

A SPECIAL MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 21ST DAY OF MAY IN THE YEAR TWO THOUSAND THIRTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 7:00 P.M.

IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: LEGAL SERVICES FOR THE NEW KENT DEPARTMENT OF SOCIAL SERVICES

Before the Board for consideration was a contract with Attorney Andrea Erard to provide legal services for the New Kent Department of Social Services.

County Attorney Michele Gowdy explained that Ms. Erard had been providing these services under a previous contract and the State had asked that a new contract be approved to cover the period of January 2013 to January 2014.

Mr. Evelyn moved to approve the contract with Andrea Erard to provide legal services to the New Kent Department of Social Services. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion of assignment, appointment, promotion of County employees involving the review of job descriptions for various employment positions in County government; pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving public utilities and existing contracts; and pursuant to Section 2.2-3711A.29 of the Code of Virginia for discussion of the award of a public contract involving the expenditure of public funds where discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining

position or negotiating strategy of the Board involving the Historic School. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried. The Board went into closed session.

Mr. Burrell moved to return to open session. The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Tiller made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: PROPOSED FY14 BUDGET

County Administrator Rodney Hathaway reviewed that the proposed FY14 budget totaled \$67,344,241 based on a four-cent increase on the real estate tax rate and an 8% increase in public utility user fees, with all other fees and taxes remaining the same, except for the elimination of the boundary survey fee.

Mr. Burrell asked that, instead of a 2% employee cost of living increase, staff figure out if the amount set aside for that could be allocated in a way so that each employee would receive the same dollar increase. He indicated that it would not cost the County any more money but would mean more to those at the lower end of the salary scale. There was discussion regarding how part-time staff could be factored into the calculations, the effect on retirement and group life premiums, recruitment of new employees, and whether that would be considered as a bonus that would require a public hearing and ordinance.

Mr. Davis remarked that his problem was that he didn't think the School Board would do the same thing and he felt both sets of employees should be treated the same "across the Board". He lauded Mr. Burrell's efforts on behalf of the lower paid employees, but wasn't sure how it would work.

Mr. Evelyn suggested that since the School Board intended to give its employees a 2% raise, it might be better to remain with the 2% raise for County employees as well and, after budget adoption, the job classifications for some of the lower paid employees could be upgraded. Ms. Gowdy advised that unless those reclassifications were based on the assignment of new duties, the County could run into legal issues because it could be considered disparate treatment.

It was reported that the School Board had 427 employees, and the County had 141 full-time employees and 58 part-time employees. Assistant Financial Director Larry Clark reported that the funds included in the budget for cost of living increases did not include raises for constitutional officers, the general registrar, or employees in the Department of Social Services, who would be "taken care of" by the State.

Mr. Stiers commented that he felt the Board needed to decide whether or not it was going to give raises or not. He explained that he had learned that his original suggestion to give additional leave time instead of cost of living raises would not work in those departments with essential personnel.

It was confirmed that the Board could adopt the budget and decide later on the form of employee raises to be given, as it had done that in the past.

Mr. Evelyn proposed that the Board increase the amount of additional funding for the Schools from \$700,000 to \$775,000. He indicated that the additional \$75,000 could be found by eliminating the legal assistant position and delaying the hiring of a finance assistant by two or three months. He remarked that he felt the additional funds would help with the purchase of new textbooks or funding a math teacher, but would not impact the real estate tax rate.

He had questions regarding the \$20,000 increase in funding for the Heritage Library for rent. Mr. Hathaway explained that in past years, the County had given the Library \$20,000 towards its rent and that this year the Library had requested \$40,000 so that it would not have to cut any more of its programs in order to cover its rent which was increasing by 3% a year. It was confirmed that the current rent was \$45,948 and next year's would increase to \$47,327. Mr. Stiers added that the Library was not allowed to use State funding on rent and that was why he had asked that County funding be increased.

Mr. Evelyn asked for more information. Kathy Wills, on behalf of the Library, explained that when the Library first moved into rented space, the County had helped negotiate a three-year lease and had contributed \$20,000 towards the rent, which in 2009 was

\$31,369. Unfortunately, their stay in the rented space had lasted longer than initially anticipated, and their lease had been extended with an annual increase of 3%, and they have had to cut programs and use those funds towards the rent. She indicated that that this has "started to catch up with us" and they were now looking at cutting essential services. She confirmed that they expanded by 600 square feet the first year of their lease and another 400 square feet in 2012, in order to have space to provide adequate levels of service. She advised that their lease would end on January 1, 2015, and there would be no renewal at that time. Mr. Evelyn thanked her for the additional information.

Mr. Stiers remarked that every department had done a good job cutting their budgets but the Board had not adjusted its own budget, and he suggested eliminating the \$4,000 budgeted for Board members to attend the Virginia Association of Counties (VACo) annual conference as well as the \$4,145 in VACo dues, which would be an 8.5% cut. He stated that he didn't see any benefit to the County from VACo, noting that Goochland County and others had dropped out as members.

Mr. Davis commented that VACo did a good job lobbying at the General Assembly on behalf of its members, that he felt that New Kent "got its money's worth", and he suggested that Mr. Stiers try attending one of the conferences.

Mr. Evelyn agreed, noting that there was a lot of good information and education at the annual conference as well as the chance to talk with elected officials from other localities. He indicated that he wasn't aware that any county other than Goochland had dropped out. He suggested that the Board could cut back on the number of representatives that it sent to the conference but felt that New Kent needed to be represented.

Mr. Stiers advised that he would never attend a conference, and explained that if he had an issue to be addressed at the General Assembly, he could enlist the assistance of his legislator.

He then suggested that the County eliminate the \$20,000 to \$30,000 it paid its Operational Medical Director (OMD). Ms. Gowdy advised that she had been working with the Fire Chief on a request for proposals (RFP) for those services and were monitoring some RFPs already issued, but that the County had to have an OMD. There was discussion as to whether or not other localities paid for their OMDs. Mr. Stiers conceded that there might be a State requirement that a locality had to have an OMD but not that it was required to pay for one and he felt that there were doctors that would volunteer their services. Fire Chief Richard Opett explained that local EMTs operated in the field under the license of the OMD, and the OMD also set operational guidelines, helped with field training, and mentored new hires. He agreed that there might be doctors who would do the job without pay but asked if that would provide the quality of OMD that New Kent was looking for.

Mr. Tiller commended New Kent Fire-Rescue regarding its response to a recent medical call for one of his friends.

Mr. Hathaway noted that Mr. Evelyn had earlier suggested a change to the proposed CIP that involved moving the \$850,000 financial software project to FY15, and asked if there were any other changes that Board members might want.

Mr. Davis announced that information brought to the Board's attention during the earlier Closed Session regarding the cost of new school construction might impact the proposal to dedicate two cents of the four-cent increase in the real estate tax rate to the renovations of the Historic School for elementary school classroom space. Under the circumstances, it

was his feeling that the Board should postpone a vote on adoption of the budget until its work session on May 29. Mr. Evelyn agreed that the Board needed to "take a hard look" at the new date before making any decision, although he realized that delaying adoption would pose a hardship for the Schools in the issuance of their teacher contracts.

Mr. Tiller agreed that the Board needed more time.

Mr. Stiers asked if the Board could give the School Board some kind of verbal commitment. Ms. Gowdy advised that the Board could make comments that could be accepted as guidance but would not be binding, and the School Board would have to wait until the budget had been adopted and funds had been appropriated.

There was discussion regarding additional school funding of \$75,000 suggested earlier by Mr. Evelyn. Mr. Stiers advised that he would prefer to increase that amount to \$100,000. Other Board members voiced their concern about where those extra funds would be found and Mr. Stiers suggested that it was Mr. Hathaway's job to find them.

There was consensus to delay a vote on the budget and continue this meeting until 8 a.m. on May 29, 2013.

IN RE: ADJOURNMENT

Mr. Burrell moved to continue this budget work session until 8 a.m. on May 29, 2013. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried. The meeting was suspended at 8:42 p.m.