

**MINUTES OF THE
SPECIAL MEETING OF THE
WASHINGTON COUNTY QUORUM COURT**

Monday, September 22, 2014
5:30 p.m.
Washington County Quorum Court Room

2014 OCT 17 PM 12:53
DECKY, MARLIE
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FILED

- 144.1 The Washington County Quorum Court met in special session on Monday, September 22, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 144.2 A. Harbison led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 144.3 **MEMBERS PRESENT:** Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, Butch Pond, and Bill Ussery.
- 144.4 **OTHERS PRESENT:** County Judge Marilyn Edwards; County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 144.5 **ADOPTION OF THE AGENDA:** Judge Edwards asked if there were any additions or deletions to the agenda.
- 144.6 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote. The agenda was adopted as presented.**
- 144.7 **AN ORDINANCE CHANGING THE TITLE OF A LAW CLERK POSITION TO A CIRCUIT COURT STAFF ATTORNEY-COUNTY CIRCUIT COURTS POSITION; AND APPROPRIATING \$4,156 FROM THE GENERAL FUND TO PERSONAL SERVICES LINE ITEMS IN THE CIRCUIT COURT IV BUDGET FOR 2014:** C. Clark introduced **An Ordinance Changing The Title Of A Law Clerk Position To A Circuit Court Staff Attorney-County Circuit Courts Position; And Appropriating \$4,156 From The General Fund To Personal Services Line Items In The Circuit Court IV Budget For 2014**, and County Attorney George Butler read the ordinance that is on second reading.
- 144.8 E. Madison stated that she was told that the Fayetteville City Counsel who follows Roberts Rules does a vote to move to which County Attorney George Butler responded that the Attorney General has stated that they don't have to do that. He stated that their Code of Ordinances does state is that the County Judge shall establish the agenda for the Quorum Court meetings and the Committee Chairman and County Judge establish the agendas for committee

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meetings. He stated that they are talking about ordinances and Roberts Rules talks about civil procedures. He stated that they have always voted to move an ordinance up to the next reading, but they don't say that in their Code of Ordinances.

- 145.1 E. Madison stated that at their last meeting, they voted to move it to second reading by virtue of it not getting ten votes to pass, that automatically happened; to which County Attorney George Butler responded that if something is going to take three readings, it automatically comes up and it is up to the County Judge to put it on the agenda as per our Washington County Code of Ordinances.
- 145.2 E. Madison stated that people have asked her and she feels like they need a motion and doesn't agree with County Attorney George Butler that it is not necessary or understand what the County Judge establishing the agenda has to do with moving our own ordinances to third reading.
- 145.3 County Attorney George Butler responded to E. Madison that the County Judge establishes whether an ordinance is going to be on an agenda.
- 145.4 **A. Harbison made a motion that they adopt the ordinance on to third reading. Diane Bryant seconded.**
- 145.5 **B. Pond made a motion to suspend the rules and place the ordinance on third and final reading by title only.**
- 145.6 County Attorney George Butler stated that B. Pond would have to amend A. Harbison's motion and this vote would require two-thirds or 10 people to suspend the rules.
- 145.7 A. Harbison stated that she would accept B. Pond's motion as a friendly amendment.
- 145.8 In response to a question from B. Pond, County Attorney George Butler stated if it passes to third reading, then the ordinance would only need simple majority to pass.
- 145.9 E. Madison asked when they would have the opportunity for public comments because the public was notified that this would just be the second reading and she has received some feedback from the public who is expecting to come to be able to talk about this at the meeting tomorrow.

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- 146.1 County Attorney George Butler responded to E. Madison, stating that there is always the chance that the rules can be suspended. He noted that this is an appropriation ordinance for which they don't take public comments.
- 146.2 E. Madison stated she understands what is possible, but questioned what is fair, to which County Attorney George Butler responded that she is talking about a faulty argument, not a legal argument.
- 146.3 E. Madison stated that the impression was given that tonight's meeting would just be ad ministerial and not substantive, and she puts this out there because she doesn't believe that they should be in the business of trying to stifle public comment on issues.
- 146.4 County Attorney George Butler explained that as a friendly amendment, they needed to dispose of B. Pond's motion with discussion and vote.
- 146.5 J. Mardis stated when they scheduled these special meetings the other night, he wasn't paying attention, but he will be out of town for the remainder of the week, so he will not be able to vote tomorrow. He stated that he would like to request one of two things; to either move it forward to do the final vote tonight or make a motion to move it until next week. He stated if the ordinance doesn't pass tonight, then he will make that motion later.
- 146.6 B. Pond questioned whether they could simply table the ordinance to which County Attorney George Butler stated that they need to deal with B. Pond's motion first.
- 146.7 R. Aman asked for clarification on this vote, to which County Attorney George Butler explained if they vote "yes", they are suspending the rules and placing the ordinance on final reading only and the ordinance can pass by simple majority; and if they vote "no", they will have another meeting at which the ordinance can pass by simple majority.
- 146.8 **With no further discussion, Judge Edwards called for a vote on the motion to suspend the rules and place the ordinance on third and final reading by title only.**
- 146.9 **VOTING FOR: J. Mardis, B. Pond, H. Bowman, D. Bryant, J. Firmin, B. Fitzpatrick, and A. Harbison. VOTING AGAINST: J. Patterson, B. Ussery, R. Aman, R. Bailey, C. Clark, R. Cochran, T. Lundstrum, and E. Madison. **The motion failed with seven members voting for and eight members voting against the motion.****

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- 147.1 County Attorney George Butler stated that was B. Pond's motion to amend A. Harbison's motion, so now A. Harbison's motion is just to move it onto third reading; however, J. Mardis may have a motion to make.
- 147.2 **J. Mardis made a motion to change the Special Quorum Court meeting from 9/23/14 to 9/29/14 for the ordinance to go to final reading. R. Cochran seconded.**
- 147.3 County Attorney George Butler responded to a question from J. Mardis, that his motion would take a simple majority to pass. He stated that the ordinance automatically goes to third and final reading and they have that meeting already scheduled.
- 147.4 E. Madison reiterated that the notice had already gone out that they were going to have the Special Quorum Court meeting tomorrow, and it is now less than 24 hours to cancel; and County Attorney George Butler responded that there is no requirement of 24 hours to cancel a meeting. E. Madison questioned how the public planning to attend tomorrow's meeting would even find out that the date had been changed.
- 147.5 Judge Edwards confirmed that what they had on the floor was to change the meeting date from tomorrow night to 9/30/14 at 5:30 p.m.
- 147.6 R. Aman stated just as a courtesy to those people who do plan on coming to the meeting tomorrow, he will be voting against the ordinance.
- 147.7 J. Firmin asked for clarification on whether if the ordinance fails today, it will automatically go to third reading.
- 147.8 B. Fitzpatrick asked whether they actually needed to vote to move the Special Quorum Court meeting to the 30th since it was at the discretion of the County Judge; to which County Attorney George Butler responded that the County Judge can call a special meeting or a majority of the JPs can call one, so he assumes that a majority of the JPs could also move the meeting. B. Fitzpatrick stated that she doesn't have a problem with it either way, she just thought that it could be handled that way.
- 147.9 B. Pond asked for clarification that what was being discussed currently was if this vote to table the ordinance until 9/30 fails, then the vote will happen tomorrow and the ordinance will most likely fail since J. Mardis is going to be absent.