

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON WEDNESDAY, OCTOBER 23, 2002, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:**

Present: Kenneth W. Williams, Pinetop District
Fred S. Crittenden, Pinetop District
John D. Miller, Jr., Saluda District
Lenora O. Weber, Saluda District
Wayne Jessie, Sr., Jamaica District

Charles M. Culley, Jr., County Administrator

CALL TO ORDER

Mr. Williams called the meeting to order at 6:45 P.M. and opened with a prayer.

PUBLIC HEARING – ELECTRIC UTILITY CONSUMPTION TAX ORDINANCE

Mr. Culley presented a proposed electric utility consumption tax ordinance, which if adopted, would allow the revenue already being collected on individual electric bills to be turned over to the County rather than turned into the State. Most counties had adopted similar ordinances two years ago as a result of changes to the State Code. Delegate Morgan had introduced legislation which would allow counties that did not adopt an ordinance at that time another opportunity to adopt an ordinance.

Mr. Williams opened a public hearing on the matter. There being no comment, the public portion of the hearing was closed. The motion to adopt the following ordinance was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

ELECTRIC UTILITY CONSUMPTION TAX ORDINANCE

Be it ordained by the Board of Supervisors of the County of Middlesex, Virginia that the Ordinance Establishing the Electric Utility Consumption Tax for Middlesex County is hereby adopted as follows:

ARTICLE 1 Title

This Ordinance shall be known and may be cited as the Electric Utility Consumption Tax Ordinance.

ARTICLE 2 Authority

This Ordinance is promulgated pursuant to authority contained in §58.1-2900, §58.1-2901 F and §58.1-3731 of the Code of Virginia of 1950, as amended.

ARTICLE 3 – Effective Date

This Ordinance shall be effective for revenues collected after January 1, 2003

ARTICLE 4 – Definitions

For the purpose of this Ordinance, “service providers” means the person who delivers electricity to the consumer and “provider of billing services” means the person who bills a consumer for electric services rendered. If both the service provider and another person separately and directly bill a consumer for electricity service, then the service provider shall be considered the “provider of billing services”.

ARTICLE 5 – Amount of Tax

Section 1:

Pursuant to §58.1-2900 of the Code of Virginia of 1950, as amended, there is hereby imposed, in addition to the local consumer utility tax on the consumers of electricity in the Commonwealth, a local tax based on kilowatt hours delivered by the incumbent distribution utility and used per month as follows:

- 1. Each consumer of electricity in the Commonwealth shall pay a local electric utility consumption tax on all electricity consumed per month not in excess of 2,500 kWh at the rate of \$0.00038/kWh;*
- 2. Each consumer of electricity in the Commonwealth shall pay a local electric utility consumption tax on all electricity consumed per month in excess of 2,500 kWh but not in excess of 50,000 kWh, at the rate of \$0.00024/kWh;*
- 3. Each consumer of electricity in the Commonwealth shall pay a local electric utility consumption tax on all electricity consumed per month in excess of 50,000 kWh, at the rate of \$0.00018/kWh.*

Section 2 – Exemptions

The tax authorized by this Ordinance shall not apply to the municipality’s own use or to use by divisions or agencies of federal, state or local governments.

ARTICLE 6 – Collection and Remittance of Tax; Failure to Remit Promptly

Section 1 – Collection:

The provider of billing services shall collect the tax from the consumer by adding it as a separate charge to the consumer’s billing statement in amounts authorized in Article 5, Section 1 above.

Section 2 – Remittance:

A provider of billing services shall remit monthly to the Commissioner of the Revenue of Middlesex County, Virginia, the amount of local consumption tax paid during the preceding month by the provider of billing services’ customers. Remittance shall be made on or before the last day of the succeeding month of collection.

Section 3 – Failure to Remit Promptly

Failure to remit timely will result in the addition of a ten percent penalty.

ARTICLE 7 – Right to Audit

The Middlesex County Board of Supervisors reserves the right to audit the books and records of any service provider or provider of billing services to verify that the tax imposed by this Ordinance has been correctly determined and properly remitted to the County.

Adopted by the Board of Supervisors of Middlesex County, Virginia, as follows:

YEA NAY

<i>Kenneth W. Williams</i>	<i>aye</i>
<i>Fred S. Crittenden</i>	<i>aye</i>
<i>John D. Miller, Jr.</i>	<i>aye</i>
<i>Lenora O. Weber</i>	<i>aye</i>
<i>Wayne H. Jessie</i>	<i>aye</i>

CONTRACT FOR ENGINEERING SERVICES

Discussion continued from the October 15th meeting regarding the proposed engineering contract with R. Stuart Royer. The firm proposed to reduce the contract price by \$6,500 to \$143,400.00. Mrs. Weber noted that she did not like dealing with this firm and questioned the impact of no businesses hooking on to the system. Mr. Culley noted that nothing would change, the County would still have to have a system for the Courthouse facility. The motion to accept the contract for \$143,400.00 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

MITIGATION PLANNING REQUIREMENTS

The motion recommending that new requirements for mitigation planning be turned over to the Planning District Commission was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

APPOINTMENT

The motion to appoint Martha Oliver to serve as a replacement for Tommy Gilbert on the Board of Zoning Appeals was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

CLOSED MEETING

The motion to meet in closed session pursuant to §2.2-3711.A1 for discussion of personnel, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Upon reconvening the following motion was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously:

- To the best of the members' knowledge only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.2-3711.A1 identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

There was no action taken as a result of the closed meeting.

ADJOURN

There being no further discussion, the meeting was adjourned until November 5, 2002.

Kenneth W. Williams, Chairman
Board of Supervisors