



**City Council Meeting**  
**AGENDA**  
***Monday, February 26, 2024, 6:30 PM***

Work Session is cancelled for February 26, 2024

Regular Session 6:30 P.M. Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia 24153

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**WORK SESSION**

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**AMENDED AGENDA**

WORK SESSION IS CANCELLED

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**REGULAR SESSION**

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1. Call to Order
2. Pledge of Allegiance
3. Bid Openings, Awards, Recognitions
4. Consent Agenda
  - A. **Citizen Comments**  
Comments from the public, limited to five minutes, on matters not already having a public hearing at the same meeting.
  - B. **Minutes**  
Consider acceptance of the February 12, 2024, Work Session and Regular Meeting minutes.
  - C. **Financial Reports**  
Consider acceptance of the Statement of Revenues and Expenditures for seven months ending January 2024.
5. Old Business
  - A. **Water and Sewer Disposal Rates & Charges**  
Consider ordinance on second reading amending Chapter 90, Article III, Division 2, Subdivision I, Sections 90-74 and 90-128 pertaining to water and sewer availability fees. (Approved on first reading at the February 12, 2024, meeting.)
6. New Business

A. **Urban Archery Program**

Consider request to authorize the City Manager to notify the Virginia Department of Wildlife Resources (DWR) that the City of Salem will participate in the 2024-2025 urban archery program regulated by DWR.

B. **Blue Ridge Behavioral Healthcare Bylaws**

Consider approval of Revised Blue Ridge Behavioral Healthcare bylaws.

7. Closed Session

A. **Closed Session**

Hold a closed session in accordance with Section 2.2-3711 A(3) of the 1950 Code of Virginia, as amended, for 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.

8. Adjournment

**City Council Meeting**  
**MINUTES**  
**Monday, February 12, 2024, 6:30 PM**

Work Session 6:00 P.M. Council Chambers Conference Room, City Hall, 114 North Broad Street, Salem, Virginia 24153  
Regular Session 6:30 P.M. Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia 24153

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**WORK SESSION**

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**1. Call to Order**

A work session of the Council of the City of Salem, Virginia, was held in the Council Chambers Conference Room, City Hall, 114 N. Broad Street, Salem, Virginia, on February 12, 2024, at 6:00 p.m., there being present the following members of said Council to wit: Renée Ferris Turk, Mayor; James W. Wallace, III, Vice- Mayor; Council members: Byron Randolph Foley, William D. Jones (absent), and H. Hunter Holliday(participated remotely); with Renée Ferris Turk, Mayor, presiding together with Chris Dorsey, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Tammy Todd, Assistant Director of Finance; Crystal Williams, Assistant to the City Manager; Laura Lea Harris, Deputy Clerk of Council; and the following business was transacted; Mayor Turk reported that this date, place, and time had been set in order for the Council to hold a work session.

**2. New Business**

**A. Discussion Items**

Review current year major general fund revenues and preliminary fiscal year 2025 projections.

Mr. Light shared that this Work Session was an effort to share the preliminary budget for Fiscal Year 2025 for major categories of revenue with Council.

Ms. Jordan presented for Council a Fiscal Year 2025 Budget Development Revenue Outlook. Actual funds for FY2023, Adopted funds for Fiscal Year 2024, and Preliminary funds for Fiscal Year 2025 were shared for major revenue sources. Also noted were changes from Fiscal Year 2024 Adopted amounts to Fiscal Year 2025 Preliminary amounts. Actual revenues for the fiscal years 2020 through 2023, Adopted budget amount for fiscal year 2024, and Preliminary amount for fiscal year 2025 was shared for each of the following major revenue categories: Real Estate Tax, Personal Property Taxes (excluding Machinery and Tools), Machinery and Tools Tax, Business License Tax, Sales Tax, Meals Tax, Lodging Tax, and Other Local Taxes. Other local taxes includes Consumer Utility, Utility License,

Franchise License, Motor Vehicle License, Bank Franchise, Recordation, Cigarette, Admissions, and Rental Taxes. It was noted that 33% of Meals Taxes are given to the City of Salem Schools, per ordinance and that 25% of Lodging Taxes collected are given to Virginia's Blue Ridge, per contractual agreement. A graphic displaying investment earnings for each of these years was shared and Council was informed that City staff is working with the financial advisor to develop an investment portfolio. Ms. Jordan also displayed a collection summary by category that listed the time period when the specific taxes were collected and the percentage of the total budget of each tax. Proposed fee and rate changes were also shared with Council.

Mr. Wallace requested that as staff goes through the budget process that they give consideration to any areas in which they might save citizens money.

### 3. Adjournment

There being no further business, Mayor Turk adjourned the meeting at 6:30 p.m.

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## REGULAR SESSION

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### 1. Call to Order

A regular meeting of the Council of the City of Salem, Virginia, was called to order at 6:34 p.m., there being present the following members to wit: Renée Ferris Turk, Mayor; James W. Wallace, III, Vice-Mayor; Councilmembers: Byron Randolph Foley, William D. Jones (absent), and H. Hunter Holliday (participated remotely); with Renée Ferris Turk, Mayor, presiding together with Chris Dorsey, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Chuck Van Allman, Director of Community Development; Mike Stevens, Director of Communications; and Jim Guynn, City Attorney.

### 2. Pledge of Allegiance

Mayor Turk requested that Mr. Light read a request from Mr. Holliday to participate remotely in this Council meeting.

The request from Mr. Holliday stated: "in accordance with the Code of the Commonwealth of Virginia and the Remote Participation Policy of the City of Salem, I hereby request to participate remotely for a personal matter, specifically being that I am out of town."

Randy Foley motioned to accept the remote participation of Mr. Holliday. James Wallace seconded the motion.

Ayes: Foley, Turk, Wallace

Absent: Jones  
Abstain: Holliday

**3. Bid Openings, Awards, Recognitions**

There were no recognitions this evening.

**4. Consent Agenda**

**A. Citizen Comments**

Comments from the public, limited to five minutes, on matters not already having a public hearing at the same meeting.

John Breen, 142 Bogey Lane, expressed concern about property tax rates and shared yearly data from Council meeting minutes from 2019 to the present. He requested that at least two weeks prior to setting a new property tax rate that Council would post to the City's website the following information:

1) A justification for any proposed tax rate exceeding the 1% revenue cap; a yearly comparison of total property tax revenue from 2019 to the current estimated total vs. the revenue per the cap rate; 2) Since 2019, a comparison for an average taxpayer's taxes based upon the capped revenue rate vs. the Council approved or proposed rate; 3) A comparison of the property tax revenue for the current proposed rate vs. the capped revenue tax rate. He specified that the comparison included the estimated additional assessed Building Permit values.

Barry Gladden, 2023 Mulberry Street, expressed concerns about the storm drain at the corner of Mulberry Street and Palmer. He inquired as to whether a plan is in place for fixing this. He also expressed concern about people viewing and taking photos of his property.

Mayor Turk asked if there was information available about the storm drain.

Mr. Light responded that this is an often-hit storm drain. Typically, the grate can be replaced, and a steel structure be put over the top. However, this time the damage was to the structure itself, and a new one is in the process of being engineered to replace the current one.

Mayor Turk clarified that they have to replace the entire system in order to correct the issue.

Mr. Light confirmed that the structure had to be replaced as opposed to times in the past when the grate was broken or damaged or the steel plate was moved off when it was hit. One is now being designed and will be installed.

Mayor Turk asked if the City was just waiting now for what was needed to make this repair.

Mr. Light responded affirmatively.

**B. Minutes**

Consider acceptance of the January 22, 2024, Work Session and Regular Meeting minutes.

The minutes were approved as written.

**5. Old Business**

**A. Amendment to the Zoning Ordinance**

Consider ordinance on second reading for the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District. (Approved on first reading at the January 22, 2024, meeting.)

Mayor Turk asked that Mr. Van Allman share background information for the benefit of the citizens in attendance this evening.

Mr. Van Allman gave a brief overview of this item for the benefit of the citizens in attendance. He shared that this property is currently zoned Highway Business District, which does not allow for an apartment on the premises. The owners would like to be able to offer an apartment on the second floor of the structure to some of their employees. The key reason for the change to Community Business District is that it would allow an on-site apartment.

Randy Foley motioned to adopt ordinance on second reading for the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District. James Wallace seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

**B. Amendment to the Zoning Ordinance**

Consider ordinance on second reading for the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to

HM Heavy Manufacturing District. (Approved on first reading at the January 22, 2024, meeting.)

Mayor Turk requested that Mr. Van Allman give background on this item for the benefit of those in attendance this evening.

Mr. Van Allman noted that this location is approximately north of the former GE building. The reason for the rezoning request is that the Highway Business District designation for the property was not fitting the current needs for what this client would like to do and also does not match the surrounding zoning. They would like to go to Heavy Manufacturing so that they can mirror what is being done and what is being asked for in that area.

Randy Foley motioned to adopt ordinance on second reading for the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District. James Wallace seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

## 6. New Business

### A. **Taxicabs**

Consider setting the date for a public hearing in accordance with Section 98-94 of THE CODE OF THE CITY OF SALEM, VIRGINIA, for the issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months. (Suggest March 11, 2024).

Randy Foley motioned to set the date of March 11, 2024, for a public hearing in accordance with Section 98-94 of THE CODE OF THE CITY OF SALEM, VIRGINIA, for the issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months. James Wallace seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

### B. **Water and Sewer Disposal Rates & Charges**

Consider ordinance on first reading amending Chapter 90, Article III, Division 2, Subdivision I, Sections 90-74 and 90-128 pertaining to water and sewer availability fees. - **Audit-Finance Committee**

Vice-Mayor Wallace noted that this was a housekeeping item to correct the wording

in the ordinance adopted on November 27, 2023, related to availability fees to reflect such fees are based on meter size.

Mayor Turk clarified that basically there was just a one-word error that needed to be clarified for accuracy.

James Wallace motioned to adopt ordinance on first reading amending Chapter 90, Article III, Division 2, Subdivision I, Sections 90-74 and 90-128 pertaining to water and sewer availability fees. Randy Foley seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

**C. Appropriation of Funds**

Consider request to appropriate Microbusiness Marketing Leverage Program Grant funds awarded by Virginia Tourism Corporation. **Audit - Finance Committee**

Vice-Mayor Wallace shared that the City of Salem was awarded \$10,000 in grant funds through the Virginia Tourism Corporation to promote Downtown Salem lodging, dining, and shopping. A local match of \$10,000 is required and will be covered through the Tourism operating budget. Proceeds from the grant will cover the cost of services not included in the Fiscal Year 2024 operating budget.

Mayor Turk thanked the Tourism Department for applying for the grant and for being aware that it was out there to apply for.

James Wallace motioned to appropriate \$10,000 in state grant revenue to State Grants – Tourism account and increase the budget for state grant expenditures by \$10,000. Randy Foley seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

**D. Appropriation of Funds**

Consider request to appropriate local funding for Upland Drive Storm Drain and Curb and Gutter. **Audit - Finance Committee**

Vice-Mayor Wallace shared that as part of the Capital Improvement Plan, \$125,000 was allocated to the Upland Drive storm drain and curb and gutter improvements project in fiscal year 2024. This project is projected to be funded over six years for a total of \$750,000 in funding and a project completion date in fiscal year 2029. Fiscal year 2024 is the first year of local funding, with \$125,000 included in the



General Fund adopted budget.

James Wallace motioned to appropriate \$125,000 to the Capital Projects Fund revenue account, Transfer from General Fund, and to the Capital Projects Fund expenditure account, Upland Drive Storm Drain and Curb and Gutter. Randy Foley seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

**E. Boards and Commissions**

Consider appointments to various boards and commissions.

Randy Foley motioned to recommend Steve Belanger for Circuit Court appointment as a full member to replace Winston J. DuBois for the remainder of a five-year term ending June 5, 2024 to the Board of Zoning Appeals; to reappoint Paul C. Kuhnel and J. David Robbins to the Economic Development Authority for four-year terms ending March 9, 2028; to reappoint Pat Dew for a three-year term ending March 1, 2027 to the Fair Housing Board; and to reappoint John Shaner to the Local Office on Aging Board for a three-year term ending March 1, 2027. James Wallace seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

**7. Closed Session**

**A. Closed Session**

Hold a closed session in accordance with Section 2.2-3711 A(6) of the 1950 Code of Virginia, as amended, for discussion or consideration of the investment of public funds where competition and bargaining is involved, where, if made public, initially, the financial interest of the City would be adversely affected.

Jim Wallace motioned that, in accordance with Sections 2.2-3711 A (6) of the 1950 Code of Virginia, as amended, Council hereby convenes to closed session at 6:53 p.m. for the purpose of discussing the following specific matters:

A discussion or consideration of the investment of public funds where competition and bargaining is involved, where, if made public, initially, the financial interest of the City would be adversely affected. Randy Foley seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

Mayor Turk noted that no action would be taken this evening.

James Wallace motioned to reconvene at 8:33 p.m. In accordance with Section 2.2-3712 D. of the Code of Virginia, 1950 as amended to date, Council certifies that in closed session only items lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such items identified in the motion by which the closed session was convened were heard, discussed, or considered by the Council. Randy Foley seconded the motion.

Ayes: Foley, Holliday, Turk, Wallace

Absent: Jones

## **8. Adjournment**

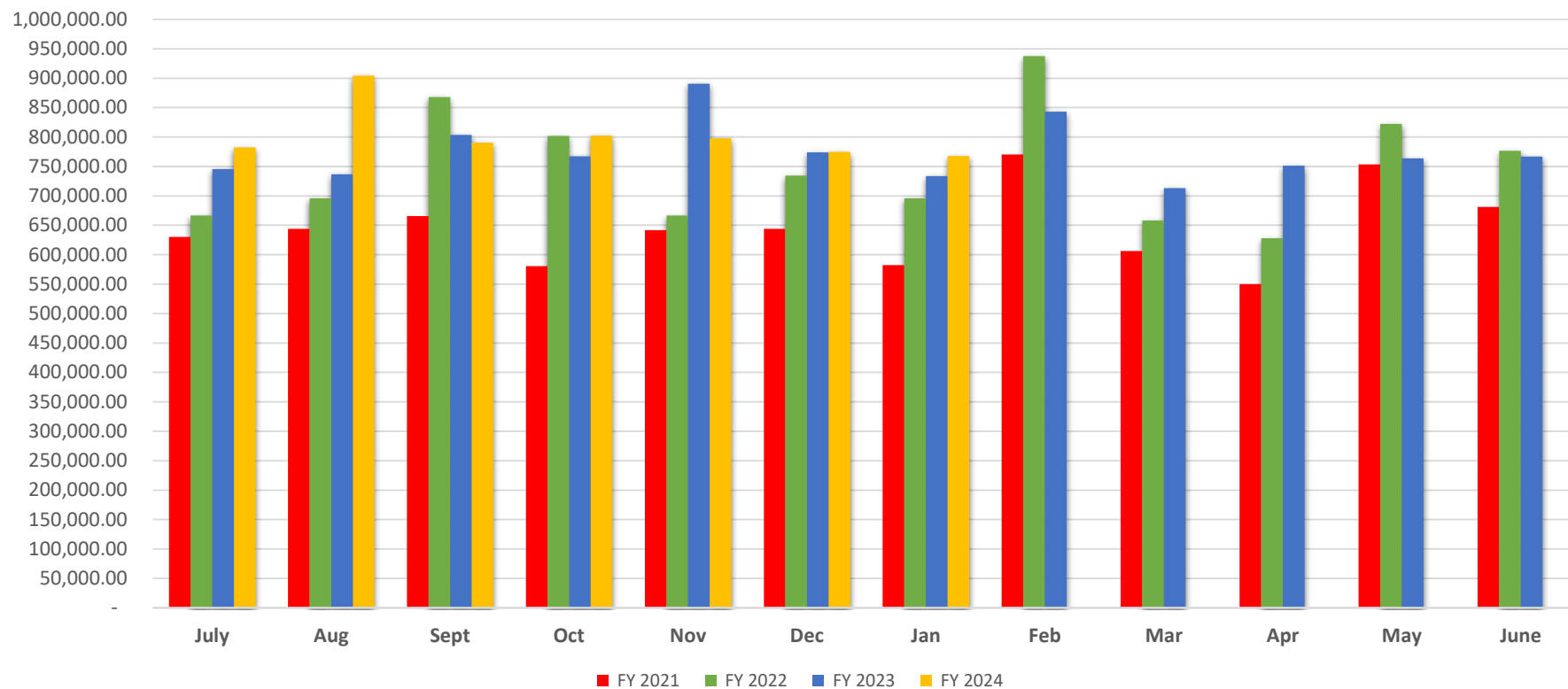
The meeting was adjourned at 8:33 p.m.

Schedule A

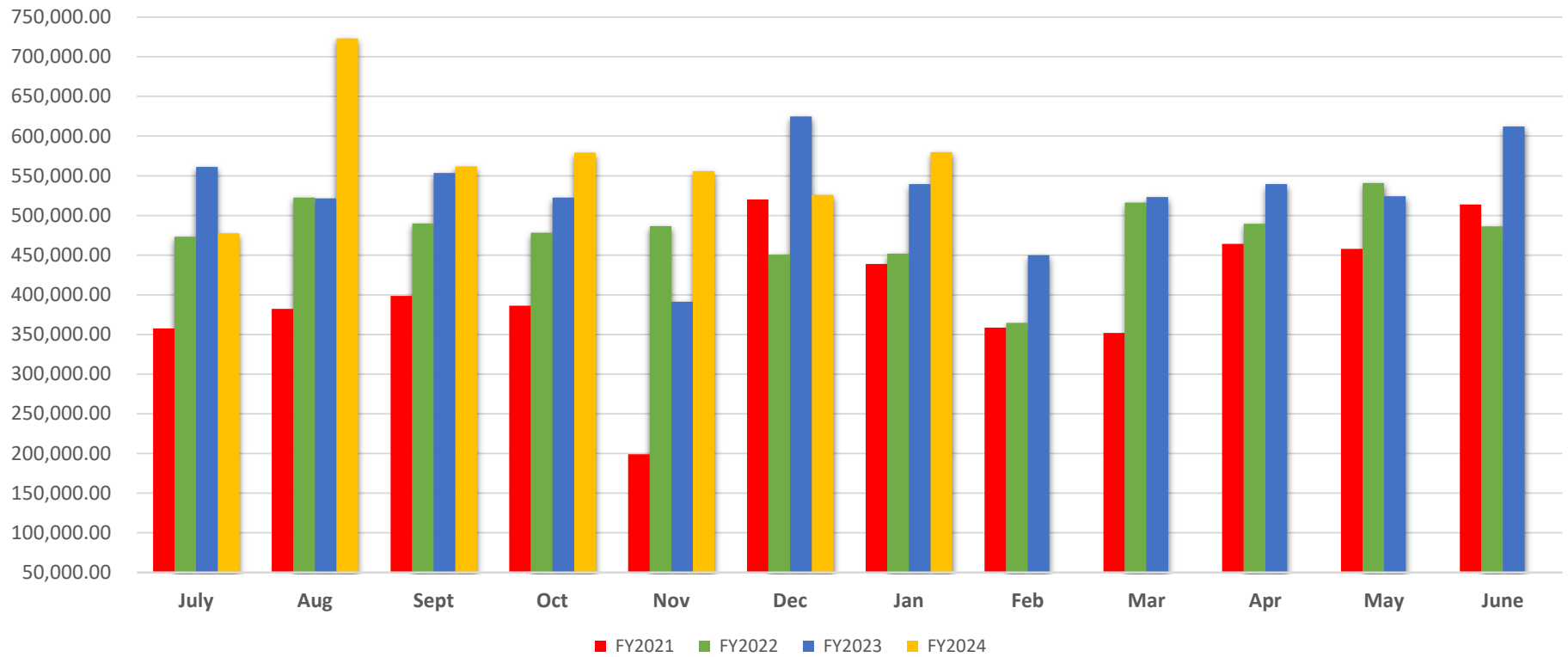
**City of Salem, Virginia  
General Fund  
Statement of Revenues and Expenditures  
For Seven Months Ending January 31, 2024**

	Current Year Budget	Current Year Year to Date	% of Budget	Prior Year Year to Date	Variance
<b>Revenues:</b>					
Beginning Balance 7-1-23	\$ 9,805,439	\$ -	0%	\$ -	\$ -
General Property Taxes	47,435,126	18,498,449	39%	17,039,412	1,459,037
Other Local Taxes	27,410,800	10,481,142	38%	10,355,103	126,039
Permits and Licenses	356,740	181,329	51%	216,185	(34,856)
Fines and Forfeitures	119,000	58,771	49%	65,761	(6,990)
Revenue from Use of Money and Property	5,332,180	4,785,283	90%	1,913,604	2,871,679
Charges for Services	3,680,126	1,932,851	53%	1,829,314	103,537
Payment in Lieu of Taxes from Electric Fund	3,160,000	1,843,333	58%	1,580,000	263,333
Payment in Lieu of Taxes from Water Fund	145,395	85,701	59%	91,799	(6,098)
Miscellaneous Revenue	608,488	334,249	55%	368,743	(34,494)
Non-Categorical Aid	3,690,450	548,942	15%	598,032	(49,090)
Shared Expenses	1,711,395	672,951	39%	738,334	(65,383)
Categorical Aid	9,308,353	4,876,565	52%	3,955,341	921,224
Non-Revenue Receipts	32,346	32,344	100%	75,328	(42,984)
Transfer From Other Funds	5,396,700	5,319,145	99%	14,572,551	(9,253,406)
<b>Total Revenues</b>	<b>118,192,538</b>	<b>49,651,055</b>	<b>42%</b>	<b>53,399,507</b>	<b>(3,748,452)</b>
<b>Expenditures:</b>					
General Government	10,437,204	6,277,605	60%	5,780,561	497,044
Judicial Administration	3,163,592	1,754,034	55%	1,507,587	246,447
Public Safety	25,926,078	13,757,291	53%	11,930,138	1,827,153
Public Works	14,007,361	6,967,858	50%	5,623,793	1,344,065
Health and Welfare	6,492,410	3,054,246	47%	2,519,601	534,645
Education	25,651,617	16,530,553	64%	15,875,299	655,254
Parks, Recreation and Cultural	8,941,646	4,374,586	49%	4,120,433	254,153
Community Development	3,634,234	2,238,081	62%	2,838,235	(600,154)
Non-Departmental	1,271,995	1,168,774	92%	1,145,052	23,722
Transfers Out	17,706,356	13,506,226	76%	16,549,799	(3,043,573)
Contingency	960,045	-	0%	-	-
<b>Total Expenditures</b>	<b>118,192,538</b>	<b>69,629,254</b>	<b>59%</b>	<b>67,890,498</b>	<b>1,738,756</b>
<b>Revenues Over/(Under) Expenditures</b>	<b>\$ -</b>	<b>\$ (19,978,199)</b>		<b>\$ (14,490,991)</b>	<b>\$ (5,487,208)</b>

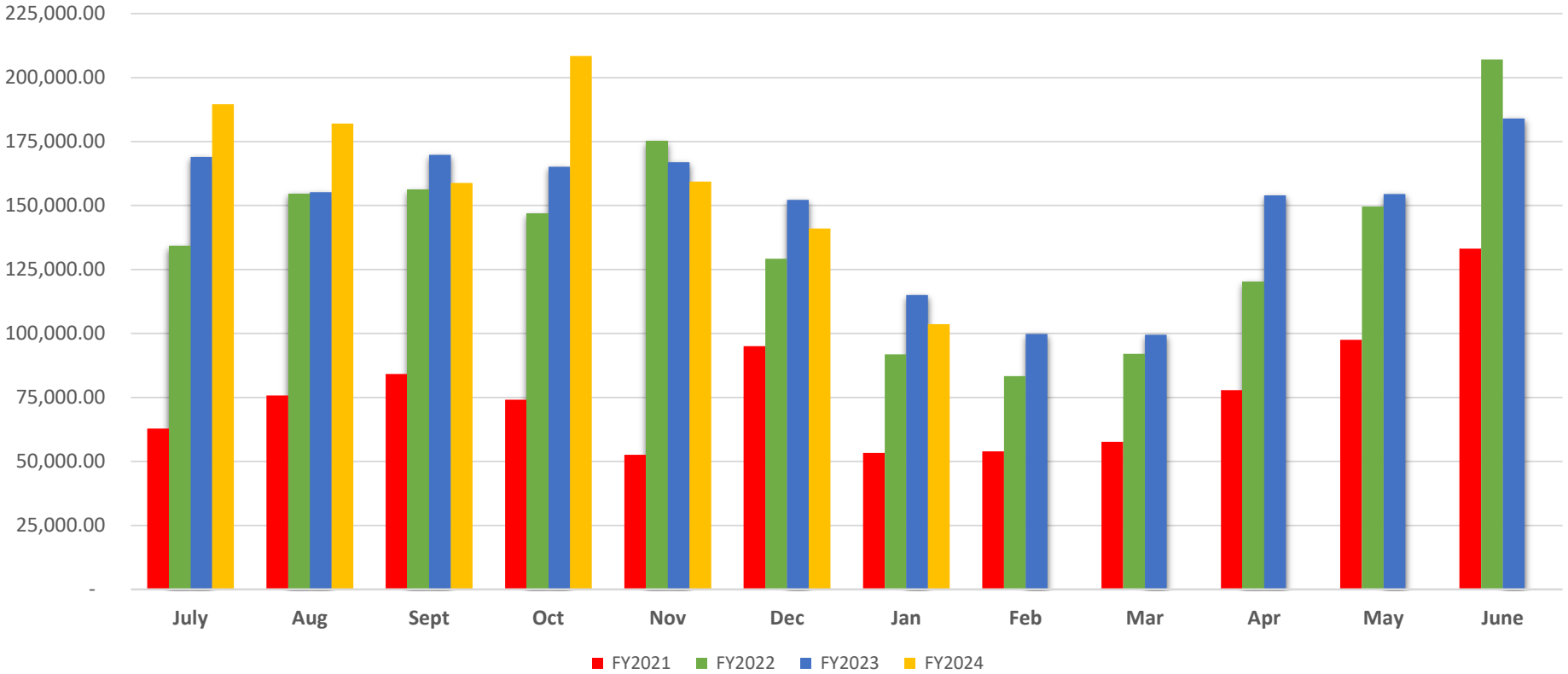
**City of Salem  
Sales Tax Summary  
For Fiscal Years 2021 - 2024**



**City of Salem  
Meals Tax Summary  
For Fiscal Years 2021 - 2024**



**City of Salem  
Lodging Tax Summary  
For Fiscal Years 2021 - 2024**





City of Salem, Virginia  
Debt Outstanding  
For Period Ending January 31, 2024

Schedule F

	Balance 7/1/2023	Issuances	Principal Payments	Balance 1/31/2024
<b>City Debt Outstanding</b>				
2011 Union First Market Refunding Bonds	\$ 379,962	\$ -	\$ (379,962)	\$ -
2013 Public Improvement Bonds	977,550	-	(89,425)	888,125
2016B Public Improvement Bonds	441,146	-	-	441,146
2019 Public Improvement Bonds	4,273,000	-	-	4,273,000
2020 Public Improvement Bonds	1,935,000	-	-	1,935,000
2020 Public Improvement Refunding Bonds	4,703,652	-	-	4,703,652
2021 Public Improvement Refunding Bonds	1,166,000	-	-	1,166,000
2022B Public Improvement Bonds	14,491,000	-	-	14,491,000
<b>Total City Debt Outstanding</b>	28,367,310	-	(469,387)	27,897,923
<b>School Debt Outstanding</b>				
2011 Union First Market Refunding Bonds	665,038	-	(665,038)	-
2012A Public Improvement Bonds	4,772,500	-	(477,250)	4,295,250
2013 Public Improvement Bonds	3,012,450	-	(275,575)	2,736,875
2020 Public Improvement Bonds	23,565,000	-	-	23,565,000
<b>Total School Debt Outstanding</b>	32,014,988	-	(1,417,863)	30,597,125
<b>Total Debt Outstanding</b>	<u>\$ 60,382,298</u>	<u>\$ -</u>	<u>\$ (1,887,250)</u>	<u>\$ 58,495,048</u>



City of Salem, Virginia  
Capital Projects Fund  
Statement of Revenues and Expenditures  
For Period Ending January 31, 2024

Schedule G

	Budget	Project To Date	Encumbrances	Total Project	Available Balance	Year To Date	
Fund Balance, July 1, 2023							\$ 21,420,610
<u>Revenues:</u>							
Federal Grants	\$ 13,372,728	\$ 1,613,200	\$ -	\$ 1,613,200	\$ 11,759,528	\$ 20,121	
State Grants	17,515,640	1,958,036	-	1,958,036	15,557,604	333,533	
Proceeds From Debt Issuance	42,015,146	42,015,145	-	42,015,145	1	-	
Interest Income	683,190	813,125	-	813,125	(129,935)	129,936	
Transfer From General Fund	28,519,299	28,214,325	-	28,214,325	304,974	8,359,062	
Total Revenues	102,106,003	74,613,831	-	74,613,831	27,492,172		8,842,652
<u>Expenditures:</u>							
Next Generation 911	378,493	187,161	30,609	217,770	160,723	-	
Fire Station #2 Renovations	432,000	70,261	-	70,261	361,739	64,029	
Fire Station #2 Storage Building	515,000	-	-	-	515,000	-	
Fire Station #1 Renovations	654,000	3,323	-	3,323	650,677	3,323	
Fire Station #3 Renovations	454,000	4,127	-	4,127	449,873	4,127	
Colorado St Bridge Replacement	11,778,826	1,474,813	4,984,446	6,459,259	5,319,567	677,207	
Apperson Drive Bridge Replacement	9,784,451	762,614	31,828	794,442	8,990,009	14,612	
Jury Room Expansion	400,000	38,932	-	38,932	361,068	6,699	
Apperson Drive Bridge Repairs #1800	682,432	69,800	54,332	124,132	558,300	69,800	
Valleydale Streetscape Improvements	1,500,000	-	-	-	1,500,000	-	
Hanging Rock Battlefield Phase 2	1,420,310	1,431,719	-	1,431,719	(11,409)	574	
Western Roanoke River Greenway	50,000	1,500	-	1,500	48,500	-	
Elizabeth Campus Greenway	2,252,578	158,378	39,970	198,348	2,054,230	-	
Moyer Sports Complex Renovation	27,922,667	19,490,016	6,434,160	25,924,176	1,998,491	7,116,474	
Mason Creek Greenway Phase 3	2,610,681	183,030	294,104	477,134	2,133,547	9,764	
Library Flooring Replacement	190,000	-	-	-	190,000	-	
Library Co-working Space	155,000	-	-	-	155,000	-	
Civic Center East/West Fields Restroom	220,000	-	221,070	221,070	(1,070)	-	
Longwood Park Restroom Replacement #2	180,000	-	129,261	129,261	50,739	-	
Civic Center West Field Lighting Upgrades	250,000	109,207	137,266	246,473	3,527	109,207	
Kiwanis Park Wall Pads	110,000	-	-	-	110,000	-	
Library Lawn Special Events Space	500,000	-	-	-	500,000	-	
Flood Mitigation-CFPF	78,962	74,520	4,442	78,962	-	65,245	
Downtown Impr - E Main St/Union St	2,504,140	2,324,417	-	2,324,417	179,723	313,400	
Downtown Impr - E Main St/Market St	5,440,677	215,332	-	215,332	5,225,345	9,269	
Downtown Impr - E Main St/White Oak	2,311,825	20,643	41,288	61,931	2,249,894	4,363	
Capital Projects Local Reserve	67,811	-	-	-	67,811	-	
Downtown Improvements Reserve	90,350	-	-	-	90,350	-	
Excess Local Funding Reserve	2,171,800	-	-	-	2,171,800	-	

City of Salem, Virginia  
Capital Projects Fund  
Statement of Revenues and Expenditures  
For Period Ending January 31, 2024

Schedule G

	<u>Budget</u>	<u>Project To Date</u>	<u>Encumbrances</u>	<u>Total Project</u>	<u>Available Balance</u>	<u>Year To Date</u>	
Arbitrage	-	149,307	-	149,307	(149,307)	149,307	
Transfer to Schools-2020 Bonds	27,000,000	27,000,000	-	27,000,000	-	801,131	
Total Expenditures	\$ 102,106,003	\$ 53,769,100	\$ 12,402,776	\$ 66,171,876	\$ 35,934,127		<u>9,418,531</u>
Fund Balance, January 31, 2024							<u><u>\$ 20,844,731</u></u>

**City of Salem, Virginia**  
**Electric Fund**  
**Statement of Operations**  
**For Seven Months Ending January 31, 2024**

	Current Year Budget	Current Year Year to Date	% of Budget	Prior Year Year to Date	Variance
<b>Operating Revenues</b>					
Sale of Power	\$ 46,790,745	\$ 24,767,715	53%	\$ 24,835,249	\$ (67,534)
Other Electric Revenue	654,799	513,000	78%	435,462	77,538
Reserve for Encumbrances	1,707,820	-	0%	-	-
Appropriated from Net Position	3,300,000	-	0%	-	-
Total Operating Revenues	52,453,364	25,280,715	48%	25,270,711	10,004
<b>Operating Expenses</b>					
Other Power Generation - Operation	150,000	32,523	22%	63,452	(30,929)
Other Power Generation - Maintenance	73,846	49,529	67%	10,273	39,256
Purchased Power	28,030,000	15,531,122	55%	14,093,969	1,437,153
Transmission - Operation	9,736,000	5,898,536	61%	5,407,300	491,236
Transmission - Maintenance	41,339	4,412	11%	8,988	(4,576)
Distribution - Operations	1,142,527	696,619	61%	618,405	78,214
Distribution - Maintenance	1,541,782	948,387	62%	936,745	11,642
Customer Service	662,562	379,711	57%	354,229	25,482
Administration & General - Operation	2,641,681	486,890	18%	802,173	(315,283)
Administration & General - Maintenance	239,359	174,731	73%	118,174	56,557
Depreciation	-	968,467	0%	822,437	146,030
Capital	4,858,117	681,051	14%	782,602	(101,551)
Contingency	176,151	-	0%	-	-
Total Operating Expenses	49,293,364	25,851,978	52%	24,018,747	1,833,231
<b>Income (loss) Before Transfers</b>	3,160,000	(571,263)		1,251,964	(1,823,227)
Transfers (Payment in Lieu of Taxes)	(3,160,000)	(1,843,333)	58%	(1,580,000)	(263,333)
<b>Income (loss)</b>	\$ -	\$ (2,414,596)		\$ (328,036)	\$ (2,086,560)

**City of Salem, Virginia**  
**Water Fund**  
**Statement of Operations**  
**For Seven Months Ending January 31, 2024**

<b>Operating Revenues</b>	<b>Current Year Budget</b>	<b>Current Year Year to Date</b>	<b>% of Budget</b>	<b>Prior Year Year to Date</b>	<b>Variance</b>
Services	\$ 7,400,000	\$ 4,363,867	59%	\$ 4,261,055	\$ 102,812
Other Revenue	459,899	241,791	53%	198,545	43,246
Water Federal Grants Revenue	-	-	0%	800	(800)
Gain On Sale Of Assets	1,040	1,040	0%	-	1,040
Reserve for Encumbrances	761,826	-	0%	-	-
Appropriated from Net Position	1,320,000	-	0%	-	-
<b>Total Operating Revenues</b>	<b>9,942,765</b>	<b>4,606,698</b>	<b>46%</b>	<b>4,460,400</b>	<b>146,298</b>
<b>Operating Expenses</b>					
<u>Production</u>					
Salaries of Personnel	986,455	595,052	60%	582,140	12,912
Fringe Benefits	465,075	271,331	58%	256,254	15,077
Contractual Services	676,273	330,289	49%	358,365	(28,076)
Printing and Binding	2,500	170	7%	-	170
Advertising	1,000	-	0%	-	-
Utilities	421,200	240,747	57%	238,337	2,410
Communications	5,800	2,309	40%	2,943	(634)
Insurance	38,000	30,854	81%	33,652	(2,798)
Travel and Training	9,800	4,354	44%	3,819	535
Miscellaneous	65,730	46,584	71%	46,487	97
Materials and Supplies	317,076	156,380	49%	109,414	46,966
Depreciation	-	497,417	0%	498,720	(1,303)
Capital	516,451	98,818	19%	661,207	(562,389)
Contingency	155,423	-	0%	-	-
<b>Total Production Expenses</b>	<b>3,660,783</b>	<b>2,274,305</b>	<b>62%</b>	<b>2,791,338</b>	<b>(517,033)</b>
<u>Distribution</u>					
Salaries of Personnel	750,853	391,903	52%	334,597	57,306
Fringe Benefits	361,704	179,436	50%	150,044	29,392
Contractual Services	893,188	548,077	61%	495,390	52,687
Printing and Binding	-	136	0%	-	136
Communications	4,950	3,064	62%	3,246	(182)
Insurance	32,000	34,275	107%	31,258	3,017
Lease/Rent of Equipment	2,000	751	38%	929	(178)
Travel and Training	8,300	1,098	13%	2,413	(1,315)
Miscellaneous	30,530	17,799	58%	17,005	794
Miscellaneous Credits	(255,000)	(237,232)	93%	(194,217)	(43,015)
Materials and Supplies	182,374	120,659	66%	92,461	28,198
Depreciation	-	113,190	0%	63,495	49,695
Capital	2,531,668	83,586	3%	1,035,170	(951,584)
Interest Obligations	1,594,020	81,220	5%	99,362	(18,142)
<b>Total Distribution Expenses</b>	<b>6,136,587</b>	<b>1,337,962</b>	<b>22%</b>	<b>2,131,153</b>	<b>(793,191)</b>
<b>Income (loss) Before Transfers</b>	<b>145,395</b>	<b>994,431</b>		<b>(462,091)</b>	<b>1,456,522</b>
Transfers (Payment in Lieu of taxes)	(145,395)	(85,701)	59%	(91,799)	6,098
<b>Income (loss)</b>	<b>\$ -</b>	<b>\$ 908,730</b>		<b>\$ (553,890)</b>	<b>\$ 1,462,620</b>

**City of Salem, Virginia**  
**Sewer Fund**  
**Statement of Operations**  
**For Seven Months Ending January 31, 2024**

<b>Operating Revenues</b>	<u>Current Year Budget</u>	<u>Current Year Year to Date</u>	<u>% of Budget</u>	<u>Prior Year Year to Date</u>	<u>Variance</u>
Services	\$ 6,997,000	\$ 4,102,538	59%	\$ 4,029,013	\$ 73,525
Other Revenue	149,896	83,364	56%	108,223	(24,859)
Reserve for Encumbrances	797,365	-	0%	-	-
<b>Total Operating Revenues</b>	<u>7,944,261</u>	<u>4,185,902</u>	<u>53%</u>	<u>4,137,236</u>	<u>48,666</u>
<b>Operating Expenses</b>					
Salaries of Personnel	853,377	463,308	54%	464,219	(911)
Fringe Benefits	402,342	213,274	53%	199,875	13,399
Contractual Services	3,661,280	1,420,540	39%	1,375,478	45,062
Printing and Binding	1,500	633	42%	144	489
Advertising	1,500	-	0%	-	-
Utilities	4,500	2,147	48%	2,225	(78)
Communications	14,850	8,039	54%	10,862	(2,823)
Insurance	18,500	13,362	72%	10,061	3,301
Lease/Rent of Equipment	3,000	751	25%	929	(178)
Travel and Training	12,000	2,550	21%	4,569	(2,019)
Miscellaneous	39,030	24,203	62%	20,419	3,784
Miscellaneous Credits	(325,000)	(95,110)	29%	(99,447)	4,337
Materials and Supplies	86,289	27,945	32%	31,396	(3,451)
Depreciation	-	830,526	0%	799,800	30,726
Capital	1,359,778	118,700	9%	95,356	23,344
Interest Obligations	1,666,581	28,303	2%	31,200	(2,897)
Contingency	144,734	-	0%	-	-
<b>Total Operating Expenses</b>	<u>7,944,261</u>	<u>3,059,171</u>	<u>39%</u>	<u>2,947,086</u>	<u>112,085</u>
<b>Income (loss) before Transfers</b>	<u>-</u>	<u>1,126,731</u>		<u>1,190,150</u>	<u>(63,419)</u>
<b>Income (loss)</b>	<u>\$ -</u>	<u>\$ 1,126,731</u>		<u>\$ 1,190,150</u>	<u>\$ (63,419)</u>

**City of Salem, Virginia  
Salem Civic Center  
Statement of Operations  
For Seven Months Ending January 31, 2024**

<b>Operating Revenues</b>	<b>Current Year Budget</b>	<b>Current Year Year to Date</b>	<b>% of Budget</b>	<b>Prior Year Year to Date</b>	<b>Variance</b>
Shows/rentals	\$ 359,850	\$ 250,081	69%	\$ 247,186	\$ 2,895
Box office shows	1,500,000	1,031,866	69%	1,237,113	(205,247)
Catering and concessions	-	-	0%	112,723	(112,723)
Merchandise and commissions	177,500	221,753	125%	138,507	83,246
Static advertising	55,000	23,625	43%	22,625	1,000
Miscellaneous income	15,000	13,569	90%	15,419	(1,850)
Interest Income	-	948	0%	407	541
Salem Fair	603,000	609,818	101%	537,970	71,848
Reserve for encumbrances	309,197	-	0%	-	-
Appropriated from Net Position	100,500	-	0%	-	-
<b>Total Operating Revenues</b>	<b>3,120,047</b>	<b>2,151,660</b>	<b>69%</b>	<b>2,311,950</b>	<b>(160,290)</b>
<b>Operating Expenses</b>					
Salaries of personnel	1,421,099	828,028	58%	791,231	36,797
Fringe benefits	571,127	295,896	52%	269,340	26,556
Maintenance and contractual services	287,134	138,601	48%	147,258	(8,657)
Printing and binding	500	-	0%	1,000	(1,000)
Advertising	23,000	8,767	38%	12,144	(3,377)
Utilities	295,000	185,123	63%	198,017	(12,894)
Communications	13,900	6,063	44%	7,750	(1,687)
Insurance	28,500	29,351	103%	30,924	(1,573)
Leases and Rentals	3,200	-	0%	275	(275)
Travel and training	8,150	6,447	79%	5,432	1,015
Miscellaneous	99,268	68,130	69%	58,584	9,546
Show expense	1,296,992	1,117,074	86%	1,286,702	(169,628)
Fair expense	546,100	624,734	114%	564,491	60,243
Materials and supplies	81,500	28,655	35%	14,825	13,830
Capital	1,093,563	296,942	27%	38,730	258,212
Depreciation	-	159,314	0%	160,166	(852)
<b>Total Operating Expenses</b>	<b>5,769,033</b>	<b>3,793,125</b>	<b>66%</b>	<b>3,586,869</b>	<b>206,256</b>
<b>Income (loss) Before Transfers</b>	<b>(2,648,986)</b>	<b>(1,641,465)</b>		<b>(1,274,919)</b>	<b>(366,546)</b>
Transfers	2,648,986	1,079,742	41%	938,681	141,061
<b>Income (loss)</b>	<b>\$ -</b>	<b>\$ (561,723)</b>		<b>\$ (336,238)</b>	<b>\$ (225,485)</b>

**City of Salem, Virginia**  
**Salem Catering and Concessions**  
**Statement of Operations**  
**For Seven Months Ending January 31, 2024**

	Current Year Budget	Current Year Year to Date	% of Budget	Prior Year Year to Date	Variance
<b>Operating Revenues:</b>					
Catering	\$ 516,682	\$ 524,728	102%	\$ 479,223	\$ 45,505
Concessions	137,833	82,350	60%	80,567	1,783
Moyer Concessions	25,000	-	0%	-	-
Salem High Concessions	6,606	4,310	65%	468	3,842
Total Operating Revenues	686,121	611,388	89%	560,258	51,130
<b>Operating Expenses:</b>					
<u>Catering</u>					
Salaries of personnel	289,671	169,978	59%	146,850	23,128
Fringe benefits	111,668	58,131	52%	42,693	15,438
Contractual services	9,465	5,207	55%	7,358	(2,151)
Printing and binding	300	-	0%	300	(300)
Laundry and Cleaning	2,500	-	0%	-	-
Communications	200	103	52%	92	11
Insurance	1,800	1,877	104%	1,521	356
Travel and training	-	179	0%	-	179
Miscellaneous	19,216	16,201	84%	126,509	(110,308)
Materials and supplies	203,081	156,439	77%	147,645	8,794
Capital	60,000	5,084	8%	-	5,084
Depreciation	-	2,116	0%	2,557	(441)
Total Catering Expenses	697,901	415,315	60%	475,525	(60,210)
<u>Concessions</u>					
Salaries of Personnel	53,832	29,225	54%	19,449	9,776
Fringe Benefits	18,808	5,693	30%	4,444	1,249
Contractual services	4,000	11,402	285%	3,880	7,522
Miscellaneous	150	59	39%	29,932	(29,873)
Materials and Supplies	27,500	23,337	85%	26,107	(2,770)
Machinery And Equipment	-	49	0%	-	49
Total Concessions Expenses	104,290	69,765	67%	83,812	(14,047)
<u>Moyer Concessions</u>					
Salaries of Personnel	9,745	-	0%	-	-
Fringe Benefits	4,484	-	0%	-	-
Contractual services	2,500	-	0%	-	-
Materials and Supplies	13,329	-	0%	-	-
Total Moyer Expenses	30,058	-	0%	-	-
<u>Salem High Concessions</u>					
Salaries of Personnel	2,272	702	31%	-	702
Fringe Benefits	209	305	146%	-	305
Contractual	-	1,005	0%	-	1,005
Materials and Supplies	1,807	1,570	87%	-	1,570
Total Salem High Expenses	4,288	3,582	84%	-	3,582
<b>Income (loss) Before Transfers</b>	(150,416)	122,726		921	121,805
Transfers	150,416	-	0%	-	-
<b>Income (loss)</b>	\$ -	\$ 122,726		\$ 921	\$ 121,805





**City of Salem, Virginia  
Health Insurance Fund  
Statement of Revenues and Expenses  
For Six Months Ending December 31, 2023**

	<b>Budget</b>	<b>Current Year Year to Date</b>	<b>Percent to Date</b>	<b>Prior Year Year to Date</b>	<b>Variance</b>
Beginning Net Position	\$ -	\$ 7,846,412		\$ 6,036,231	\$ 1,810,181
Revenue					
Premiums Paid - City	6,060,000	2,948,709	49%	2,685,641	263,068
Premiums Paid - School	5,240,000	2,573,356	49%	2,275,228	298,128
Premiums Paid - Retirees	765,000	424,170	55%	417,995	6,175
Dental Premiums Paid	591,050	298,509	51%	296,132	2,377
Interest Earnings	90,000	209,383	233%	61,416	147,967
Miscellaneous	5,000	16,249	325%	4,467	11,782
Total Year to Date Revenues	12,751,050	6,470,376	51%	5,740,879	729,497
Expenses					
Health Claims	11,545,772	5,268,595	46%	4,881,796	386,799
Dental Claims	591,050	246,332	42%	240,842	5,490
Employee Health Clinic	511,332	216,497	42%	203,965	12,532
Consulting Services	96,896	39,994	41%	37,832	2,162
Miscellaneous	6,000	4,170	70%	3,889	281
Total Year to Date Expenses	12,751,050	5,775,588	45%	5,368,324	407,264
Ending Net Position	<u>\$ -</u>	<u>\$ 8,541,200</u>		<u>\$ 6,408,786</u>	<u>\$ 2,132,414</u>

City of Salem, Virginia  
Schedule of Deposits and Investments  
For Period Ending January 31, 2024

Schedule O

	Cash Value 1/31/2024	Net Change in Fair Value	Fair Value 1/31/2024	FV as a % of Portfolio
<b>Demand &amp; Time Deposits</b>				
Concentration Account	\$ 51,625,707	\$ -	\$ 51,625,707	32.1%
Payroll Account	10,133	-	10,133	0.0%
Revenue Recovery Account	9,634	-	9,634	0.0%
Utility Billing Account	46,452	-	46,452	0.0%
Box Office Account	807,423	-	807,423	0.5%
Held as Fiscal Agent of:				
Cardinal Academy	943,815	-	943,815	0.6%
Court Community Corrections	1,300,674	-	1,300,674	0.8%
Held on Behalf of:				
Economic Development Authority	492,117	-	492,117	0.3%
<b>Total Demand &amp; Time Deposits</b>	<u>55,235,955</u>	<u>-</u>	<u>55,235,955</u>	<u>34.3%</u>
<b>Investments</b>				
Local Government Investment Pool (LGIP)	105,498,092	-	105,498,092	65.6%
Held on Behalf of:				
Economic Development Authority LGIP	145,447	-	145,447	0.1%
<b>Total Investments</b>	<u>105,643,539</u>	<u>-</u>	<u>105,643,539</u>	<u>65.7%</u>
<b>Total Deposits and Investments</b>	<u><u>\$ 160,879,494</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 160,879,494</u></u>	<u><u>100.0%</u></u>

Item # 5A  
Date: 2/26/2024

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM, VIRGINIA  
HELD AT CITY HALL

**MEETING DATE:** February 26, 2024

**AGENDA ITEM:** Consider ordinance on second reading amending Chapter 90, Article III, Division 2, Subdivision I, Sections 90-74 and 90-128 pertaining to water and sewer availability fees. (Approved on first reading at the February 12, 2024, meeting.)

**SUBMITTED BY:** Larado Robinson, PE, Director of Water/Sewer Department

**SUMMARY OF INFORMATION:**

Applies to Sec. 90-74(a)(1) and Sec. 90-128(a)(1)

The Availability Fees for both water and sewer states the fees are based on “**Meter Size or Tap Size (Whichever is greater)**.” The addition of “**or Tap Size (Whichever is greater)**” was only intended for Connection Fees related to connections installed by the City, not Availability Fees. Availability Fees should only be based on the **Meter Size, not the Tap Size**.

Availability Fees are intended to recover a portion of the cost of the available water and sewer system capacity. The portion of a user’s capacity (the amount of water they use) is determined by their water meter and its size rather than the tap size. Therefore, for all Availability Fees listed, replace “**Meter Size or Tap Size (Whichever is greater)**” with “**Meter Size.**”

**STAFF RECOMMENDATION:**

Staff recommends Council approve second reading of this ordinance.

AN ORDINANCE TO AMEND, REVISE AND REORDAIN CHAPTER 90, ARTICLE III, DIVISION 2, SUBDIVISION I, SECTION 90-74 AND 90-128 PERTAINING TO WATER AND SEWER DISPOSAL AND RATES AND CHARGES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, THAT SECTIONS 90-74 AND 90-128, ARTICLE III, CHAPTER 90, of The Code of the City of Salem, Virginia, be amended, revised and reordained to read as follows:

Chapter 90 - UTILITIES  
ARTICLE III. - WATER AND SEWAGE DISPOSAL  
DIVISION 2. - WATERWORKS SYSTEM AND WATER SUPPLY  
Subdivision I. - In General

Sec. 90-74. - Same—Charges.

- (a) *Generally.* Before a service connection to a city water main is made for a consumer of water, the person desiring such connection shall comply with City connection policy and pay to the city treasurer the following charges:

(1) *Availability fees:* The following charges are hereby established and effective January 1, as noted:

<b>Meter Size or Tap Size (Whichever is greater)</b>	Jan. 2024	Jan. 2025
5/8" or 3/4"	\$3,000.00	\$4,000.00
1"	\$6,000.00	\$8,000.00
1-1/2"	\$10,500.00	\$14,000.00
2"	\$19,500.00	\$26,000.00
3"	\$37,500.00	\$50,000.00
4"	\$60,000.00	\$80,000.00
6"	\$120,000.00	\$160,000.00
8"	\$232,500.00	\$310,000.00

(2) *Connection fees:* The following charges are hereby established and effective January 1, as noted:

Meter Size or Tap Size (Whichever is greater)	Jan. 2024
5/8" or 3/4 "	\$2,000.00 or actual cost plus 29%, whichever is greater
1"	\$2,300.00 or actual cost plus 29%, whichever is greater
1-1/2"	\$3,200.00 or actual cost plus 29%, whichever is greater
2"	\$3,800.00 or actual cost plus 29%, whichever is greater
Larger than 2"	Actual Cost plus 29%

- (b) *Subdivisions.* In a duly approved subdivision where the subdivider or property owner has installed water service laterals, as required under the provisions of chapter 78 of this Code as a part of the physical improvements within the subdivision, the amounts specified in subsection (a) of this section to be made shall be reduced by 40 percent.

Connection fee for water service laterals installed by subdivider are hereby established and effective January 1, as noted:

Water Meter Size	Jan. 2024
5/8" or 3/4	\$1,200.00
1"	\$1,380.00
1-1/2"	\$1,920.00
2"	\$2,280.00
Larger than 2" Water Meter Size	Actual cost plus 29%

### DIVISION 3. - SEWAGE DISPOSAL

#### Subdivision I. - In General

Sec. 90-128. - Sewer connection charges generally.

- (a) Before a sewer service connection is made to a city public sewer, the applicant therefor shall comply with City connection policy and pay to the city treasurer the following charges:

(1) *Availability fees:* The following charges are hereby established and effective January 1, as noted:

<b>Meter Size or Tap Size (Whichever is greater)</b>	Jan. 2024	Jan. 2025
5/8" or 3/4"	\$1,500.00	\$2,000.00
1"	\$3,000.00	\$4,000.00
1-1/2"	\$4,500.00	\$6,000.00
2"	\$9,000.00	\$12,000.00
3"	\$18,000.00	\$24,000.00
4"	\$30,000.00	\$40,000.00
6"	\$60,000.00	\$80,000.00
8"	\$112,500.00	\$150,000.00

(2) *Connection fees:*

6" Sewer Connection or smaller - based on lateral diameter	The greater of \$2,200.00 or actual cost plus 29%
Larger than 6" Sewer Connection - based on lateral diameter	The greater of \$2,200.00 or actual cost plus 29%

- (b) This section shall be subject to sections 90-129 and 90-130

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

H. Hunter Holliday -  
William D. Jones -  
Byron Randolph Foley -  
James W. Wallace, III -  
Renee F. Turk -

Passed:  
Effective:

/s/  
Mayor

ATTEST:

H. Robert Light  
Clerk of Council  
City of Salem, Virginia

Item # 6A  
Date: 2/26/2024

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM, VIRGINIA  
HELD AT CITY HALL

**MEETING DATE:** February 26, 2024

**AGENDA ITEM:** Authorize the City Manager to notify the Virginia Department of Wildlife Resources (DWR) that the City of Salem will participate in the 2024-2025 urban archery program regulated by DWR.

**SUBMITTED BY:** Chris Dorsey, City Manager

**SUMMARY OF INFORMATION:**

The Virginia Department of Wildlife Resources (DWR) administers and regulates a special urban archery season. Localities must provide a letter of intent to DWR by April 1<sup>st</sup> for the initial year of participation. Thereafter, localities will automatically be included in subsequent seasons unless providing notification of intent not to participate by April 1<sup>st</sup> of any year.

Should the City wish to participate in the program for the next eligible season, Council is requested to formally authorize the City Manager to notify DWR by April 1, 2024. The specific dates of the 2024-2025 urban archery season are established by DWR and at this time have not been published.

**STAFF RECOMMENDATION:**

Staff recommends that Council authorize the City Manager to submit notice to DWR if the City wishes to participate in the urban archery program effective with the 2024-2025 season.



Item # 6B  
Date: 2/26/2024

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM, VIRGINIA  
HELD AT CITY HALL

**MEETING DATE:** February 26, 2024

**AGENDA ITEM:** Consider approval of revised Blue Ridge Behavioral Healthcare bylaws.

**SUBMITTED BY:** Rob Light, Assistant City Manager

**SUMMARY OF INFORMATION:**

Blue Ridge Behavioral Healthcare submitted the revised bylaws, revised as of December 12, 2023, and requested approval by Salem City Council. The bylaws, which require participating locality approval, were last amended December 11, 2011. The bylaws as presented were accepted at the regular meeting of the Blue Ridge Behavioral Healthcare Board on December 12, 2023, by unanimous Vote.

**STAFF RECOMMENDATION:**

Recommend approval of the amended bylaws.

**BYLAWS**  
**of**  
**BLUE RIDGE BEHAVIORAL HEALTHCARE**

**ARTICLE I - INTRODUCTORY STATEMENTS; NAME**

Section 1.     Background. Blue Ridge Behavioral Healthcare is an operating community services board formed pursuant to and governed by the provisions of Chapter 5 (Community Services Boards) of Title 37.2 (Behavioral Health and Developmental Services) of the Code of Virginia, 1950, as amended, (the "Code"). As defined in Section 37.2-100 of the Code, the term "operating community services board" denotes both "the board, the members of which are appointed" by the governing body of the local political subdivisions which established it, and the "organization which provides . . . services, through its own staff or through contracts with other providers." The following bylaws apply to, and govern the administration of Blue Ridge Behavioral Healthcare, hereinafter referred to as the "Board".

**ARTICLE II – PURPOSE**

The purpose of the Board is:

Section 1.     To serve as an operating community services board formed pursuant to Section 37.2-500 *et. seq.* of the Code, and to oversee and provide a system of comprehensive community mental health, developmental disability, and substance use disorder services for the benefit of the citizens, and be responsible to the governing bodies of the Cities of Roanoke and Salem, and Counties of Botetourt, Craig, and Roanoke ("Local Political Subdivisions").

Section 2.     To relate and integrate existing and planned programs.

Section 3.     To assure quality service and continuity of care in the areas of emergency services, case management, prevention, case finding, consultation, diagnosis, treatment, care, training, prescreening, case and rehabilitation, and where current programs are nonexistent or inadequate, establish new programs, subject to the availability of funds appropriated for them, or enter into affiliatory agreements with agencies already providing services for the creation or enhancement of those nonexistent or inadequate services.

Section 4.     To provide continuing education to the public, ongoing research, training of personnel and evaluation of ongoing programs.

**ARTICLE III – MEMBERSHIP ON THE BOARD**

Section 1.     Number. The Board shall consist of sixteen (16) members.

Section 2. Manner of Appointment. The Councils of the Cities of Roanoke and Salem, and the Boards of Supervisors of the Counties of Botetourt and Roanoke, shall each appoint three Members of the Board, while the County of Craig shall appoint one Member of the Board (the "Local Political Subdivisions Appointees"). The Board shall further nominate three persons to serve as Members of the Board ("Board Nominees"), who must be appointed by the five Local Political Subdivisions in the manner provided in Section 5 of this Article ("Board Nominee Appointees") (Local Political Subdivision Appointees and Board Nominee Appointees are hereinafter collectively referred to as "Appointees"). Furthermore, if the immediate past Chair of the Board is not reappointed as an Appointee by virtue of the fact that they are ineligible to serve another term pursuant to Section 4 of this Article, then they shall serve as an advisor to the Board for an additional one year term and shall be entitled to attend all Board meetings, but shall not have a vote.

Section 3. Composition of the Board.

- a. In General. The Local Political Subdivisions shall endeavor to appoint Appointees and the Board shall endeavor to nominate Board Nominees which are broadly representative of the Local Political Subdivision communities. Prior to making any appointment to the Board, the appointing authority shall disclose and make available to the public the names of those persons being considered for appointment.
- b. Persons Specifically Included. Notwithstanding the generality of the forgoing, in accordance with Section 37.2-501 of the Code, at any one time, one-third of the Board Members shall be identified clients or former clients, or family members of clients or family members of former clients, and at least one Board Member shall be a client receiving services.
- c. Local Political Subdivision Official Representation on Board. The Board shall not be composed of a majority of local government officials which are either elected or appointed. Nor shall any Local Political Subdivision be represented by Appointees to the Board by more than two local government officials which are either elected or appointed.
- d. Nongovernmental Service Provider Representation on Board. In general, no employee or board member of an organization which receives funding from Blue Ridge Behavioral Healthcare shall be appointed a Member of the Board; provided, however, nothing shall preclude any member of the Board from serving as an officer, employee, board member, or in any other capacity for Blue Ridge Behavioral Healthcare, Inc., nor any other similar organization organized and controlled by the Board.

Section 4. Term. Each Board Member shall serve for a term of three years, which term shall begin on the first day of January of the year of appointment. The Board Members' terms shall continue to be staggered in an effort to ensure that no more than six Board Members' terms expire in any given year. No person shall be eligible to serve as a Board Member for more than three successive three-year terms, provided that a person who is

appointed to fill a vacancy on the Board may serve three additional successive terms after the term in which the vacancy was created terminates.

**Section 5. Mechanics of Appointment.** See the Board's separate Board Member Appointment Policy which can be found at the principal office of the Board.

#### ARTICLE IV - POWERS AND DUTIES OF THE BOARD

In accordance with Section 37.2-504 of the Code, the Board shall have the following powers and duties,:

**Section 1.** Review and evaluate all existing and proposed public community mental health, developmental disabilities, and substance use disorder services and facilities available to serve the community and such private services and facilities as receive funds through it and advise the local governing bodies of the political subdivisions that established it as to its findings.

**Section 2.** Pursuant to Va. Code § 37.2-508, submit to the governing body of each political subdivision that established it, an annual performance contract for community mental health, developmental disabilities, and substance use disorder services for its approval prior to submission of the performance contract to the Virginia Department of Behavioral Health and Developmental Disability Services ("Department").

**Section 3.** Within amounts appropriated therefore, provide such services as may be authorized under such performance contract.

**Section 4.** In accordance with its approved performance contract, enter into contracts with other providers for the delivery of services or operation of facilities.

**Section 5.** Make policies concerning the delivery of services or operation of facilities under its direction or supervision, subject to applicable standards, policies or regulations promulgated by the State Board of Behavioral Health and Developmental Services ("State Board").

**Section 6.** Appoint and prescribe the duties of an executive director of community mental health, developmental, and substance abuse services, who meets the minimum qualifications established by the Department. The compensation of the executive director shall be fixed by the operating board within the amounts made available by appropriation for this purpose. The executive director shall serve at the pleasure of the operating board and be employed under an annually renewable contract that contains performance objectives and evaluation criteria.

**Section 7.** Prescribe a reasonable schedule for fees for services provided by personnel or facilities under the jurisdiction or supervision of the board and establish procedures for the collection of the same. All fees collected shall be included in the performance contract submitted to the local governing bodies pursuant to subdivision 2 of this subsection and Va. Code § 37.2-508 and shall be used only for community mental health, developmental

disabilities, and substance use disorder purposes. The board shall institute a reimbursement system to maximize the collection of fees from persons receiving services under its jurisdiction or supervision consistent with the provisions of Va. Code § 37.2-511 and from responsible third-party payors. The board shall not attempt to bill or collect fees for time spent participating in involuntary commitment hearings pursuant to Va. Code § 37.2-814.

Section 8. Accept or refuse gifts, donations, bequests or grants of money or property from any source and utilize the same as authorized by the governing bodies of the political subdivisions that established it.

Section 9. Seek and accept funds through federal grants. In accepting such grants, the board shall not bind the governing bodies of the political subdivisions that established it to any expenditures or conditions of acceptance without the prior approval of such governing bodies.

Section 10. Have authority, notwithstanding any provision of law to the contrary, to disburse funds appropriated to it in accordance with such regulations as may be established by the governing bodies of the political subdivisions that established it.

Section 11. Develop joint annual written agreements, consistent with policies and procedures established by the State Board, with local school divisions; health departments; boards of social services; housing agencies, where they exist; courts; sheriffs; area agencies on aging; and regional Virginia Department for Aging and Rehabilitative Services offices. The agreements shall specify what services will be provided to clients. All participating agencies shall develop and implement the agreements and shall review the agreements annually.

Section 13. Take all necessary and appropriate actions to optimize the involvement and participation of clients and family members of clients in policy formulation and services planning, delivery, and evaluation.

Section 14. Institute, singly or in combination with other operating community services boards, administrative policy boards, local government departments with policy-advisory boards, or behavioral health authorities, a dispute resolution mechanism that is approved by the Department. The dispute mechanism enables clients and family members of clients to resolve concerns, issues, or disagreements about services without adversely affecting their access to or receipt of appropriate types and amounts of current or future services from the board.

Section 15. Notwithstanding the provisions of Va. Code § 37.2-400 or any regulations promulgated thereunder, release data and information about individual clients to the Department so long as the Department implements procedures to protect the confidentiality of such information.

Section 16. Notwithstanding any provision of law to the contrary, to receive state and federal funds directly from the Department and act as its own fiscal agent, when authorized to do so by governing bodies of the political subdivisions that established it.

## ARTICLE V - POWERS EXPRESSLY NOT GRANTED

The Board shall not have the power to bind the current or any future governing body of the Local Political Subdivisions, or the Local Political Subdivisions themselves, for any debt or other obligation of Blue Ridge Behavioral Healthcare.

## ARTICLE VI – OFFICERS

Section 1. Officers. The Officers of the Board shall be Chair, Vice-Chair, Treasurer and Secretary each of whom shall have such powers and duties as generally pertain to such respective offices, as well as such powers and duties as from time to time may be conferred upon them by the Board, and which shall specifically include, but not be limited to, the powers, duties and responsibilities set forth hereinafter in this Article VI.

Section 2. Chair. The duties of the Chair shall be:

- a. To preside at all meetings of the Board and the Executive Committee.
- b. To appoint all committees deemed necessary for the operation of the Board as authorized by the Board.
- c. To work closely with the Executive Director and staff.
- d. To perform any other duties determined by the Board.

Section 3. Vice-Chair. The duties of the Vice-Chair shall be:

- a. To perform the duties of the Chair in his/her absence.
- b. To perform any other duties as assigned by the Board or the Chair.

Section 4. Treasurer. The duties of the Treasurer shall be:

- a. To perform the duties of the Chair in the absence of the Chair and the Vice-Chair.
- b. To perform any other duties as assigned by the Board or the Chair.

Section 5. Secretary. The duties of the Secretary shall be:

- a. To perform the duties of the Chair in the absence of the Chair, the Vice-Chair, and the Treasurer.
- b. To ensure that accurate records of all Meetings of the Board are maintained.
- c. To perform any other duties as assigned by the Board or the Chair.

## ARTICLE VII – NOMINATIONS, ELECTION, AND TERMS OF OFFICE

Section 1. Nominating Committee. A Nominating Committee will be established and appointed by the Board in time to make recommendations to the Board with regard to a slate of prospective officers at least 30 days prior to the end of each calendar year. The Nominating Committee shall submit the name of at least one nominee for each of the offices of Chair, Vice Chair, Treasurer, and Secretary at the December meeting of the board at which meeting the election of officers of the board shall be held. Members of the nominating committee shall be eligible for nomination, but no member shall be nominated whose consent to serve has not first been obtained. A majority of those present and voting shall constitute an election.

Section 2. Election of Officers. The Board shall elect its officers at the last meeting preceding the new calendar year. A majority of those present and voting shall constitute an election.

Section 3. Term of Office. The term of office shall begin on January 1 and shall be for one year. No officer may serve more than two consecutive terms in the same office.

Section 4. Vacancies. Any vacancy occurring in the officers shall be filled by the Board.

## ARTICLE VIII – MEETINGS OF THE BOARD

Section 1. Regular meetings. Regular meetings shall be held at a time to be determined by the Board.

Section 2. Special meetings. Special meetings may be called by the Chair or upon written request of three Members of the Board.

Section 3. Quorum and Voting. The quorum for all Board meetings shall be the majority of the directors currently serving. In making any recommendation, adopting any plan, or approving any proposal, action shall be taken by a majority vote of board members participating and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes of the board shall be taken during public meetings, and no vote shall be taken by secret or written ballot or proxy.

Section 4. Executive Committee Meetings. The Executive Committee shall meet at the discretion of the Chair.

Section 5. Executive Committee Quorum. The quorum for all Executive Committee meetings shall be a majority of the Committee.

Section 6. VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, as amended ("VFOIA"). Pursuant to VFOIA, "meeting" or "meetings" means the meetings including work sessions, when sitting

physically, or through electronic communications means as permitted by the VFOIA, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The board has adopted a policy based on VFOIA that if approved by the board chair based on specific circumstances allows members to use remote participation.

**Section 7. Meeting Attendance.** All Board Members are expected to attend board meetings, assigned committee meetings, and special meetings on a consistent basis.

## ARTICLE IX – COMMITTEES

**Section 1. Executive Committee.** The elected officers of the Board and the immediately preceding Chair of the Board shall constitute the Executive Committee. If the immediately preceding Chair is no longer an appointed board member, they shall not have a vote in the Executive Committee. In addition, if no Local Political Subdivision Appointee appointed by a given Local Political Subdivision has been elected an officer of the Board (the "Unrepresented Local Political Subdivision"), then one Local Political Subdivision Appointee appointed by such Unrepresented Local Political Subdivision shall also serve on the Executive Committee. The Chair and Secretary of the Board shall be, respectively, Chair and Secretary of the Executive Committee.

A. **Duties.** It shall be the duty of this committee to conduct the necessary business between meetings of the Board. All actions taken shall be subject to ratification at the next regular meeting of the Board.

B. **Annual Evaluation.** It shall be the duty of this committee to conduct an annual evaluation of the Executive Director for presentation to the full Board and to act for the Board in contract negotiations with the Executive Director.

**Section 2. Other Committees of the Board.** The Board may, by resolution adopted by a majority of the entire Board, establish and appoint other standing committees. The Chair shall appoint the chairperson of each committee. Each committee so appointed shall consist of three (3) or more Board Members and, to the extent provided in the resolution establishing it, and shall have all the authority of the Board, except as to the following matters:

- A. the filling of vacancies on the Board or on any committee;
- B. the amendment or repeal of the bylaws or the adoption of new bylaws;
- C. the amendment or repeal of any resolution of the Board;
- D. the fixing of compensation of any Officer for serving on the Board or any committee.



## ARTICLE X – INDEMNIFICATION

Section 1. Indemnification of Officers and Directors. Blue Ridge Behavioral Healthcare shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (including an action or suit by or in the right of Blue Ridge Behavioral Healthcare to procure a judgment in its favor) by reason of the fact that they are or were a director or officer of Blue Ridge Behavioral Healthcare or is or was serving at the request of Blue Ridge Behavioral Healthcare as a director or officer of a corporation, partnership, joint venture, trust or other enterprise, against judgments, fines, amounts paid in settlement, and expenses (including attorneys' fees) actually and reasonably incurred by them in connection with such action, suit or proceeding except only in relation to any claim, issue or matter as to any person shall have been finally adjudged to be liable for their gross negligence or willful misconduct. Each such indemnity shall inure to the benefit of the heirs, executors and administrators of such person.

Section 2. Qualification for Indemnification. Any indemnity under subsection (1) above shall (unless authorized by a court) be made by Blue Ridge Behavioral Healthcare only as authorized in the specific case, upon a determination that the director or officer was not guilty of gross negligence or willful misconduct in the performance of their duty, and, in case of a settlement, that such settlement was, or if still to be made is, consistent with such indemnity, and the best interests of Blue Ridge Behavioral Healthcare. Such determination shall be made (i) by the Board by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (ii) if such a quorum is not obtainable, or, even if obtainable, a quorum of disinterested directors so directs, by independent legal counsel in a written opinion. If the determination is to be made by the Board, it may rely, as to all questions of law, on the advice of independent counsel.

Section 3. Expenses of Defense. Expenses incurred in defending an action suit or proceeding, whether civil, administrative or investigative, may be paid by Blue Ridge Behavioral Healthcare in advance of the final disposition of such action, suit or proceeding as authorized by vote of the persons provided in subsection (2) of this section, upon receipt of an undertaking by or on behalf of the director or officer to repay such amount unless it shall ultimately be determined that they are entitled to be indemnified by Blue Ridge Behavioral Healthcare as authorized in this section.

Section 4. Nonexclusive Right of Indemnification. The right of indemnification provided by this section shall not be exclusive of any other rights to which any director or officer may be entitled, including any right under policies of insurance that may be purchased and maintained by Blue Ridge Behavioral Healthcare or others, even as to claims, issues or matters in relation to which Blue Ridge Behavioral Healthcare would not have the power to indemnify such director or officer under the provisions of this section.

Section 5. Insurance. Blue Ridge Behavioral Healthcare may purchase and maintain, at its sole expense, insurance against all liabilities or losses it may sustain in consequence of the indemnification provided for in this section, in such amounts and on such terms and conditions as the Board of Directors may deem reasonable.

#### ARTICLE XI - CLIENT INVOLVEMENT

It shall be the policy of this Board to encourage, and be receptive to, client involvement. Meetings of the Board shall be open to the public. Liaison with identified client groups will be maintained to facilitate optimum client involvement. Periodic communications will be made available to the public via email and postings on the Blue Ridge Behavioral Healthcare website.

#### ARTICLE XII - CONFLICT OF INTEREST

Whenever a Board Member or Committee member has cause to believe that a matter to be voted upon would involve him in a conflict of interest, he or she shall comply with the provisions of the Virginia Comprehensive Conflict of Interest Acts, Sections 2.1-599, et seq., of the Code.

#### ARTICLE XIII – PARLIAMENTARY PROCEDURES

Robert's Rules of Order, Newly Revised, shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these Bylaws.

#### ARTICLE XIV - AMENDMENTS

These Bylaws shall be reviewed annually by the Board and may be amended at any regular meeting of the Board by two-thirds vote of those present and voting, notice having been submitted in writing 15 days prior to the meeting, subject to the approval of the governing bodies of the Local Political Subdivisions.

Reviewed and accepted with indicated changes at a regular meeting of the Board,  
December 14, 2023, by unanimous vote.

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Marty Francis, Secretary