emergency – due to the recent flooding in Tazewell County, VA

All those individuals required to be notified of the Special Called Meeting in accordance with The Virginia Freedom of Information Act were so informed. A copy of the Request for the Special Called Meeting as well as a copy of the Waiver of the Notice of the Special Called Meeting in accordance with Virginia Code Section 15.2-1417 & 15.2-1418 and 2.2-3707, paragraphs, A,C,D, & E are attached to these Minutes and incorporated herein by reference thereto.

Supervisor Hymes gave the invocation which was followed by the Pledge of Allegiance to the US Flag.

AGENDA APPROVED

Upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor White absent from the meeting, the Tazewell County Board of Supervisors hereby adopts the agenda format for the Special Called Meeting as written.

Chairman Anderson stated that the meeting was called for one purpose, to discuss the potential declaration of an emergency due to the recent flooding after which the Board of Supervisors would adjourn the Special Called Meeting.

Supervisor Wimmer stated he and Supervisor White have been in steady contact since the recent flooding and the areas hit the hardest include the Raven, Richlands, Wardell, Kents Ridge area, Pounding Mill, and the Cedar Bluff area . He said the worse damage seems to be in the Grey's Branch area, Town Hollow Road, Dingo Road, Honey Rock Road and the Raven vicinity. Supervisor Wimmer said the County Engineer, Gary Earp, informed him that the estimate in damages to roads could reach \$100,000.00 in the Northwestern & Western District only. Supervisor Hymes stated that Blackhorse Road in the Southern District was damaged as well.

The County Administrator, Jim Spencer showed a brief power point presentation of the property damage photographed to date. The pictures depicted damages to roads, driveways, barns and quite a few homes.

Supervisor Wimmer said that he has received reports of damages to farm equipment, churches, garages and driveways. Supervisor Hymes wanted to know if FEMA funding would be available.

Sam Wolford was present and said that the low numbers in damages would not go very far with the declaration. The County will need to receive damages reports from more than 100 households before the County can qualify for help from FEMA.

The County Attorney, Eric Young stated that with regard to funding the \$100,000.00, the County Administrator, pursuant to Section 44-146.16 (6) is empowered to exercise all powers permitted under the Code of Virginia to alleviate any hardships to county citizens caused by the emergency, therefore the County Administrator is authorized to act without procuring the services of individuals and without having to seek authorization for appropriations & expenditures from the County's current Contingency Fund in place to alleviate the circumstances as a result of the recent flooding. The current fund balance is approximately \$80,000.00.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Wimmer and adopted by a vote of 4 to 0, with Supervisor White absent from the meeting, the Tazewell County Board of Supervisors hereby adopts the following resolution as read by the County Attorney, C. Eric Young:

RESOLUTION DECLARING EMERGENCY

This Resolution was approved at a specially called meeting of the Tazewell County Board of Supervisors held at 108 East Main Street Tazewell, Virginia at 5:30 PM on the 19th day of June, 2009 and convened in compliance with Section 15.2-1417 of the Code of Virginia (1950) as

amended, pursuant to a request by the Chairman, evidence of which hereto is attached and hereby incorporated by reference.

WHEREAS, this Board finds that an Emergency exists and a Local Emergency as defined in Section 44-146.16 (6) exists in certain parts of the County,

WHEREAS, this Board desires to empower the County's Local Director of Emergency Management to exercise all powers permitted under the Code of Virginia to alleviate any hardships to the residents of the county caused by the emergency,

NOW THEREFORE, the Board hereby RESOLVES,

That due to excessive rainfall causing commensurate flooding in all Districts of Tazewell County, Virginia, a Local Emergency exists in the County;

That pursuant to the authority vested in the Board by Section 44-146.21 of the Code of Virginia (1950) as amended, and any other sections as may apply to exigent circumstances the Board hereby declares an Emergency and conveys all emergency powers, including but not limited to those as set forth in the aforesaid code section, to the County's Local Director of Emergency Management, James H. Spencer, III and, in accordance with said Statute, his designee David White, who may exercise such powers in his absence;

That the state of Emergency and authorized exercise of such powers conferred by the Code to aforesaid individuals under such circumstances, including those under Section 44-146.21 shall continue until this Board shall reconvene to June 30, 2009 – recessed meeting of the Tazewell County Board of Supervisors.

IT IS SO RESOLVED this the 19th day of June, 2009:

Present: Supervisor Hymes, Brewster, Wimmer & Anderson
Absent: Supervisor White
Ayes: Supervisor Hymes, Brewster, Wimmer & Anderson
Nays: None
Abstentions: None

ADJOURN

Now, upon motion of Supervisor Wimmer, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor White absent, the Tazewell County Board of Supervisors hereby adjourns this Special Called Meeting.

David R. Anderson, Chairman

By: rg -

Adjourn time - 6:00 p.m.