

VIRGINIA: At a Business Meeting of the Board of Supervisors of the County of Patrick, held at the Patrick County Veteran's Memorial Building on Monday, July 11, 2011 at 6:00 p.m.

PRESENT: Roger Hayden, Chairperson; Lock Boyce, Vice – Chairperson; Crystal P. Harris, Ron Knight, Karl Weiss Board Members

STAFF PRESENT: Tom Rose, County Administrator; Alan Black, County Attorney; and Geri Hazelwood, Assistant to the County Administrator/Clerk; Donna Shough, Finance Officer.

Others present were: Nancy Lindsey, The Enterprise; Tom Bishop, Patrick County Chamber of Commerce, Richard Rogers, WHEO

Mr. Chairperson called the meeting to order.

Rev. Tom Sheppard gave the invocation.

The Board recited the Pledge of Allegiance to the Flag, led by Crystal P. Harris followed by a moment of silence in honor of U.S. military serving here and abroad.

On motion by Ron Knight to approve the meeting agenda seconded by Lock Boyce as amended by removal of Mr. Allen's presentation, discussion of implementing a restaurant tax, moving the bills, claims, and appropriations under the consent agenda, and adding the discussion of Waste and an Executive session; personnel matters, to discuss a contract and carried unanimously.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

On motion by Lock Boyce seconded by Karl Weiss the minutes for June 13, 2011 were approved as presented.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

Public Comment Period

Mr. Chairman opened the comment period.

Ms. Mary Ellen Carper, Peter's Creek District; 911 operator; read a letter to the Board in favor of all County employees receiving a raise.

Mr. Elbert Cassady, Deputy, Spoke in favor of a raise for County employees.

Mrs. Carolyn Tatum, Treasurer; spoke to the Board requesting a pay raise for County employees, excluding Constitutional Officers. The employees have not had an increase since December 2007 and are getting farther behind.

Mr. Charles Vivier, Blue Ridge District; representing the Taxpayer Watchdog Group; spoke concerning unspent funds, he suggested that the Board wait until the audit report has been completed for 2011. He referenced the five year financial forecast done by the auditor's.

Ms. Mickie Martin, 911 Coordinator; Dispatch Supervisor; requested that the Board give a pay raise for all County employees.

Ms. Lois Strader asked the Board to give all County employees a pay raise.

Officer Ward Stone, asked the Board to give all County employees a pay raise.

Mr. Chairman closed the comment period.

The Board discussed giving pay raises to the County employees.

On motion by Lock Boyce to give a 3% raise in all departments except the school employees, all county employees making under \$40,000.00, and to use the pay raise to retract and retain good employees seconded by Karl Weiss

The Board had discussion.

Mr. Boyce amended the motion to give a 3% raise across the Board to all County employees excluding School Board employees, Constitutional Officers, County Administrator, Tom Rose, and all Social Services employees seconded by Karl Weiss and carried 4 to 1.

Voting Aye: Boyce, Knight, Harris, Weiss

Voting Nay: Hayden

Presentation; Mr. Chris Carey, VACORP Risk Management

The Board along with Mr. Carey discussed the following handouts concerning the Line of Duty Act.

Subject: LINE OF DUTY ACT FUND OPT OUT RESOLUTION
From: "Nancy Helm" <nancy@vacoins.org>
Date: Wed, 8 Jun 2011 17:18:22 -0400
CC: "Chris Carey" <Chris@vacoins.org>, "Stephanie Heintzleman" <stephanie@vacoins.org>, "Nancy Helm" <nancy@vacoins.org>

VACoRP Members:

There have been questions regarding the Resolution issued by the Virginia Retirement System to opt out of the Line of Duty Act Fund (the Fund). As you know, Budget Item 258 of the 2011 Budget Bill shifts payment of LODA claims from the state to a Fund administered by VRS. Effective July 1, 2011 localities and regional jails can opt out of the Fund. Although VACoRP provided a resolution to opt out, VRS has recently informed us that this merely shows intent to opt out and that only the VRS Resolution will be accepted as a "proper" opt out.

There are several issues with the VRS-required Resolution. The Resolution specifically provides for reimbursement to the State Comptroller for all monies expended from the Fund on behalf of your entity in FY 2011, as well as payment of any corresponding administrative fees. This is the Comptroller's interpretation of Item 258 of the 2011 Budget Bill. Under this interpretation, if the Comptroller paid out \$50,000.00 in benefits on behalf of your entity in FY 2011, you would be required to pay the Fund \$50,000.00 plus an administrative fee upon opting out. It is our opinion that this is a misinterpretation of the budget language.

Unfortunately, we have been unsuccessful in resolving this issue with VRS so we are moving forward on behalf of the Pool and its membership with the filing of a lawsuit in this regard. If the Court determines that entities must repay the Fund for payments made in FY 2011, VACoRP is prepared to make this payment on behalf of VACoRP members that opt out.

Since VRS is adamant that only its Resolution is acceptable to opt out of the Fund, we recommend that Members desiring to opt out of the Fund, effective July 1, 2011, adopt the VRS Resolution, a copy of which is attached, prior to July 31. The Resolution effective date must be July 1, 2011 to opt out for FY 2012. Forward the Resolution, along with the attached transmittal letter, to VRS. It is very important that you include this transmittal letter when sending the Resolution to VRS in order to preserve your legal rights. Please note that the Resolution must be received by VRS no later than July 31. It is highly recommended that you send the letter and Resolution Certified Mail-Return Receipt Requested, so there is no question as to the date it was received by VRS.

If you have any questions, please do not hesitate to call me, Stephanie Heintzleman, Director of Member Services, or Chris Carey, Administrator. We look forward to continuing to provide you with outstanding service in FY 2012 and beyond.


Nancy S. Helm
Legal Counsel
Virginia Association of Counties Group Self Insurance Risk Pool
308 Market Street, SE
Suites 1 & 2
Roanoke, VA 24011



PO Box 2500, Richmond, Virginia 23218-2500
Toll free: 1-888-VARETIRE (827-3847)
Web site: www.varetire.org
E-mail: vrs@varetire.org

Memorandum

TO: Administrative Heads and Fiscal Officers

FROM: Robert P. Schultze, Director, Virginia Retirement System 

DATE: June 29, 2011

SUBJ: **Opting Out of the VRS Managed Line of Duty Act Fund**

The Virginia General Assembly, in its 2010 session, established a new Line of Duty Act (LODA) Fund with VRS as the investment manager. Localities that have eligible hazardous duty professionals on a paid or voluntary basis may choose to participate in the LODA Fund for their respective covered individuals or choose to self-fund these benefits. All localities are deemed to be a participant in the Fund unless they pass a VRS resolution to opt out of the Fund. Localities must pass the VRS opt-out resolution on or before July 1, 2012. Please note that this is an **irrevocable** election. Once you opt out of the Fund, you may not elect at a later date to participate. If no opt-out resolution is passed, by law you are deemed a participant in the LODA Fund and will be billed by VRS for contributions for your covered eligible employees and volunteers.

The State Comptroller will bill non-LODA Fund participating localities for actual claims in FY 2011, which will include an administrative fee. In late summer, VRS will bill LODA Fund-participating localities the FY 2012 per capita rate based on your census data of \$233.89 for eligible employees and \$58.47 for volunteers. Payment will be due in early fall. Those who opt out of the LODA Fund prior to July 1, 2011 will not be billed by VRS for FY 2012 contributions. If you choose to make an irrevocable election to opt out of the LODA Fund prior to the start of fiscal year 2012 (July 1, 2011 to June 30, 2012), the resolution must be passed with an effective date of July 1, 2011 and sent to VRS no later than July 31, 2011. All others who choose to opt out of the LODA Fund must make an irrevocable election and pass a resolution on or before July 1, 2012.

If you have questions concerning your FY 2011 claim expenses or any other pending claims, please contact:
Connie Jones, Line of Duty Act Coordinator, Virginia Department of Accounts
connie.jones@doa.virginia.gov or 804-786-1856.

If you are electing to opt out of the LODA Fund, a guide resolution is attached for your convenience. To opt out, please complete the resolution indicating that you are opting out of the LODA Fund. Note that by completing the resolution to opt out of the LODA Fund, you are acknowledging that you: (1) are making an **irrevocable** election; (2) are responsible for all LODA claims incurred by eligible employees and volunteers covered by your locality and will pay LODA claims and administrative fees as they occur; and (3) will be billed by the State Comptroller.

While funding for the LODA benefits has changed, benefits and those eligible for LODA benefits as either employees or volunteers remain as set forth in the *Code of Virginia* (§9.1-400 et seq.). The Comptroller and the Department of Accounts (DOA) will continue to administer the benefits and make eligibility determinations. Please also note that to be eligible for coverage under the LODA, volunteer members of fire companies or departments or rescue squads must be recognized by an ordinance or a resolution of the governing body of its respective county, city or town as an integral part of the official safety program of such county, city or town.

An Independent Agency of the Commonwealth

Every effort has been made to ensure that the head count, derived in part from self-reported data and upon which the LODA Fund premiums are based, comports with the eligibility criteria set forth in §9.1-400 of the *Code of Virginia*; however, the final eligibility determination for LODA claims will be determined on a case-by-case basis by the State Comptroller. For questions related to eligibility for Line of Duty Act benefits, contact Connie Jones, the Line of Duty Act Coordinator.

Once your governing body has made an election, send the resolution to:

Susan M. Keith
Employer Representative Program Manager
Virginia Retirement System
P.O. Box 2500
Richmond, VA 23219

Resources:

Questions may be directed to: LODA@varetire.org

View more information about the LODA Fund on the web at www.valoda.org or the Department of Accounts at www.DOA.Virginia.gov

Enclosure

On motion by Ron Knight to adopt the Resolution Irrevocable Election Not to Participate in LODA Fund as presented seconded by Lock Boyce and carried unanimously.

RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of Patrick County to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Patrick County hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities, (see attached a list of entities)

to the best of the knowledge of Patrick County, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, Patrick County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Patrick County on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, Patrick County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that Patrick County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Patrick County, Virginia this 11th day of July, 2011.

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the
aforementioned resolution as presented.

MOTION BY: Ron Knight

SECONDED BY: Lock Boyce

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Boyce, Knight, Harris, Weiss, Hayden



Roger T. Hayden
Chairman, Patrick County Board of Supervisors



Geri S. Hazelwood
Clerk
Patrick County Board of Supervisors

SUPERVISORS ORDER BOOK NO. 16
(Adopted August 17, 1998)

The following ordinance proposed at the regular meeting of the Board of Supervisors of Patrick County held at the Patrick County Administration Building, on the 17th day of August, 1998, having been duly advertised for adoption as provided by law, after a hearing thereon, on motion by Kathy H. Clements, seconded by James D. East and carried, it is hereby adopted.

AN ORDINANCE TO AMEND AND RE-ENACT AN ORDINANCE ORIGINALLY ADOPTED BY THE BOARD OF SUPERVISORS OF PATRICK COUNTY, TO INCLUDE THE BLUE RIDGE RESCUE SQUAD, AND TO BE KNOWN AS THE LINE OF DUTY ORDINANCE FOR THE PURPOSE OF RECOGNIZING CERTAIN VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS IN PATRICK COUNTY AS INTEGRAL PARTS OF THE OFFICIAL SAFETY PROGRAM IN PATRICK COUNTY AS SET FORTH IN SECTION 15.1-136, 1950 CODE OF VIRGINIA, AS AMENDED, AND OTHER APPLICABLE PROVISIONS OF LAW.

WHEREAS, the General Assembly of the State of Virginia adopted in 1972, the Line of Duty Act which authorizes the beneficiary of a deceased law enforcement officer, Sheriff, any member of a fire company or rescue squad to receive a sum not to exceed \$10,000.00 as a result of the death of one of the above occurring as a direct result of the performance of his duty, and

WHEREAS, said act required that said fire company or rescue squad must be recognized by an ordinance of the County as an integral part of the official safety program of said County,

NOW, THEREFORE, this ordinance recognizing the members of the Ararat Volunteer Fire Department, Ararat Rescue Squad, Blue Ridge Rescue Squad, CCDF Volunteer Fire Department, CCDF Rescue Squad, Fairystone Volunteer Fire Department, JEB Stuart Volunteer Rescue Squad, Meadows of Dan Volunteer Fire Department, Moorefield Store Volunteer Fire Department, Patrick Henry Volunteer Fire Department, Patrick Springs Volunteer Fire Department, Smith River Volunteer Rescue Squad, Stuart Volunteer Fire Department, Woolwine Volunteer Fire Department, and Vesta Rescue Squad, as an integral part of the official safety program of Patrick County.

An emergency existing, the effective date of this ordinance is August 18, 1998, upon its adoption and shall continue in effect until further action of this Board.

Voting Aye: Walker, East, Brammer, Clements and Martin

Voting Nay: None

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

The Board had discussion and decided to move forward with LODA coverage with VACORP.

On motion by Lock Boyce to go with VACORP to provide LODA coverage seconded by Karl Weiss and carried unanimously.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

The Board took a break from 7:50 pm – 8:10pm

Reports to the Board

Mrs. Joan Rogers, Director of Social Services

Mrs. Rogers presented the Board with a letter explaining the 3% pay raise to Social Services employees that became effective 6/1/2011. She presented the Board with a handout that explained the Social Services Administrative Structure as well as Social Service Laws, code sections. She referred to code section 63.2-330 compensation and code section 63.2-400 local appropriation.



1791
THE PATRICK COUNTY
DEPARTMENT OF SOCIAL SERVICES
106 RUCKER STREET • SUITE 128
STUART, VIRGINIA 24171
TELEPHONE (276) 694-3328

June 23, 2011

MEMO

TO: Patrick County Board of Supervisors
Tom Rose, County Administrator
Patrick County Department of Social Services Board Members

FROM: Joan V. Rogers, MSW Director 

RE: 3% pay raise granted to the employees of Social Services on 6/1/2011

I am writing to clear up concerns that recently surfaced about Social Services receiving a 3% pay raise effective 6/1/2011. The Board of Social Services did approve a salary increase for Fiscal Year 2011-2012 from 1-3% if the budget permitted us to do so. Our budget for this FY. did permit us to grant a 3% pay raise due to the fact that I have a Social Work position that is currently vacant. Instead of filling this vacancy, I made the decision to cover this position myself and to use the monies saved to grant our employees a small raise. If the county would have been able to supplement our budget to allow for a cost of living increase, I would have been able to fill the vacancy and not be short staffed.

This pay increase required no additional county monies and this increase was within my budget. The employees at social services have not had a cost of living increase since 12/2007 and we have not had any step increases since 1986 thus the Board of Social Services and I felt it was justified in doing something if the budget permitted us to do so.

If you should have any questions, concerning this matter, please let me know. It is very important to me that Patrick County Department of Social Services has a good working relationships with all county departments as well as the Patrick County Board of Supervisors.

SOCIAL SERVICES ADMINISTRATIVE STRUCTURE

The present responsibilities and structures of the Virginia Social Services Programs are based on the Virginia Welfare Law, revised and reenacted in 1968 (Code of Virginia, Section 63.1). Following are the roles and responsibilities of those identified to meet the requirements of the Welfare Law:

State Commissioner: appointed by the governor

State Board: appointed by the governor

State Department of Social Services (Central Office)

State Department (Regional Office)

Local Board: appointed by the local governing body which is Board of Supervisors.

- The Local Board in Patrick is an Administrative Board. They are responsible for
 - making policy decisions
 - have discretionary power over local funding
 - reviews programmatic and personnel performance
 - appoints department director
 - assures that performance standards are met.

Local Director

- directs and manages the local agency
- responsible and accountable to the local board of social services
- accountable to the State Department of Social Services
- responsible to keep the local governing body (Board of Supervisors) informed on program objectives, policies, and regulations.
- Submits the board's annual budget to the Board of Supervisors

Board of Supervisors of the County:

- appoints local board members.
- may suspend or remove board members for cause.

receives the annual budget report and request
receives requests or reports from the director
makes the decisions as to whether to have an administrative or advisory board
may pay compensation for services to board members out of local general funds.

STEPS that were taken by Patrick County Board of Social Services and the Director to compensate employees with a 3% pay increase. Please note employees in this department have not received a cost of living raise since December 2007. There have been no step increases to increase salary ranges since 1986.

The Director submitted a budget to the county with a 5% decrease as requested in Feb 2011.

The Board of Supervisors approved the budget.

The Board of Social Services completed the Compensation Plan for FY 2011-2012 in April 2011 which included a 3 % pay increase for employees.

This Compensation Plan was submitted to the State Department of Social Services and it was approved in May 2011. Please see Code Section 63.2-330 of the Code of Virginia. The only time the local board and the director need the Board of Supervisors approval is if employees would be paid in excess of the maximums permitted in the compensation plan. Most of the employees in this department is still at base salary. No employee is even close to reaching the maximum salary range.

THIS 3% SALARY INCREASE FOR THIS DEPARTMENT DID NOT COST PATRICK COUNTY ANY ADDITIONAL FUNDS. THE BOARD AND THE DIRECTOR ARE OPERATING UNDER THE APPROVED BUDGET FOR FY 2011-2012 FROM THE BOARD OF SUPERVISORS.

§ 63.2-328. **Bond.** — Before entering upon the discharge of his duties, every local director shall enter bond with surety to be approved by the court or judge, in such sum as the court or judge may fix, conditioned upon the faithful discharge of his duties. (Code 1950, § 63-81; 1968, c. 578, § 63.1-64; 2002, c. 747.)

§ 63.2-329. **Bond of certain employees of local boards.** — Every employee duly authorized to certify payments to be made or authorized to draw warrants on the treasurer or other fiscal officer shall, before entering upon the discharge of his duties, enter into a bond with surety to be approved by the judge of the circuit court of the county or city in such sum as the judge may fix, conditioned upon the faithful discharge of his duties. However, such sum shall be at least fifteen percent of the annual gross expenditures of the agency less nonrecurring items. The provisions of this section shall not apply in localities when provision for bonding such employees has been made by their governing bodies and the amount of the bonding equals or exceeds the amounts specified in this section. (Code 1950, § 63-81.1; 1956, c. 415; 1968, c. 578, § 63.1-65; 1984, c. 507; 2002, c. 747.)

★ § 63.2-330. **Compensation.** — The local director and other persons employed to administer the provisions of this title in each county or city shall be paid such compensation by such county or city as shall be fixed by the local board or other appointing authority within the compensation plan provided in the merit system plan. With the approval of the Board and the local governing body, the local board may provide that the local director and such other employees shall be paid compensation in excess of the maximums permitted in the compensation plan. Such excess compensation shall be paid wholly from the funds of such county or city and any federal funds that are available and appropriate for such use. (Code 1950, § 63-82; 1964, c. 359; 1968, cc. 467, 578, § 63.1-66; 2002, c. 747.)

§ 63.2-331. **Counties with special forms of government.** — In any county having a special form of government under which the governing body of the county would be the appointing authority of the local board, local director, and local employees, the governing body may, subject to the personnel standards and regulations of the Board, authorize the local board to exercise the powers relating to the employment of the local director and other employees required to administer this title in such county and the fixing of their compensation or authorize the local board to exercise such powers insofar as they relate to the local director and the local director to exercise such powers insofar as they relate to other employees required to administer this title in such county. (Code 1950, § 63-85; 1964, c. 573; 1968, c. 578, § 63.1-67; 2002, c. 747.)

§ 63.2-332. **Powers and duties of local directors.** — The local director shall be the administrator of the local department and shall serve as secretary to the local board. Under the supervision of the local board, unless otherwise specifically stated, and in cooperation with other public and private agencies, the local director, in addition to the functions, powers and duties conferred and imposed by other provisions of law, shall have the powers and perform the duties contained in this title. (Code 1950, § 63-87; 1968, c. 578, § 63.1-67.1; 1972, c. 73; 2002, c. 747.)

§ 63.2-333. **Agent of Commissioner.** — The local director shall act as agent for the Commissioner in implementing the provisions of federal and state law and regulation. (Code 1950, § 63-91; 1968, c. 578, § 63.1-67.3; 2002, c. 747.)

§ 63.2-334. **Cooperation with private agencies.** — The local director shall foster cooperation between all public and private charitable and social agencies in the county or city to the end that public resources may be conserved and the social services needs of the county or city be adequately met. (Code 1950, § 63-97; 1968, c. 578, § 63.1-67.5; 2002, c. 747.)

§ 63.2-335. **Keeping records.** — The records of the cases handled and business transacted by the local department shall be kept in such manner and form as may be prescribed by the Board. (Code 1950, § 63-98; 1968, c. 578, § 63.1-67.6; 2002, c. 747.)

§ 63.2-336. **Annual report.** — At the request of the local governing body, the local director shall each year prepare and keep on file a full report of the local department's work and proceedings during the year. If such request is made, one copy of such report shall be filed with the local governing body and another with the Board. (Code 1950, § 63-99; 1968, c. 578, § 63.1-67.7; 1976, c. 214; 1978, c. 146; 2002, c. 747.)

CHAPTER 4.

FUNDING OF PUBLIC ASSISTANCE AND SOCIAL SERVICES.

- Sec. 63.2-400. Local appropriation.
- 63.2-401. Reimbursement of localities by the Commonwealth.
- 63.2-402. Reimbursement of the Commonwealth by localities.
- 63.2-403. Expenditures by Department.
- 63.2-404. Expenses of Auditor of Public Accounts, Comptroller and State Treasurer.
- 63.2-405. Provisions for determination of eligibility for care and medical assistance; provision of services; regulations.
- 63.2-406. Authority of Board upon amendments of Security Act or regulations of the Department of Health and Human Services.

- 63.2-407. Necessary or incidental public assistance or social services.
- 63.2-408. When a locality fails to provide public assistance or social services; deductions by Comptroller; social services; withholding payments.
- 63.2-409. No lien to attach to property of applicant or recipient; release of existing unencumbered liens.
- 63.2-410. State pool of funds under the Comprehensive Services Act.
- 63.2-411. Construction and operation of children's residential facilities.
- 63.2-412. Assistance to needy persons engaged in work or training programs; costs of administration of such programs.

§ 63.2-400. **Local appropriation.** — The governing body of each county and city shall each year appropriate sums of money sufficient to provide for the payment of public assistance and to provide social services, including cost of administration, under the provisions of Subtitles II and III of this title, within such county or city. Such governing bodies may also appropriate sums of money sufficient to provide for the full range of public assistance and social services for children and adults as may be required by federal legislation for reimbursement hereunder. The respective governing bodies of the counties and cities shall also appropriate sums of money as shall be sufficient to provide for the foster care of children in the custody or under the supervision of the local boards. (Code 1950, § 63-106; 1956, c. 641; 1958, c. 388; 1968, cc. 578, 666, 681-91; 2002, c. 747.)

63.2-401. **Reimbursement of localities by Commonwealth.** — Such funds as are received from the United States and agencies thereof as in-aid for the purpose of providing public assistance and social services grants shall be paid monthly by the Commissioner to each county, city or district fiscal officer as reimbursement of the federal grants of such grants as have been paid by each county and city under the provisions of Subtitle II of this title. Within the limits of the appropriations of state funds, the Commissioner shall reimburse the entire balance of such public assistance and social services grants as have been paid by each county or district fiscal officer after credit given with the reimbursement made from federal funds. Within the limits of the appropriations of state funds, the Commissioner shall reimburse each county, city or district fiscal officer to the extent of sixty-two and one-half percent of such grants made in connection with general relief under § 63.2-802. Within the limits of the appropriations of state funds for the purpose, the Commissioner shall reimburse monthly each county, city or district fiscal officer to the extent of eighty percent of expenditures made for auxiliary grants under § 63.2-800. Within the limits of state appropriations for the purpose, the Commissioner shall reimburse to each county, city or district an amount not less than fifty percent or sixty-two and one-half percent of such

expenditures, not federally reimbursable, made for the care of children placed in family homes or institutions pursuant to §§ 63.2-900 and 63.2-903.

Administrative expenditures made by the localities in connection with the providing of public assistance grants, other benefits and related social services, including child welfare pursuant to § 63.2-319, shall be ascertained by the Board, and the Commissioner shall, within the limits of available federal funds and state appropriations, reimburse monthly each county, city or district fiscal officer therefor out of such federal and state funds in an amount to be determined by the Board not less than fifty percent of such administrative costs.

The Commissioner also shall reimburse monthly, to the extent funds are available for such purpose, each county, city or district fiscal officer out of state and federal funds, to the extent provided in the preceding paragraph, for monthly rental payments for office space provided the local department in publicly owned buildings, for payments that are based on the cost of initial construction or purchase of a building or a reasonable amount for depreciation of such building, and for the cost of repairs and alterations to either a privately or publicly owned building. However, no monthly rental payment shall exceed a reasonable amount as determined by the Commissioner.

Claims for reimbursement shall be presented by the local board to the Commissioner, and shall be itemized and verified in such manner as the Commissioner may require. Such claim shall, upon the approval of the Commissioner, be paid out of funds appropriated by the Commonwealth and funds received from the federal government for the purposes of Subtitles II and III of this title, to the treasurer or other fiscal officer of the county or city. Wherever two or more counties or cities have been combined to form a district pursuant to § 63.2-306, reimbursements by the Commissioner under this section shall be paid to the district fiscal officer or other person designated to receive such funds by the governing bodies of such counties or cities. The Commonwealth shall reimburse each county and city the full amount of public assistance grants provided for Temporary Assistance for Needy Families. (Code 1950, §§ 63-106, 63-107; 1956, cc. 608, 623; 1958, c. 519; 1962, c. 297; 1966, cc. 530, 599; 1968, cc. 466, 578, § 63.1-92; 1970, c. 776; 1972, cc. 73, 718; 1973, cc. 201, 264; 1974, cc. 44, 45, 488; 1975, c. 121; 1984, cc. 498, 781; 1986, c. 599; 2002, c. 747.)

§ 63.2-402. **Reimbursement of the Commonwealth by local board.** — If any county or city through its appropriate authorities or officers fails or refuses to provide reimbursement of the Commonwealth, the Board shall authorize and direct the Commissioner to file at the end of each month with the State Comptroller and with the local governing body of such county or city a statement showing all disbursements and expenditures, including admin-

Mrs. Rogers presented the Resolution 2011 Best in Class Social Services Agency.



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

COMMONWEALTH OF VIRGINIA
STATE BOARD OF SOCIAL SERVICES

2011 BEST-IN-CLASS SOCIAL SERVICES AGENCY

WHEREAS, Virginia continues to experience unprecedented implementation of complex policies and procedures in all major benefits programs; and

WHEREAS, the Patrick County Department of Social Services has been consistently tasked with anticipating local needs and delivering results; and

WHEREAS, the Department has faced this challenge with tenacity, grit and resolve - determined to never give up on delivering quality service to the citizens of the Commonwealth; and

WHEREAS, the Department is one of the top five, Level II local departments of social services in Benefit Programs Performance for SFY 2011; and

WHEREAS, the present economic climate in the United States and Virginia has significantly impacted the services provided by local departments of social services, calling upon them to creatively promote individual self-sufficiency and personal responsibility, while simultaneously providing case management to increasing numbers of citizens; and

NOW THEREFORE BE IT RESOLVED, on this 20th day of April 2011, the Commonwealth of Virginia's State Board of Social Services does hereby commend the Patrick County Department of Social Services for a job well done. Ranking as a Level II agency, their success required hard work, overcoming adversity and even sacrifice. They are "Best-in-Class" because of their daily commitment to excellence.

Dr. Bela Sood
Chair, State Board of Social Services
Commonwealth of Virginia

The Board had discussion. Mr. Boyce apologized to fellow Board members for not informing them of said action, he sits on the Social Services Board. According to Mr. Knight and Mrs. Harris the raise was not made public knowledge, nor was it made clear where the monies were to be spent.

The Board asked Mr. Rose to schedule a called meeting between the Social Services Board and the Patrick County Board of Supervisors.

Mr. Tom Rose, County Administrator

Mr. Rose referred to p. 10 in the bills packet.

PATRICK COUNTY PUBLIC SCHOOLS

P.O. Box 346 • 104 Rucker Street • Stuart, Virginia 24171
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Robert A. Rorrer, Chair - Mayo River District
Ronnie N. Terry, Vice-Chair - Blue Ridge District
Dr. Roger N. Morris, Division Superintendent

Quinn M. Brim, Member - Dan River District
Annie H. Hylton, Member - Peters Creek District
Bobby W. Mangrum, Member - Smith River District

June 24, 2011

Mr. Tom Rose
County Administrator
Stuart, VA 24171

Dear Mr. Rose:

At its meeting on Thursday June 23, 2011 the School Board approved the following actions relative to the FY 2012 budget:

1. To request the Board of Supervisors to carry forward and appropriate the balance from FY2011 to FY2012 in the amount of \$380,780.37 for the PCHS Water Fund in which funding has been obtained from legal settlements, and as per the agreement between the Town of Stuart, the School Board, and the Board of Supervisors. As an update, the project documents have been signed and the work should begin within the next few weeks. This does not require any additional County funds.
2. To approve the request to appropriate the balance of the construction account in the amount of \$1,336,945.89. Please be aware that these funds are needed to pay the final bills for the construction project, as we have not completed the high school or the punch list items yet. Also please note this does NOT require additional County funds as they are the balance of the bonds and was previously requested as part of the budget process.

Since these actions were a part of the budget process in the spring and we are not asking to amend our budget, §15.2-2507 of the Code of Virginia should not apply. As always we appreciate the continued cooperation of between the two bodies as we work together to improve our schools.

Sincerely,



Roger N. Morris, Ed. D.
Division Superintendent

C: Mr. Dean Gilbert, Assistant Superintendent
Mrs. Katina Hylton, Finance Officer
Mrs. Carolyn Tatum, County Treasurer



Website: <http://www.patrick.k12.va.us>

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The Board had discussion and approved the requests as follows:

On motion by Crystal P. Harris to approve the request to carry forward and appropriate the balance from FY 2011 to FY 2012 in the amount of \$380,780.37 for the PCHS water fund seconded by Lock Boyce and carried unanimously.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

On motion by Lock Boyce to approve the request to appropriate the balance of the construction account in the amount of \$1,336,945.89 seconded by Ron Knight the motion carried 3 to 2 not to approve the request.

The Board had discussion.

Voting Aye: Boyce, Knight

Voting Nay: Harris, Weiss, Hayden

Mr. Black informed the Board that the County is not a part of the lawsuit that the contractor's for the School projects is involved in. Mr. Black asked the Board to rescind their vote.

On motion by Lock Boyce to approve the request to appropriate the balance of the construction account in the amount of \$1,336,945.89 seconded by Ron Knight the motion carried 3 to 2.

Voting Aye: Boyce, Knight, Hayden

Voting Nay: Harris, Weiss

Mr. Rose requested that the Board reinstate the five (5) percent cut to WPPDC.

On motion by Karl Weiss to reinstate the five (5) percent cut to WPPDC seconded by Crystal P. Harris and carried 3 to 2.

Voting Aye: Knight, Harris, Weiss

Voting Nay: Boyce, Hayden

On motion by Roger T. Hayden to restore the five hundred dollar cut back to the Dan River Park, motion dies for a lack of a second.

On motion to amend to restore the five hundred dollar cut back to a five (5) parks for a total of \$2,500.00, motion dies for a lack of a second.

According to Mr. Rose the DMV mobile unit will be serving Patrick County starting in August 2011.

Consent Agenda

Bills, Claims, Appropriations

The Board had discussion concerning appropriations.

On motion by Lock Boyce seconded by Crystal P. Harris to approve the bills, claims and appropriations as presented; General Fund 98806-98968 Asset Forfeiture 428 Inmate Commissary 427-430 PSA Fund 150040 Jail Construction 100235 and carried unanimously.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

Tourism Strategic Plan

On motion by Roger T. Hayden seconded by Karl Weiss to approve the Tourism Strategic Plan as presented and carried 4 to 1.

Voting Aye: Knight, Harris, Weiss, Hayden

Voting Nay: Boyce

AEP Easement: Mt. Top Park

On motion by Lock Boyce to grant the easement to AEP for MountainTop Park seconded by Karl Weiss and carried unanimously.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

According to Mr. Weiss this would allow a power upgrade to said area.

Bids for Rural Waste Pick – Up

The Board discussed the two bids as presented; Rural Services and Waste Industries. The Board discussed whether to continue to have an exclusive franchise for waste pick –up. Mr. Rose asked the pleasure of the Board.

On motion by Roger T. Hayden to reject all bids and eliminate franchise, the motion died for a lack of a second.

According to Mr. Black the County needs a franchise to regulate waste pick-up.

On motion to go with the RSI to preserve jobs and keep a local business in business, the motion died for a lack of a second.

On motion by Lock Boyce to accept the lowest bid Waste Industries seconded by Crystal P. Harris and was defeated 3 to 2.

Voting Aye: Boyce, Hayden

Voting Nay: Knight, Harris, Weiss

On motion by Lock Boyce to accept the franchise agreement with Rural Services Industries seconded by Karl Weiss and carried unanimously.

Voting Aye: Boyce, Knight, Harris, Weiss, Hayden

Voting Nay: None

On motion by Lock Boyce to extend the night's meeting past 10:00 p.m. and seconded by Karl Weiss and carried 4 to 1.

Voting Aye: Boyce, Knight, Weiss, Hayden

Voting Nay: Harris

On motion by Lock Boyce to go into executive session to discuss personnel matters, and contract matters, no second.

The Board took a 15 minute break.

On motion by Lock Boyce to rescind the previous vote to reward RSI with the franchise for garbage pick – up seconded by Crystal P. Harris and carried 4 to 1.

Voting Aye: Boyce, Knight, Harris, Weiss

Voting Nay: Hayden

Mr. Weiss on the motion to rescind, local jobs are important, RSI was much cheaper on the commercial dumpsters, but we would be penalizing the residential customers.

The Board asked that Mr. Rose do further analysis extending Rural Services agreement in the mean time. They asked Mr. Rose to find out how many residential / commercial customers Mr. Marion services.

Executive Session

On motion by Lock Boyce seconded by Karl Weiss to go into executive session to discuss Personnel Matters 2.2 – 3711 (A) (1) and Contract Matters; and

WHEREAS, the Patrick County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act, and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board,

BE IT FURTHER RESOLVED that the Patrick County Board of Supervisors does hereby certify that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies.

Roll Call:

Knight – aye

Boyce - aye

Harris- aye

Weiss- aye

Hayden- aye

RECONVENE

On motion by Lock Boyce seconded by Ron Knight the Board reconvened from executive session where only Personnel Matters 2.2 – 3711 (A) (1) a contract was discussed and carried unanimously.

Voting Aye: Knight, Boyce, Harris, Weiss, Hayden

Voting Nay: None

ACTION

No action was taken.

ADJOURN

On motion by Lock Boyce seconded by Ron Knight to adjourn until August 8, 2011 and carried unanimously

Voting Aye: Knight, Boyce, Harris, Weiss, Hayden

Voting Nay: None

Roger T. Hayden, Chairman