



Before the  
**Colonial Beach Town Council**  
Held at  
**Town Center**  
**22 Washington Avenue**  
Wednesday, May 1, 2019 at 6:00 p.m.  
**Town Council Work Session**  
**AGENDA**

1. Call To Order
2. Roll Call of Members
3. Approval of the Agenda
4. Presentations

Dashan Turner, CBPS Superintendent, Fiscal Year 2020 School Budget

5. Unfinished Business
6. New Business

**Public Hearing**

● Ordinance No. 695, Amends Town Code, Chapter 13.1, Article III, Boardwalk Vendors and Peddlers **(Tab A)**

(i) Public Input

(ii) Council Action

● Draft Resolution # 23-19, Adopts a Social Media Policy and a Networking Policy **(Tab B)**

● Draft Resolution # 24-19, Adopts the Commonwealth of Virginia 457 Deferred Compensation Plan for TOCB Employees **(Tab C)**

● Draft Resolution #25-19, Directs the Town Manager to Execute an Agreement **(Tab D)**

● Introduction/discussion re: offer to purchase right of way in Bluff Point

**7. Status Items**

- Plaza Update
- Budget Update
- Real Estate Broker
- Town Council Priority List and Grant Opportunities

**8. Citizen Input**

**9. Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(3) to discuss 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.**

**10. Adjournment/Recess**

# Tab A

## COUNCIL PAPER

At the meeting held on May 1, 2019 at the Colonial Beach Town Center

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### **ORDINANCE NO. 695, Amends Town Code, Chapter 13.1, Article III. “Boardwalk Vendors and Peddlers”**

**ORDINANCE NO. 695** AMENDS THE COLONIAL BEACH TOWN CODE, CHAPTER 13.1, LICENSES, ARTICLE III, “BOARDWALK VENDORS AND PEDDLERS.” ORDINANCE NO. 695 IS CONSIDERED PURSUANT TO THE GRANT OF AUTHORITY CONTAINED IN VIRGINIA CODE SECTIONS 15.2-732, 58.1-3717, AND 58.1-3718.

**BE IT ORDAINED** by the Colonial Beach Town Council that the Colonial Beach Town Code, Chapter 13.1, Article III, “Boardwalk Vendors and Peddlers” be amended to read in its entirety as follows:

#### **“ARTICLE III. VENDORS AND PEDDLERS ON MUNICIPAL PROPERTY PROGRAM**

##### **Sec. 13.1-41. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Municipal property* means those areas owned by the Town of Colonial Beach.

*Peddle* and *peddling* means and includes the act of carrying from door to door any goods, wares or merchandise and offering to sell or barter the goods, wares or merchandise or actually selling or bartering such goods, wares or merchandise.

*Peddler* means and includes but is not limited to any person who carries from door to door any goods, wares or merchandise in a vehicle and offers to sell or barter the goods, wares or merchandise or who actually sells or barter the goods, wares or merchandise.

The term “*peddler*” does not include the following:

- (1) A farmer who peddles farm products grown or produced by such farmer and not purchased by such farmer for sale in the Town; and
- (2) A merchant who sells and delivers goods, wares or merchandise at the same time to dealers or retailers, institutions or commercial or industrial establishments and not to consumers.

*Vendor* means any person engaged in the selling or offering for sale of food, beverage merchandise, services or rentals located on Municipal Property within the Town.

*Violation* means a failure to adhere to the guidelines as set forth in this Article.

**Sec. 13.1-42. Use of Municipal property by vendors.**

It shall be unlawful for any vendor to display or offer products, goods, wares and merchandise, food, beverage, services or rentals for sale on any Municipal Property except with prior approval of the Town Manager in compliance with the regulations developed and administered by the Town Manager.

**Sec. 13.1-43. Application for vendor's permit.**

(a) A vendor's permit shall be valid from the time of issuance until the end of that calendar year. Applications for a vendor's permit shall be accepted beginning January 2<sup>nd</sup> of each calendar year. The application for vendors who do not require Health Department certification for food items shall pay an annual fee of \$ 100.00. Vendors who do require Health Department certification for food items shall pay an annual fee of \$ 175.00 In the event a vendor does not utilize their space for three consecutive weekends, the applicant may be deemed to have forfeited his permit based on the determination of the Town Manager. All fees shall be paid in full prior to the issuance of a vendor's permit.

(b) Vendor permits shall be conditioned upon a list of available dates, which may exclude special events and holidays. These dates shall be uniformly applied to all vendor permits. One-time vending locations during the celebration of July 4<sup>th</sup>, Labor Day, or other holidays as designated by the Town Manager shall require a fee of \$250.00, and shall be based upon space availability. The Town Manager may deny an application based on the need for a variety of products and wares, and to encourage the best use of Town property.

(c) The use of loudspeakers, public address systems, amplified radios or other sound devices to attract the attention of the public shall be prohibited.

(d) The vendor shall be responsible for picking up, removing and disposing of all trash or refuse attributable to his vending.

(e) The vendor shall file with the Town proof of liability insurance providing coverage for all claims for damage to property and bodily injury, including death, which may arise from the vending operation within the Town with a combined single limit of liability of not less than fifty thousand dollars (\$50,000) per occurrence. Such policy shall be issued by an insurance company licensed to do business in the Commonwealth of Virginia. Said policy must contain an endorsement naming the Town as an additional insured and providing the Town with at least thirty (30) days prior written notice before any cancellation or termination.

(f) The vendor shall comply with all applicable Health Department regulations.

(g) The vendor shall be responsible for the provision of, and all charges resulting from, the need for and use of utilities, including but not limited to, electricity, water and sewer, trash disposal and telephonic services. The Town Manager may negotiate an agreement for such services provided that all costs and liabilities are covered.

(h) Vendors shall display all applicable permits and licenses at all times while vending on Municipal property.

(i) Vendor permits are not transferable and vendor spaces shall not be sublet to any other party under any circumstance.

**Sec. 13.1-44. Issuance of vendor's permit.**

(a) Not later than thirty (30) days after the filing of an application for a vendor's permit, the applicant shall be notified as to the decision on the issuance of the permit. All vendors' permits shall be issued according to the time and date of receipt of the application for any available location, and based on a first come, first served basis. A location shall be considered available only if it has been designated by the Town Manager as a vending location and there is no permit issued for the location. In the event of multiple applications for the same type of vendor offering, the Town Manager may deny an application based on the need for a variety of products and wares, and to encourage the best use of Town property.

**Sec. 13.1-45. Enforcement.**

(a) This article shall be enforced by the Town Manager.

(b) Upon receiving a complaint about a vendor, or observing a possible violation, the Town Manager shall investigate and determine whether a violation has occurred. If the Town Manager makes such a determination, a written notice shall be sent via certified mail to the address supplied by the applicant on the permit application. Upon a vendor's second written violation within a sixty (60) day period, the Town Manager shall notify the vendor that the vendor's permit is revoked. The vendor may schedule a hearing on the revocation with the Town Manager. If the Town Manager determines that the vendor has committed two (2) violations within a sixty (60) day period, the revocation shall remain effective. An individual whose permit is revoked shall not vend on Municipal Property for two (2) years from the date of the second conviction.

(c) The Town Manager may revoke a vendor permit after giving notice to the holder of the permit, and no portion of the permit fee may be refunded. The permit may be revoked for any good cause shown which includes, but is not limited to, harassment of citizens, or any other action which is offensive or could constitute an annoyance or danger to the citizens of the Town. All persons working or volunteering under of the auspices of any vendor shall be subject to the same code of conduct. Any violation by any person working or

volunteering for a vendor shall be considered a violation by the vendor and be subject to enforcement proceedings under this article.

**Sec. 13.1-46. Permit required for peddlers.**

It shall be unlawful for any person to offer any item for sale within the Town as a peddler or through the act of peddling without first obtaining a permit from the Town Manager. The cost of applying for a permit shall be one hundred fifty (\$150.00) dollars and each permit issued shall be valid for a period of ninety (90) days. All applicable local and state licenses shall be required prior to the issuance of peddler permit.

*Peddler permits shall not authorize any person, group or organization to sell their wares on the Municipal property.*

**Sec. 13.1-47. Revocation of peddling permits.**

The Town Manager may revoke a peddling permit after giving notice to the holder of the permit, and no portion of the permit fee may be refunded. The permit may be revoked for any good cause shown which includes, but is not limited to, conviction of a crime, harassment of citizens, or any other action which is offensive or could constitute an annoyance or danger to the citizens of the Town.

**Sec. 13.1-48. Exemptions.**

Any sales or use of Municipal Property by vendors conducted by or on behalf of bona fide nonprofit charitable, civic or religious organizations which can provide the Town Manager with a letter of tax exemption issued by the Internal Revenue Service may be exempt from the requirement of paying the vendor fee. Likewise, sales or use of Municipal Property conducted on behalf of any public or private school or any school club, team or association may be exempt from the requirement of paying the vendor fee. All such organizations shall still be required to obtain a Vendor permit, all applicable licenses, and reserve an area/space pursuant to the Town Manager's approval.

**Sec. 13.1-49. Penalties for violations of this article.**

Any person violating any provision of this article shall be guilty of a class 3 misdemeanor.

**Secs. 13.1-50. Reserved."**

This Ordinance shall take effect upon adoption.

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Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

	AYE	NAY		AYE	NAY
Mayor Eddie Blunt	___	___	Dallas Leamon	___	___
Frank Alger	___	___	Robin Schick	___	___
Steve Cirbee	___	___	Vicki Roberson	___	___
Pat Ey	___	___			

Adopted \_\_\_\_\_ Tabled \_\_\_\_\_

**ARTICLE III. ~~BOARDWALK~~ VENDORS AND PEDDLERS ~~ON MUNICIPAL~~  
~~PROPERTY~~ PROGRAM**

**Sec. 13.1-41. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Boardwalk area~~ Municipal property means those areas owned by the Town of Colonial Beach ~~from Colonial Avenue to Hawthorn Street on the Frances Karn Boardwalk.~~

*Peddle* and *peddling* means and includes the act of carrying from door to door any goods, wares or merchandise and offering to sell or barter the goods, wares or merchandise or actually selling or bartering such goods, wares or merchandise.

*Peddler* means and includes but is not limited to any person who carries from door to door any goods, wares or merchandise in a vehicle and offers to sell or barter the goods, wares or merchandise or who actually sells or barter the goods, wares or merchandise.

The term "*peddler*" does not include the following:

- (1) A farmer who peddles farm products grown or produced by such farmer and not purchased by such farmer for sale in the Town; and
- (2) A merchant who sells and delivers goods, wares or merchandise at the same time to dealers or retailers, institutions or commercial or industrial establishments and not to consumers.

*Vendor* means any person engaged in the selling or offering for sale of food, beverage ~~or~~ merchandise, services or rentals located on Municipal Property ~~on public property located in Boardwalk area~~ within the Town.

*Violation* means a failure to adhere to the guidelines as set forth in this Article.

**Sec. 13.1-42. Use of ~~Boardwalk~~ Municipal area property by vendors.**

It shall be unlawful for any vendor to display or offer products, goods, wares and merchandise, food ~~or~~ beverage, services or rentals for sale on any ~~Boardwalk area~~ Municipal Property except with prior approval of the Town Manager in compliance with the regulations developed and administered by the Town Manager.

**Sec. 13.1-43. Application for vendor's permit.**

(a) A vendor's s permit shall be valid from the time of issuance until the end of that calendar year. Applications for a vendor's permit shall be accepted beginning January

2<sup>nd</sup> of each calendar year. The application for vendors who do not require Health Department certification for food items shall pay an annual fee of \$ 100.00. Vendors who do require Health Department certification for food items shall pay an annual fee of \$ 175.00. In the event a vendor does not utilize their space for three consecutive weekends, the applicant may be deemed to have forfeited his permit based on the determination of the Town Manager. All fees shall be paid in full prior to the issuance of a vendor's permit.

(b) Vendor permits shall be conditioned upon a list of available dates, which may exclude special events and holidays. These dates shall be uniformly applied to all vendor permits. One-time vending locations during the celebration of July 4<sup>th</sup>, Labor Day, or other holidays as designated by the Town Manager shall require a fee of \$250.00, and shall be based upon space availability. The Town Manager may deny an application based on the need for a variety of products and wares, and to encourage the best use of Town property.

(c) The use of loudspeakers, public address systems, amplified radios or other sound devices to attract the attention of the public shall be prohibited.

(d) The vendor shall be responsible for picking up, removing and disposing of all trash or refuse attributable to his vending.

(e) The vendor shall file with the Town proof of liability insurance providing coverage for all claims for damage to property and bodily injury, including death, which may arise from the vending operation within the Town with a combined single limit of liability of not less than fifty thousand dollars (\$50,000) per occurrence. Such policy shall be issued by an insurance company licensed to do business in the Commonwealth of Virginia. Said policy must contain an endorsement naming the Town as an additional insured and providing the Town with at least thirty (30) days prior written notice before any cancellation or termination.

(f) The vendor shall comply with all applicable Health Department regulations.

(g) The vendor shall be responsible for the provision of, and all charges resulting from, the need for and use of utilities, including but not limited to, electricity, water and sewer, trash disposal and telephonic services. The Town Manager may negotiate an agreement for such services provided that all costs and liabilities are covered.

(h) Vendors shall display all applicable permits and licenses at all times while vending on ~~Boardwalk-Municipal~~ property.

(i) Vendor permits are not transferable and vendor spaces shall not be sublet to any other party under any circumstance.

**Sec. 13.1-44. Issuance of vendor's permit.**

(a) Not later than thirty (30) days after the filing of an application for a vendor's permit, the applicant shall be notified as to the decision on the issuance of the permit. All vendors' permits shall be issued according to the time and date of receipt of the application for any available location, and based on a first come, first served basis. A location shall be considered available only if it has been designated by the Town Manager as a vending location and there is no permit issued for the location. In the event of multiple applications for the same type of vendor offering, the Town Manager may deny an application based on the need for a variety of products and wares, and to encourage the best use of Town property.

**Sec. 13.1-45. Enforcement.**

(a) This article shall be enforced by the Town Manager.

(b) Upon receiving a complaint about a vendor, or observing a possible violation, the Town Manager shall investigate and determine whether a violation has occurred. If the Town Manager makes such a determination, a written notice shall be sent via certified mail to the address supplied by the applicant on the permit application. Upon a vendor's second written violation within a sixty (60) day period, the Town Manager shall notify the vendor that the vendor's permit is revoked. The vendor may schedule a hearing on the revocation with the Town Manager. If the Town Manager determines that the vendor has committed two (2) violations within a sixty (60) day period, the revocation shall remain effective. An individual whose permit is revoked shall not vend ~~in Boardwalk area~~ on Municipal Property for two (2) years from the date of the second conviction.

(c) The Town Manager may revoke a vendor permit after giving notice to the holder of the permit, and no portion of the permit fee may be refunded. The permit may be revoked for any good cause shown which includes, but is not limited to, harassment of citizens, or any other action which is offensive or could constitute an annoyance or danger to the citizens of the Town. All persons working or volunteering under of the auspices of any vendor shall be subject to the same code of conduct. Any violation by any person working or volunteering for a vendor shall be considered a violation by the vendor and be subject to enforcement proceedings under this article.

**Sec. 13.1-46. Permit required for peddlers.**

It shall be unlawful for any person to offer any item for sale within the Town as a peddler or through the act of peddling without first obtaining a permit from the Town Manager. The cost of applying for a permit shall be one hundred fifty (\$150.00) dollars and each permit issued shall be valid for a period of ninety (90) days. All applicable local and state licenses shall be required prior to the issuance of peddler permit.

*Peddler permits shall not authorize any person, group or organization to sell their wares on the ~~Boardwalk area~~ Municipal property.*

**Sec. 13.1-47. Revocation of peddling permits.**

The Town Manager may revoke a peddling permit after giving notice to the holder of the permit, and no portion of the permit fee may be refunded. The permit may be revoked for any good cause shown which includes, but is not limited to, conviction of a crime, harassment of citizens, or any other action which is offensive or could constitute an annoyance or danger to the citizens of the Town.

**Sec. 13.1-48. Exemptions.**

Any sales or use of ~~Boardwalk area property~~ Municipal Property by vendors conducted by or on behalf of bona fide nonprofit charitable, civic or religious organizations which can provide the Town Manager with a letter of tax exemption issued by the Internal Revenue Service may be exempt from the requirement of paying the vendor fee. Likewise, sales or use of ~~Boardwalk area property~~ Municipal Property conducted on behalf of any public or private school or any school club, team or association may be exempt from the requirement of paying the vendor fee. All such organizations shall still be required to obtain a Vendor permit, all applicable licenses, and reserve a ~~Boardwalk an area/space~~ area-space pursuant to the Town Manager's approval.

**Sec. 13.1-49. Penalties for violations of this article.**

Any person violating any provision of this article shall be guilty of a class 3 misdemeanor.

**Secs. 13.1-50. Reserved.**

**TOWN OF COLONIAL BEACH  
PUBLIC NOTICE**

Please take notice that on **May 1, 2019 at 6:00 p.m.** at the meeting of the Colonial Beach Town Council, at Colonial Beach Town Center in Colonial Beach, 22443, the Council will conduct a public hearing to receive public input regarding the Council's intention to amend Town Code, Article III, Boardwalk Vendors and Peddlers Program by expanding the definition of areas ascribed to as Municipal Property.

All documents related to these public hearings are available for review by the public. Anyone having questions may contact Town Hall at 804-224-7181, Monday through Friday, 8:30 a.m. to 4:30 p.m. Written comments may be submitted to Kathleen Flanagan, Town Clerk, 315 Douglas Avenue, Colonial Beach, Virginia 22443. All interested persons may attend and express their views. Any person requiring assistance to participate in the public hearing is asked to contact the Town Clerk prior to the meeting so that appropriate arrangements may be made.

By Order of the Colonial Beach Town Council

Public April 17 and 24, 2019

# Tab B

COUNCIL PAPER

At the meeting held on May 15, 2019 at the Colonial Beach Town Hall

**DRAFT RESOLUTION #23-19, Adopts a Social Media Policy and a Networking Policy**

WHEREAS, Town Council believes that social networking is a very valuable tool and recognizes that a set of guidelines for appropriate online conduct is necessary to avoid the misuse of this communication medium.

NOW, THEREFORE, BE IT RESOLVED, that based upon guidance from Virginia Municipal League as to best practices, Town Council hereby adopts the attached Social Media Policy and Social Networking Policy.

BE IT FURTHER RESOLVED, that the Town Manager shall distribute a copy of the attached policies to every employee currently employed by the Town.

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AYE NAY AYE NAY

Mayor Eddie Blunt \_\_\_\_\_ Dallas Leamon \_\_\_\_\_  
Frank Alger \_\_\_\_\_ Robin Schick \_\_\_\_\_  
Steve Cirbee \_\_\_\_\_ Vicki Roberson \_\_\_\_\_  
Pat Ey \_\_\_\_\_

Adopted \_\_\_\_\_ Tabled \_\_\_\_\_

Just as the internet has changed our world forever, social media has changed the way people communicate. The Town of Colonial Beach views social media and networking sites as powerful tools to strengthen our brand and to further your personal reputations as staffing experts.

Social media can take many different forms, including internet forums, blogs & microblogs, online profiles, wikis, podcasts, pictures and video, email, instant messaging, music-sharing, and voice over IP, to name just a few. Examples of social media applications are LinkedIn, Facebook, MySpace, Wikipedia, YouTube, Twitter, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, ZoomInfo – the list is endless.

When you are participating in social networking, you are representing both yourselves personally and The Town of Colonial Beach. It is not our intention to restrict your ability to have an online presence and to mandate what you can and cannot say. We believe social networking is a very valuable tool and continue to advocate the responsible involvement of all Town of Colonial Beach employees in this space. While we encourage this online collaboration, we would like to provide you with a company policy and set of guidelines for appropriate online conduct and to avoid the misuse of this communication medium.

#### **Policy Guidelines:**

- Do not post any financial, confidential, sensitive or proprietary information about the Town of Colonial Beach or any of our clients and candidates.
- Speak respectfully about our current, former and potential customers, partners, employees and competitors. Do not engage in name-calling or behavior that will reflect negatively on you or the Town of Colonial Beach's reputations. The same guidelines hold true for the Town of Colonial Beach vendors and business partners.
- Beware of comments that could reflect poorly on you and the Town. Social media sites are not the forum for venting personal complaints about supervisors, co-workers, or the Town of Colonial Beach.
- As a Town of Colonial Beach employee, be aware that you are responsible for the content you post and that information remains in cyberspace forever.
- Use privacy settings when appropriate. Remember, the internet is immediate and nothing posted is ever truly private nor does it expire.
- If you see unfavorable opinions, negative comments or criticism about yourself or the Town of Colonial Beach do not try to have the post removed or send a written reply that will escalate the situation. Forward this information to our internal Human Resources and Marketing Departments.
- If you are posting to personal networking sites and are speaking about job related content or about the Town of Colonial Beach identify yourself as a Town employee and use a disclaimer and make it clear that these views are not reflective of the views of the Town of Colonial Beach *"The opinions expressed on this site are my own and do not necessarily represent the views of the Town of Colonial Beach."*

- Many sites like Facebook and Twitter blur the lines between business and personal. Keep this in mind and make sure to have a balance of information that shows both your professional and personal sides. And always balance negative with positive comments.
- Be respectful of others. Think of what you say online in the same way as statements you might make to the media, or emails you might send to people you don't know. Stick to the facts, try to give accurate information and correct mistakes right away.
- Do not post obscenities, slurs or personal attacks that can damage both your reputation as well as the Town of Colonial Beach's.
- When posting to social media sites, be knowledgeable, interesting, honest and add value. The Town of Colonial Beach's outstanding reputation and brand is a direct result of our employees and their commitment to uphold our core values of Integrity, Dedication, Teamwork and Excellence.
- Do not infringe on copyrights or trademarks. Don't use images without permission and remember to cite where you saw information if it's not your own thoughts.
- Be aware that you are not anonymous when you make online comments. Information on your networking profiles is published in a very public place. Even if you post anonymously or under a pseudonym, your id can still be revealed.
- If contacted by the media, refer them to the Marketing Department.

The Town of Colonial Beach may monitor content out on the web and reserves the right to remove posts that violate this policy.

Users who violate the Policy may be subject to discipline, up to and including termination of employment. If you have any questions about this policy or a specific posting out on the web, please contact Human Resources.

purposes developed by the Town. If uncertain about any information, material or conversation, discuss the content with your manager.

All employees must identify themselves as employees of the Town when posting comments or responses on the employer's blog or on the social networking site.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted on the Town's blog.

Business units and departments are responsible for ensuring all blogging and social networking information complies with the Town of Colonial Beach's written policies. Department heads are authorized to remove any content that does not meet the rules and guidelines of this policy or that may be illegal or offensive. Removal of such content will be done without permission of the blogger or advance warning.

The Town of Colonial Beach expects all guest bloggers to abide by all rules and guidelines of this policy. The Town reserves the right to remove, without advance notice or permission, all guest bloggers' content considered inaccurate or offensive. The Town of Colonial Beach also reserves the right to take legal action against guests who engage in prohibited or unlawful conduct.

### **Personal Blogs**

The Town of Colonial Beach respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. Employees are expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee.

The Town respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers and commenters are personally responsible for their commentary on blogs and social networking sites. Bloggers and commenters can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just the Town.

Employees cannot use employer-owned equipment, including computers, Town-licensed software or other electronic equipment, nor facilities or Town time, to conduct personal blogging or social networking activities.

Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with the Town of Colonial Beach.

If you choose to identify yourself as a Town employee, please understand that some readers may view you as a spokesperson for the Town. Because of this possibility, we ask that you state that your views expressed in your blog or social networking area are your own and not those of the Town, nor of any person or organization affiliated or doing business with the Town of Colonial Beach.

Employees cannot post on personal blogs or other sites the name, trademark or logo of the Town of Colonial Beach or any business with a connection to the Town. Employees cannot post Town-privileged information, including copyrighted information or Town-issued documents.

Employees cannot post on personal blogs or social networking sites photographs of other employees, clients, vendors or suppliers, nor can employees post photographs of persons engaged in Town business or at Town events.

Employees cannot post on personal blogs and social networking sites any advertisements or photographs of Town products, nor sell Town products and services.

Employees cannot link from a personal blog or social networking site to Town of Colonial Beach's internal or external web site.

If contacted by the media or press about their post that relates to Town business, employees are required to speak with their manager before responding.

If you have any questions relating to this policy, your personal blog or social networking, ask your manager or supervisor.

POLICY: Social Networking

Effective Date:

The Town of Colonial Beach (the “Town”) takes no position on your decision to start or maintain a blog or participate in other social networking activities. However, it is the right and duty of the Town to protect itself from unauthorized disclosure of information. The Town of Colonial Beach’s social networking policy includes rules and guidelines for Town-authorized social networking and personal social networking and applies to all executive officers, board members, management and staff.

### **General Provisions**

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with the Town.

Unless specifically instructed, employees are not authorized and therefore restricted to speak on behalf of the Town. Employees may not publicly discuss clients, products, employees or any work-related matters, whether confidential or not, outside Town-authorized communications. Employees are expected to protect the privacy of the Town and its employees and clients and are prohibited from disclosing personal employee and nonemployee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to customer information, trade secrets, financial information and strategic business plans.

### **Employer Monitoring**

Employees are cautioned that they should have no expectation of privacy while using the Internet. Your postings can be reviewed by anyone, including the Town. The Town of Colonial Beach reserves the right to monitor comments or discussions about the Town, its employees, clients and the industry, including products and competitors, posted on the Internet by anyone, including employees and non-employees. The Town uses blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forums, and social networking sites.

Employees are cautioned that they should have no expectation of privacy while using Town equipment or facilities for any purpose, including authorized blogging.

The Town reserves the right to use content management tools to monitor, review or block content on Town blogs that violate Town blogging rules and guidelines.

## **Reporting Violations**

The Town requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, managers or the HR department. Violations include discussions of the Town and its employees and clients, any discussion of proprietary information and any unlawful activity related to blogging or social networking.

## **Discipline for Violations**

The Town investigates and responds to *all* reports of violations of the social networking policy and other related policies. Violation of the Town's social networking policy will result in disciplinary action up to and including immediate termination. Discipline or termination will be determined based on the nature and factors of any blog or social networking post. The Town of Colonial Beach reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

## **Acknowledgment**

Employees are required to sign a written acknowledgement that they have received, read, understood and agreed to comply with the Town's social networking policy and any other related policy.

## **Authorized Social Networking**

The goal of authorized social networking and blogging is to become a part of the industry conversation and promote web-based sharing of ideas and exchange of information. Authorized social networking and blogging is used to convey information about Town products and services, promote and raise awareness of the Town of Colonial Beach brand, search for potential new markets, communicate with employees and customers to brainstorm, issue or respond to breaking news or negative publicity, and discuss corporate, business-unit and department-specific activities and events.

When social networking, blogging or using other forms of web-based forums, the Town must ensure that use of these communications maintains our brand identity, integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

## **Rules and Guidelines**

The following rules and guidelines apply to social networking and blogging when authorized by the employer and done on Town time. The rules and guidelines apply to all employer-related blogs and social networking entries, including employer subsidiaries or affiliates.

Only authorized employees can prepare and modify content for the Town's blog located on [www.colonialbeachva.net](http://www.colonialbeachva.net) and/or the social networking entries located on social media. Content must be relevant, add value and meet at least one of the specified goals or

# Tab C

COUNCIL PAPER

At the meeting held on May 15, 2019 at the Colonial Beach Town Hall

**DRAFT RESOLUTION #24-19, Adopts the Commonwealth of Virginia 457 Deferred Compensation Plan**

WHEREAS, the Town of Colonial Beach (the “Employer”) acting by and through the Town Council, desires to adopt the Commonwealth of Virginia 457 Deferred Compensation Plan (the “Plan”) for its employees as defined the adoption agreement between the Employer and the Virginia Retirement System (the “VRS”); and

WHEREAS, the Plan, which includes both Roth and Traditional options, is authorized by the Code of Virginia Section 51.1-600 et seq. and Internal Revenue Code Section 457(b), and political subdivisions are authorized to participate in such Plan by the Code of Virginia Section 51.1-603.1.

NOW, THEREFORE, BE IT RESOLVED, that the Employer hereby approves the adoption of the Plan for its employees in accordance with applicable law and policy; and.

BE IT FURTHER RESOLVED, that the Employer’s staff is hereby directed to implement the Plan effective the first day of June, 2019, but no sooner than the dates established and confirmed by the VRS

NOW, THEREFORE, the officers of the Employer are hereby authorized and directed in the name of the Employer to carry out the provisions of this resolution, enter an adoption agreement with VRS and pay such sums as are due to be paid by the Employer for this purpose.

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AYE

NAY

AYE

NAY

Mayor Eddie Blunt

\_\_\_\_\_

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Frank Alger

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Steve Cirbee

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Dallas Leamon

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Robin Schick

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Vicki Roberson

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Pat Ey

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Adopted \_\_\_\_\_

Tabled \_\_\_\_\_



VIRGINIA RETIREMENT SYSTEM  
P.O. Box 2500  
Richmond, VA 23218-2500

Commonwealth of Virginia 457 Deferred Compensation Plan  
Employer Adoption Agreement for All Employees

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THIS AGREEMENT (the "Agreement"), executed this [insert date] \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, is by and between [insert Locality, School Division, or Other Political Subdivision] \_\_\_\_\_ (the "Employer") and the Virginia Retirement System (the "Plan Sponsor") (hereinafter collectively referred to as the "Parties").

WITNESSETH

WHEREAS, the Commonwealth of Virginia established the Commonwealth of Virginia 457 Deferred Compensation Plan (the "Plan") and the Master Trust for the Plan (the "Trust") pursuant to § 51.1-600 et seq. of the *Code of Virginia*, as amended, and Internal Revenue Code ("IRC") § 457(b), including both Roth and Traditional options; and

WHEREAS, pursuant to § 51.1-603.1 of the *Code of Virginia*, as amended, the Employer desires to enter into this Agreement with the Plan Sponsor to permit participation in the Plan by its eligible employees; and

WHEREAS, the Employer is an "eligible employer" within the meaning of IRC § 457(e)(1)(A); and

WHEREAS, pursuant to § 51.1-603.1(B) of the *Code of Virginia*, as amended, the Employer may establish and automatically enroll certain employees in the Plan upon hire; and

WHEREAS, the Employer, by a resolution of its governing body, has directed its responsible official to enter into this Agreement;

NOW, THEREFORE, in consideration of the premises herein, the Parties agree as follows:

- 1) The Plan Sponsor and the Employer represent and warrant that each shall comply with all applicable laws and policy.
- 2) The Plan Sponsor represents to the Employer that the Plan Sponsor shall provide sufficient services to administer the Plan.
- 3) The Employer acknowledges and agrees to the terms and conditions established in the Trust and the Plan.
- 4) For purposes of the Employer's participation in the Plan, "employees" shall mean all "employees" as defined in § 51.1-600 of the *Code of Virginia*.

- 5) The Employer shall permit the Plan Sponsor's third party administrator ("TPA") to conduct group and individual meetings on the Employer's premises for the purpose of explaining the Plan or enrolling employees.
- 6) The Employer shall permit the Plan Sponsor and the TPA to communicate directly with eligible employees about plan information and enrollment.
- 7) The Employer shall remit contributions under the Plan to the TPA in accordance with procedures promulgated by the Plan Sponsor or the TPA. The Employer shall correctly report and withhold employees' wages in accordance with applicable laws and policy.
- 8) The Employer shall make the appropriate contributions (including associated matching contributions to another plan, if applicable) required under Internal Revenue Service regulations and the Plan Sponsor procedures to correct any failure (i) to inform an employee of the opportunity to defer, (ii) to allow an employee to defer, or (iii) to implement automatic enrollment, reenrollment, or an election or election change by an employee.
- 9) Should the Employer offer its employees deferred compensation plans in addition to the Plan, then the Employer is responsible for monitoring all plans to ensure that no participants exceed the maximum deferral limits under IRC § 457.
- 10) If the Employer so desires, it may check the box below and sign the statement of acknowledgment to automatically enroll certain employees in the Plan in a manner prescribed by the Plan Sponsor, subject to an employee (i) commencing employment or reemployment on or after the first day of [insert month and year] \_\_\_\_\_ but no sooner than the date established and confirmed by the Plan Sponsor, (ii) not participating in the Hybrid Retirement Plan described in § 51.1-169 of the *Code of Virginia*, and (iii) not having affirmatively elected to participate in the plan described in § 51.1-602 of the *Code of Virginia* or a 403(b) plan. If the Employer does not check the box and sign the statement of acknowledgment, then the Employer shall not automatically enroll its employees in the Plan.

By checking this box and signing this statement of acknowledgment, the Employer agrees to automatically enroll in the Plan in a manner prescribed by the Plan Sponsor, all employees who (i) commence employment or reemployment on or after the first day of [insert month and year] \_\_\_\_\_ but no sooner than the date established and confirmed by the Plan Sponsor, (ii) do not participate in the Hybrid Retirement Plan described in § 51.1-169 of the *Code of Virginia*, and (iii) have not affirmatively elected to participate in the plan described in § 51.1-602 of the *Code of Virginia* or a 403(b) plan. \_\_\_\_\_

Signature

- 
- 11) If applicable, the Employer acknowledges it is solely the responsibility of the Employer to instruct the Plan Sponsor's TPA where to map assets from the Employer's existing plan to the available investments under the Plan. Neither the Plan Sponsor nor the Plan Sponsor's TPA will advise or recommend to the Employer how to map assets from the Employer's existing plan.
  - 12) The Employer acknowledges asset transfers from an existing plan with the Employer into the Plan may need to be made over more than one day depending upon the facts and circumstances of each case.
  - 13) The Employer acknowledges upon termination of this Agreement asset transfers out of the Plan may need to be made over more than one day depending upon the facts and circumstances of each case.
  - 14) This Agreement may be amended from time to time only by written agreement between the Plan Sponsor and the Employer.
  - 15) The term of this Agreement shall be for at least a three-year period beginning on the date of its execution and, thereafter, may be terminated by either party upon written notice to the other party, which termination shall become effective on a date established by the Plan Sponsor.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, intending to be bound thereby.

**Employer****Virginia Retirement System**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

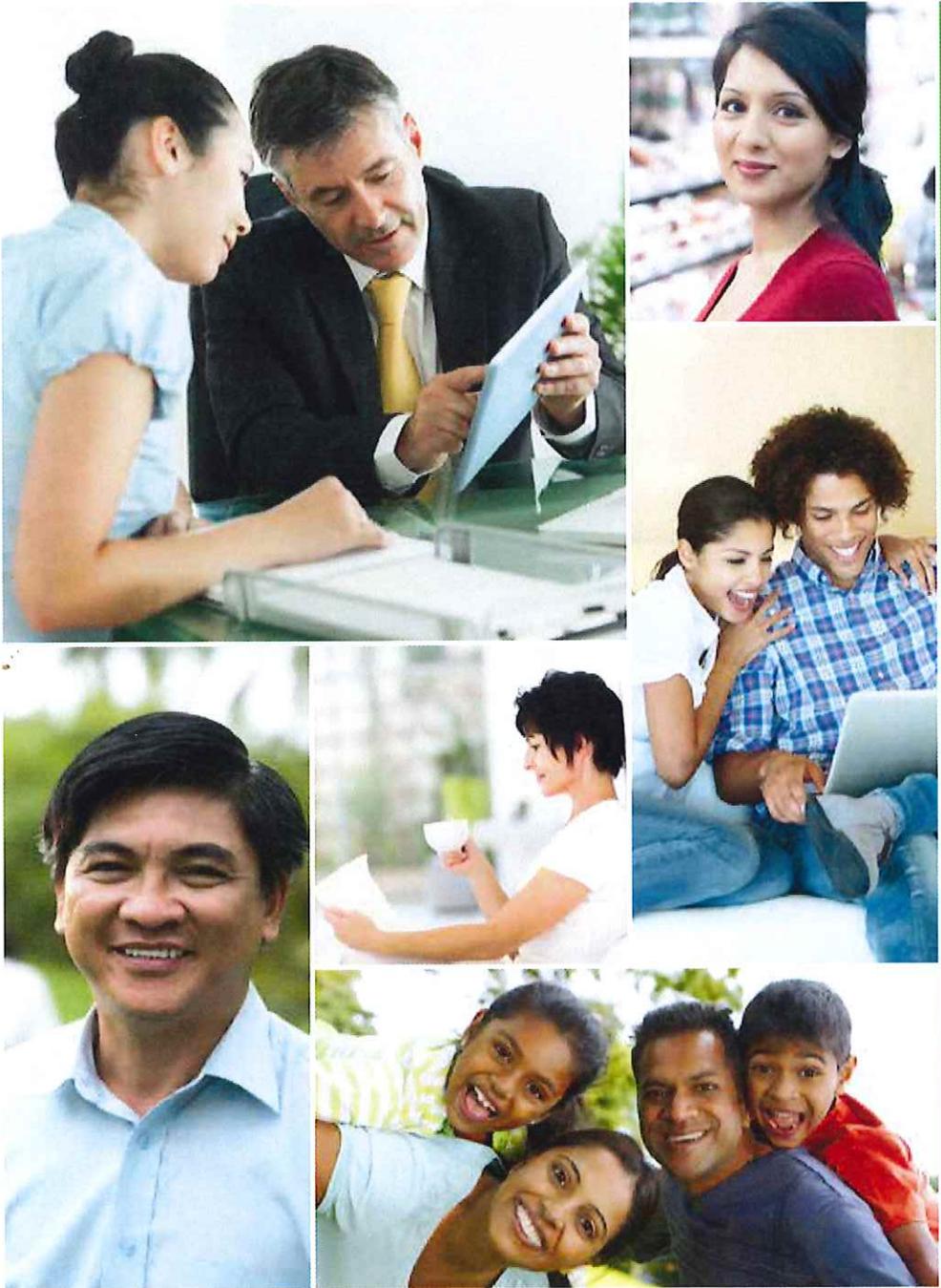
Date: \_\_\_\_\_, 20\_\_



Virginia Retirement System

# Commonwealth of Virginia 457 Deferred Compensation Plan

## Plan Features & Highlights



The Commonwealth of Virginia 457 Deferred Compensation Plan can help you realize your retirement goals. The plan, available through your employer, allows you to save for retirement on a before-tax or after-tax basis through convenient payroll deductions. With pre-tax deductions, your contributions and any earnings are tax-deferred. With Roth after-tax deductions, you pay taxes on your contributions now, for qualified tax-free withdrawals later. Read more to learn how you can benefit by saving with the plan.

**step 1** **Learn More**  
Gather information and identify the steps that will get you to your goals.

**step 2** **Make a Plan**  
Determine what you want and need and set your goals.

**step 3** **Start Saving!**  
Take the actions needed to reach your goals.

**STEP 1:**

**LEARN MORE**

Learn more about why enrolling in the COV 457 Plan can help you build retirement security. In addition to having your contributions grow tax-deferred, it can help you save money because your before-tax contributions made during the year are not included in your taxable income. Or if you prefer to save money on taxes later in life, you can choose Roth after-tax contributions for qualified tax-free withdrawals. And setting aside more money from each paycheck can really add up over time.

**Benefits of Saving With the Plan**

**Meet Jennifer (Age 25)**

Jennifer just started working for a Commonwealth of Virginia employer that offers the COV 457 Plan. She feels good about the fact that she can start to build up her retirement savings.

**Jennifer:**

- Isn't worried about the tax deduction now
- Is confident her salary will increase over the years to come
- Expects to be in a higher tax bracket when she retires



	Contributing to 457 Plan Before Tax	Contributing to 457 Plan Roth After Tax
Gross Pay	\$ 36,000	\$ 36,000
Annual salary available to save	\$ 3,000	\$ 3,000
Estimated Income Tax Withholding from Pay	-0	-360
Spendable Pay	\$ 3,000	\$ 2,640
Total over 40 years	\$ 120,000	\$ 105,600
Value at retirement	\$ 478,012	\$ 420,650
Less taxes at 33%	-157,744	-0
<b>After-Tax Value</b>	<b>\$ 320,268</b>	<b>\$ 420,650</b>

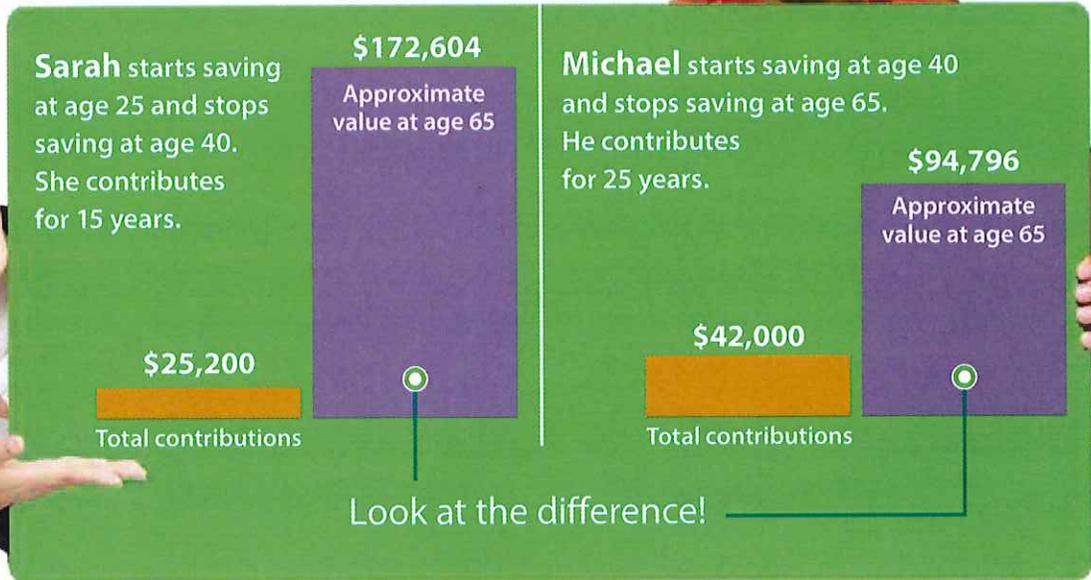
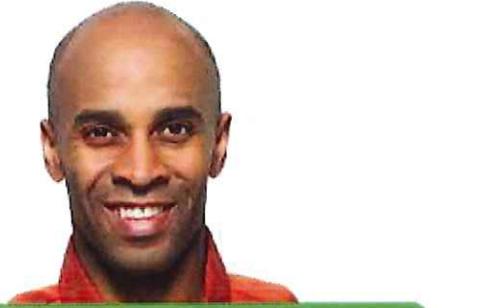
**Consider Roth 457**

*This hypothetical illustration assumes federal tax withholding of 12 percent and a 6 percent average annual return after 40 years. Assumed tax rates designed to illustrate impact of lower and higher tax rates in retirement. Qualified withdrawals of Roth assets are not subject to taxes.*

## STEP 2:

# MAKE A PLAN

Now that you've done your research, it's time to plan. What's best for you depends on a variety of factors, such as whether you're just starting out in your career or are closer to retirement. Choose how much from each paycheck to set aside, which funds to invest in and whether to take advantage of a tax credit that might apply to you.



Assumptions: Individuals make a total \$100 monthly contribution and receive an employer match of \$40 per month, earning a 6 percent effective monthly compounded return. Contributions are made at the beginning and in the middle of each month. This example is not intended to guarantee an actual rate of return. Actual returns may be more or less, depending on your investments.

Participating in retirement savings plans may be one of the best decisions you'll ever make. However, unexpected challenges will likely cross your path. By taking these steps today, you may have an easier time staying on track to meet your goals.

### Maintain an emergency fund

Retirement savings plans were not designed to be short-term savings vehicles or to replace your household emergency fund. Therefore, it is important that you have another source of savings (or emergency fund) that you can access easily.

Most experts suggest having three to six months of your living expenses set aside.

### Be consistent

Saving and staying focused on your retirement goal is very important to achieving a secure financial future. Because it is payroll deducted, the 457 Plan is an easy way to save. There may come a point in time when it feels like there are competing priorities for your paycheck dollars.

Chances are, if you take a closer look at your spending habits you'll find money that could be invested for your future.

The 457 Plan allows you to have more money available for savings by deferring income tax on the amount you contribute before tax. If you expect to be in a higher tax bracket in retirement, Roth after-tax contributions allow you to pay taxes now, to avoid higher taxes when you withdraw later.

### Make small changes for big results

Try keeping a spending journal for a few weeks to help you track where your money is going and to identify saving opportunities, such as:

- Bringing your lunch to work.
- Brewing your coffee.
- Drinking tap water instead of buying bottled water.
- Streaming a movie and popping your own popcorn on Saturday night.

To view your annual contribution limits:

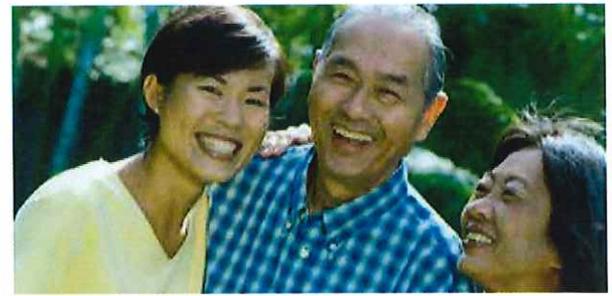
- Visit [www.varetire.org/457](http://www.varetire.org/457)
- Click **Plan Info**
- Click **Contributions**



## STEP 3:

# START SAVING!

Now you're ready to enroll and begin building your retirement security! Here are answers to some commonly asked questions about participating in the plan and managing your retirement account.



### Who is eligible to enroll?

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All employees of the Commonwealth of Virginia and participating employers including wage employees and elected or appointed officials are eligible to enroll.

### How do I enroll in the plan?

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You can enroll two ways:

 **Online:** Go to [www.varetire.org/457](http://www.varetire.org/457) and select the *New User — Register Now* link under the Account Access log-in box and follow the prompts to register online.

 **By phone:** **1-VRS-DC-PLAN1** (1-877-327-5261), option 1.

Wage/part-time employees may enroll by form, which can be obtained under the form tabs of [www.varetire.org/457](http://www.varetire.org/457) or by calling **1-VRS-DC-PLAN1** (1-877-327-5261).

### Who contributes?

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You contribute to the plan.

### What is the contribution amount?

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The minimum amount you can contribute is \$10 per pay period (applies to each contribution type you choose, before tax and/or Roth after tax). The maximum you can contribute is up to 100% of includible compensation or the maximum annual plan limit. To view your regular, age 50+ and standard catch-up contribution limit for this year, visit [www.varetire.org/457](http://www.varetire.org/457) and click **Plan Info**.

**Age 50+:** If you are age 50 or over during the calendar year, you may contribute an additional amount to the 457 Plan for all plan years except during the years you are using the Standard Catch-Up Provision.

In addition to your contributions to the 457 plan, you also may roll money into the plan from an eligible retirement plan such as a 401(a), 401(k), 403(b), 457(b), traditional IRA or Federal Employees Thrift Savings Plan.

**Standard Catch-Up:** You may make contributions up to twice the regular contribution limit during the three calendar years prior to your designated normal retirement age, depending on your available catch-up credit.

### What are my investment option choices?

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The plan offers a variety of investment options — from pre-mixed target date portfolios to a menu of options across asset classes — to construct your investment portfolio. Additionally, the plan offers a Self-Directed Brokerage Account (SDBA) for an additional fee. Publicly traded mutual funds, exchange-traded funds (ETFs) and individual securities are offered through the SDBA. You must maintain a balance of \$2,500 in the core DCP investments before investing in the SDBA. There is also a one-time setup fee of \$50 to open the SDBA and a minimum transfer amount of \$1,000.

For more information about the plan's investment options, go to [www.varetire.org/457](http://www.varetire.org/457) or call the Plan Information Line toll-free at **1-VRS-DC-PLAN1** (1-877-327-5261). For information about the SDBA, contact TD Ameritrade at **1-866-766-4015**. Please consider the investment objectives, risks, fees and expenses carefully before investing.

*ICMA-RC and TD Ameritrade are separate, unaffiliated companies and not responsible for each other's services or policies. Brokerage services are provided by TD Ameritrade, Inc. a registered broker-dealer and member of FINRA/SIPC/NFA. TD Ameritrade is a trademark jointly owned by TD Ameritrade IP Company, Inc. and the Toronto-Dominion Bank. Used with permission.*

### How do I make investment option changes?

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You can make changes to your account online or by phone. Go to the plan website at [www.varetire.org/457](http://www.varetire.org/457) and log into your account or call the toll-free Plan Information Line at **1-VRS-DC-PLAN1** (1-877-327-5261) to:

- Move all or a portion of your existing balances between investment options (subject to plan rules)
- Change how your future contributions are invested

### How do I keep track of my account?

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You will receive a quarterly account statement showing your account balance and activity for your 457 Plan. You also can check your account balance online at [www.varetire.org/457](http://www.varetire.org/457), and log into your account or call **1-VRS-DC-PLAN1** (1-877-327-5261). You may elect to receive an electronic statement.

### Are there fees to participate in the plan?

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Yes. A record-keeping fee of \$2.54 will be deducted from your account on a monthly basis (\$30.50 per year). If you

## Learn more, enroll and manage your account:

**Online** — Go to [www.varetire.org/457](http://www.varetire.org/457) and log into to your account.

**Phone** — Call the toll-free Plan Information Line, **1-VRS-DC-PLAN1** (1-877-327-5261).

**Email** — [InvestorServicesCommonwealthofVA@icmarc.org](mailto:InvestorServicesCommonwealthofVA@icmarc.org)



participate in more than one Commonwealth of Virginia defined contribution plan, only one annual fee of \$30.50 will be deducted from your account. In addition, each investment option has investment management and other fund costs that vary. Investment option fees and performance are available on the plan website, by calling the Plan Information Line or within the Investment Option Performance report included with your quarterly statement. For more information about fees associated with the Self-Directed Brokerage Account, refer to the fund profile online or call the Plan Information Line.

### Can I use my 457 account balance to purchase service credits for the VRS Defined Benefit Plan?

Yes. In-service trustee-to-trustee transfer of assets from a governmental 457(b) plan to a governmental defined benefit plan for the purchase of permissible service credit or repayment of contributions and earnings that were previously refunded, causing forfeiture of service credit under the defined benefit plan, is allowed. For additional information, call **1-VRS-DC-PLAN1** (1-877-327-5261). To use the option, you must be approved to purchase service by your defined benefit plan.

### May I transfer or roll over my account from another plan into this plan?

Yes. Balances from an eligible retirement plan such as a 401(a), 401(k), 403(b), 457(b), traditional IRA or Federal Employees Thrift Savings Plan may be rolled over. Certain after-tax rollovers are permitted into the Cash Match Plan and the Deferred Compensation Plan. However, please note that balances from Roth IRAs cannot be rolled over into these plans. For additional information, call the Plan Information Line at 1-VRS-DC-PLAN1 (1-877-327-5261).

Note that rollovers from these plan types will be separately accounted for to ensure that the distribution from these plan types will still be subject to the 10-percent additional tax under IRS Section 72(t).

### May I contribute to the plan the payout I receive for unused vacation and sick leave or other compensation such as bonuses?

Yes. To make these types of contributions to the plan, complete the Payroll Authorization-One-Time Deferral Form, which is

available at [www.varetire.org/457](http://www.varetire.org/457), from your employer or by calling the Plan Information Line. You must give the completed form to your employer while you are still employed and no later than the month before the month in which you would otherwise receive the payment. Any one-time deferrals you make to the plan count toward the contribution limit for the year in which the deferral is posted to your plan account.

### When can I withdraw from my account?

You may withdraw only when you meet one of these conditions:

- It has been at least one full calendar month since you terminated employment from an employer that offers the COV 457 plan,
- Use your plan account to purchase VRS service credit, if approved,
- Experience an unforeseeable emergency that is approved by the Plan Administrator,
- Have a low balance, inactive account (subject to IRS De Minimis withdrawal guidelines and plan requirements)
- Rolled funds from another retirement plan into your 457 Deferred Compensation Account, or
- Reach age 70½, even if still employed.

If you die, your beneficiary receives your benefits. Generally speaking, withdrawals are not subject to an early withdrawal penalty, but are subject to state and federal income tax.

You are required to take your first minimum distributions by April 1 of the calendar year following the later of: (1) the calendar year in which you reach age 70½, or (2) the calendar year in which you terminate employment from the employer sponsoring your plan.

You may withdraw Roth after-tax assets on a tax-free basis if five years have passed since January 1 of the year you made your first Roth contribution and you are at least 59½ years old, permanently disabled, or the assets are being paid to your beneficiaries following your death.

*If you were automatically enrolled in the plan and elect not to participate, you may still opt out of participation within 90 days of the first contribution being posted to your account. Should you opt out of participation during this time frame, you will automatically receive a refund of your contributions.*



# Tab D

COUNCIL PAPER

At the meeting held on May 15, 2019 at the Colonial Beach Town Hall

**DRAFT RESOLUTION #25-19, Directs the Town Manager to Execute an Agreement**

WHEREAS, Town Council has agreed that the use of procurement cards or P Cards would be beneficial to the efficient administration of the town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Manager is hereby directed to execute an agreement or rider under an existing contract held by a Virginia locality.

BE IT FURTHER RESOLVED the Town Manager is hereby directed to revise the Purchasing Policy adopted on October 14, 2010.

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AYE

NAY

AYE

NAY

Mayor Eddie Blunt  
Frank Alger  
Steve Cirbee

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Dallas Leamon  
Robin Schick  
Vicki Roberson  
Pat Ey

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Adopted \_\_\_\_\_ Tabled \_\_\_\_\_