

**Buckingham County
Board of Supervisors
Monthly Meeting
June 14, 2010**

At a regular monthly meeting of the Buckingham County Board of Supervisors held on Monday, June 14, 2010 at 7:00 p.m. in the Buckingham County Agricultural Center Auditorium, the following members were present: I. Monroe Snoddy, Chairman; Joe N. Chambers, Jr., Vice-Chairman; E.A. "Bill" Talbert; Dr. Brian D. Bates; Danny R. Allen; and John D. Kitchen, Jr. Supervisor F.D. "Danny" LeSueur was absent. Also present were Rebecca S. Carter, County Administrator; Karl R. Carter, Asst. County Administrator; and E.M. Wright, Jr., County Attorney.

Re: Quorum Present

Chairman Snoddy certified there was a quorum-six members present, one absent and the meeting could continue.

Re: Call to Order, Invocation, and Pledge of Allegiance

Chairman Snoddy called the meeting to order, Supervisor Bates gave the invocation and the Pledge of Allegiance was said by all who were in attendance.

Re: Approval of Agenda

Supervisor Kitchen moved, Supervisor Talbert seconded and was unanimously carried by the Board to approve the agenda with the following addendum:

- L. Department/Agencies: Appointment, Requests, and Presentation
 - L-8 Renee Maxey, Piedmont Court Services: Update
 - L-9 Karl Carter, Asst. County Administrator: Jaunt Update
- M. Action Matters for Board Consideration
 - M-4 Request from Mrs. Marie Sweeney; VFW Post 8446, Consider Waiving Building Permit fee for alterations to VFW Building.*
- P. Information Items
 - P-3 Election Results*

Re: Approval of Minutes

Supervisor Kitchen moved, Supervisor Allen seconded and was unanimously carried by the Board to approve the minutes of the May 10, 2010 and the May 17, 2010 meetings as presented.

Re: Approval of Claims

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to approve the claims as presented.

Re: Approval of First Quarter Appropriations

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to approve the following First Quarter Appropriations for FY2010-2011:

| | | |
|---------------------------|----|-----------|
| General Fund | \$ | 1,535,313 |
| Water Fund | \$ | 312,495 |
| Sewer Fund | \$ | 69,864 |
| Capital Improvements Fund | \$ | 36,250 |
| VPA Fund | \$ | 664,506 |
| **Courthouse Debt Service | \$ | 565,436 |

Schools:

| | | |
|--------------------------------|----|-----------|
| Instruction | \$ | 3,848,079 |
| Adm/Attn/Health | \$ | 239,177 |
| Transportation | \$ | 436,372 |
| Operations | \$ | 492,374 |
| School Food Services | \$ | 44,258 |
| Capital Outlay | \$ | 218 |
| Cafeteria | \$ | 294,263 |
| Technology | \$ | 285,866 |
| **Debt Service - High School | \$ | 309,401 |
| **Debt Service - Middle School | \$ | 965,725 |

**Actual Budget Numbers

Re: Announcements

There were no announcements.

Re: Public Comment

Bobby Jones: Mr. Chairman, my name is Bobby Jones. I reside in District 1. I'm not sure that I'm coming to the right group about what I'd like to have done, but anyway I'm going to give it a shot. We are all proud in the County that we have a power plant being built and we really look forward to the time that we can use that money for our taxes to help set that off, but I live on, off of Rt. 672 which is Blinky's Road and it's a half a mile from Route 15. The problem is a safety one between 5:00 and 6:00 in the afternoon. The fact that I live down the road from 15 a half a mile, if I came out to Blinky's road, traffic is bumper to bumper, not moving, one car at a time on past my road. It takes a long time to get up to 15. Now, the highway department saw fit to close the one route that we have a lot of traffic on that comes around through New Canton. They are replacing the bridge. Consequently they either come out of the plant and come on the road to Bryant's Store or come on 672, my way, to Route 15. The thing, to me, is a safety problem when you get up to, waiting to come up to 15, you can imagine as much traffic as we have now a days, and they are bumper to bumper and have been sitting there for 10 or 15 minutes trying to get up to 15 to make a turn, it gets a little frustrating. I don't want to see us have a bad accident at that intersection. We have had several fatalities at that intersection before any of this ever took place. So I think what we, well what I would like to have done, is to either have a deputy or a state trooper, park on 15 and direct traffic for one hour, from 5:00 to 6:00 in the afternoon. If they did that, those cars wouldn't back up like that and it would be a whole lot safer. Like I say, I don't know whether this is the governing body that I need to talk to about this or not, but I'm sure that you can carry the ball on if it's not. I'd appreciate any consideration that you could give.

Chairman Snoddy: About the comment from Mr. Jones, I know that the Sheriff's department is working on directing traffic but maybe the state police can handle the rest of it.

Re: VDOT Road Matters

Kevin Wright: Certainly, I appreciate Mr. Jones' comment. We will take a look at the accident history there. In a temporary measure, the bridge is now completing. They have finished the bridge and we are waiting on the paving and guardrails. So within the next 7 to 10 days, we hope to have that road reopened which will give them an alternate route. But I will take a look at that and monitor it. I can request that the state police... I can make that request to the state police. I'm not sure how receptive they will be because they have very few troopers in the area. I can let them know that request. I will be glad to.

I have some updates for the Board, other than the 670 project which is wrapping up, our other maintenance crews are currently around the County mowing all the roads so you will see the tractors around. They are getting to every spot. We understand that the grass is tall. We are limited by budget and can only cut twice a year, but we are getting everything as we can. If there are serious concerns, we can take a look. But for us to pull off of anything, it means that we are leaving one bad place to get another. They are methodically working their way through the County and taking care of those issues.

Construction. We do have a little bit of construction going on in the Town of Dillwyn. They are working on that design/build project right now. Work is underway and they are progressing well.

The 613 project, Pearson Construction will be the contractor working on that road. They have not yet begun. They have had their preconstruction conference, so I do look for them to move in there very soon to begin to work on that 613 project.

Other than that, it's business as usual.

Supervisor Allen: Do you know how long it will be before you find out...I had asked him something about up here where 60 and 15 intersect, the lights. The green arrow light and the green go light; I don't know what you call it. I still see people turn on green light in front of somebody coming in the other direction. I just wondered if there was something that we can do.

Mr. Wright: Our engineers will usually take several weeks to take a look at that. They like to come out and monitor the intersection and see what's going on. I do know that statewide, there is an initiative to look and they are trying some new things where instead of a green ball, as we call it that you have to yield on a left turn, they are looking at a flashing yellow arrow, which will indicate to someone that you can turn, but be cautious because you have to yield the right of way. That's being tried in about five locations statewide. But they will take a look at that and make their recommendation, whether it be a signal timing change or something else they need to do, but it will take them several weeks to look at it to make sure they understand what the traffic is doing and kind of watch it.

Supervisor Allen: Since I've talked to you, I've seen a couple close calls up there. We've had a couple accidents too. I appreciate it.

Supervisor Talbert: Rt. 636, from 15 to 24, they've been cutting limbs back on the road. I appreciate all that yall do and what you've done.

Mr. Wright: Sure. We are hoping to continue that work as crews are available. We are putting our focus on the mowing and when we have a crew available, then we are sending them. But I appreciate the comment. They are doing an outstanding job.

Thank you and have a good evening.

Re: Consider Request from Central Virginia Regional Library to Appoint Elsie Towler to the Central Virginia Regional Library Board

The Buckingham County Regional Library Board has advised that Betty Toney's term on the Regional Library Board expires at the end of June, 2010.

The Library Board requests that Elsie Towler be appointed to fill that position.

Supervisor Bates moved, Supervisor Chambers seconded, and was unanimously carried by the Board to appoint Elsie Towler to the Central Virginia Regional Library Board.

Re: Consider Nomination to the Judge of the Circuit Court for Re-Appointment of Rev. Lawing to the Board of Zoning Appeals

The term for Rev. Raymond Lawing will expire on June 30, 2010 on the Board of Zoning Appeals. Please consider recommendation to the Judge of the Circuit Court to reappoint or to make an appointment.

Supervisor Talbert moved, Supervisor Chambers seconded and was unanimously carried by the Board to nominate to the Judge of the Circuit Court for re-appointment of Rev. Raymond O. Lawing to the Board of Zoning Appeals.

Re: Consider Appointment of a Local Business Representative to the Workforce Investment Board

During the May meeting, Mrs. Carter advised that L.P. Gilliam had requested to be removed from the Workforce Investment Board. During that meeting Mrs. Carter advised that an appointment needed to be made to fill the business sector representation requirement. The Board requested time to inquire as to some possible appointees.

Supervisor Talbert: Danny's not here, so I think we should skip through this so he can make a recommendation.

Re: Gary Blair, School Superintendent: FY2010-11 Budget Revisions

Mr. Blair: Good evening members of the Board and Mrs. Carter. We are requesting two items for the 2010-11 budget. One is we received some additional vocational equipment allotment from the state in the amount of \$6,656 and we are also asking that the debt service rebate for the middle school VPSA subsidy loan in the amount of \$165,566 that we transfer that to the school system construction fund.

Supervisor Bates: Just a question, Mrs. Carter, is this consistent with your recommendation?

Mrs. Carter: Yes, we have signed the document for the one time rebate on the debt service. So the school system should get that rebate.

Supervisor Chambers moved, Supervisor Talbert seconded and was unanimously carried by the Board to approve the request to transfer the debt service rebate from the middle school VPSA in the amount of \$165,566 to the school system construction fund and to increase the FY2010-11 budget in the amount of \$6,656 for additional state funding for equipment.

**Re: Karl Carter, Asst. County Administrator: National Association of Counties
Prescription Discount Card Program**

I've come here to talk to you tonight about the NACO Discount Drug program. NACO is just like the Virginia Association of Counties, this is a national association as well and Buckingham is a member of that. This program is a drug discount program; it's not health insurance or Medicare insurance. It's nothing like that, it's a discount. The way I look at it is it's like a coupon going to a store. Some probably will accept it, some will not. The amount you save will depend on the pharmacies. They can't lock into a price; each pharmacy will have their own price. The program is designed to give uninsured patients a discount on their medications that their current insurance does not give. NACO is claiming that they save on average 22% off all prescriptions that are not covered under insurance plan. Since Buckingham County is a member of NACO, all county citizens can get this program, they don't even have to apply, they get it for free. There are no forms to fill out, there's no prescreening or any kind of health requirement to be able to get it. You just have to be a resident of the County since we are a member of NACO, so citizens can get this for free. I was surprised that, since this is a National Association of Counties, I checked online to see what pharmacies around here participate. I was surprised that almost all local pharmacies participate in this program. In Buckingham, the Dillwyn Pharmacy participates and also the health center. In Farmville, CVS, Rite-Aid, Wal-Mart and Clark's Pharmacy Inc. participate. In Scottsville, Bruce's Drug Store; in Appomattox, Appomattox Drug Store, Hometown Pharmacy and CVS; in Cumberland, the Cumberland Pharmacy; in Fluvanna, CVS, Fork Union Pharmacy, Jefferson Good Neighbor Pharmacy, those are all I can think of on top of my head, but it seems like in all the surrounding counties participate in this program so no matter what part of the County you live in you still can find a pharmacy that participates in this program. How can citizens participate? If you decide to allow Mrs. Carter to sign the agreement with NACO, it's simple as them going online, we will give them a link on our website, citizens can go online and print a card online. Also, we can set up cards in the pharmacy where they can just pick the card off the counter. So they can pick them up in the store or go online. NACO will also help us provide flyers, posters and everything to let the citizens know that the program is available. So there will be a big media blitz to let everybody know about the program. It's important for people to know that the County is providing access to the program; we are not administering it at all. So if citizens have questions, there will be a 1-800 number on the back of the card they can call with questions and we will put a link on our website to NACO, they can go on there and ask questions and find more information. One thing on the website, it will give you an estimate of what your prescription should cost. You will kind of know before you go to the pharmacy what your discount will be. You won't have to be surprised because it will give you an estimate on what the price is, but once again the pharmacy sets the final price. Once again,

this will not cost the tax payer anything or Buckingham County and also the county does not collect any commission or any fees from anybody that signs up for the program. It's just a free thing because we are a member of NACO. I think this is a great opportunity for the citizens because of the high cost of medicine prices for prescriptions. Once again, if you wish to participate in this program, I ask that you authorize Mrs. Carter to sign the agreement with NACO so that they can start getting the cards personalized for Buckingham County with our logo. That's about all I have about the program and I think you have a little thing in your packet about it.

Chairman Snoddy: I attended one of the meetings with the Virginia Association of Counties; I think it will certainly be a lot of help to a lot of people if we can get the cards to them.

Mr. Carter: They said it will take about 8-10 weeks to get the cards. They have to print up a card and we have to approve it and see what we want on it. It will have to go back and forth until we get a final product. So I'd say start time of about 8-10 weeks after we sign the agreement.

Supervisor Kitchen: Karl, do you know if people on Medicare with prescription cards, could they get this card?

Mr. Carter: Yes, every citizen.

Supervisor Talbert moved, Supervisor Bates seconded and was unanimously carried by the Board to authorize Mrs. Carter to sign the agreement with NACO regarding the Prescription Discount Card Program.

Supervisor Bates: Mr. Chairman, if it would be the pleasure of the Board, would there be a way, Karl, to figure out if we can get one of these prescription cards printed up for every person in the County and send them out in the tax bill? I can see some people will get it if they read the paper or see the flyer, but there will be some that won't get the word and they may be the one who will need it the most.

Mr. Carter: I'll check on that, because there is not really an application. Every citizen will qualify. You just have to be a Buckingham County citizen.

Supervisor Bates: It might be one time that people wouldn't mind seeing their tax bill. If we can figure out a way to get it out to as many people as possible. That is just one idea.

Re: Kevin Flippen, 911 Coordinator: NOAA's Declaration of Buckingham County being storm ready.

Mr. Chairman, Board members, Mrs. Carter, I've been working with the National Weather Service out of Blacksburg since late January, they offer a storm ready community grading. We finished the last approval process in May and we got the approval letter in June. Buckingham County is now a storm ready community with the National Weather Service. We are the 2nd county in the state to achieve this. A couple things, it will give us more ways to get severe weather warnings from the National Weather Service. It also gives us a couple ways to getting information back to them. One of the big projects we have going for us is the Code Red System that our citizens are able to get those weather warnings directly from the National Weather Service. So I just want to let you know that we are storm ready approved. It does give us the opportunity to check into discount pricing on the National Flood Insurance programs. I have started checking on that. I've called a couple of insurance agencies trying to find what the Buckingham County average price for flood insurance is, and depending on how we score with the community rating system points, it's anywhere from a 5 to 48% discount on flood insurance that our citizens could pick up. So we are in the process of following up on that. The gentleman from the National Weather Service was not able to be here tonight but he does want to come in August and formerly present this to you as the Board and just say thank you for the work that you have allowed us to do to achieve this recognition.

The Board thanked Mr. Flippen.

Re: Report from Committee Regarding a Proposed Site for a Proposed New Library Building.

Mrs. Carter: Yes, sir. The Library Committee recommends that the County consider the donation of approximately three acres of property that adjoins the property recently purchased by Mr. Elder at the Industrial Park. The site is on Route 1003 so it will leave approximate 6.3 acres right there that the county still owns fronting 1003. This property will front on the Industrial Park road and it does have public water and sewer and it does have a road. It also has Broadband which will certainly enhance the libraries ability to provide internet services. This donation will be for the sole use of building a public library on that property. So if the Board will consider that recommendation, I would request that this donation be made contingent upon the proposed use, that the property, for the time being, be left in the Buckingham County name, but be designated to the library because when we get into the funding for this, we are not sure how we will be making application for grants, whether it would be in Buckingham County's name or the public library. But if you all would take action tonight, we can designate that property for the purpose of the library, the committee could proceed with seeking funding for the building.

Supervisor Kitchen: At this time, are we going to have this surveyed off?

Mrs. Carter: We wouldn't have to do it at this point. We will have to do it when we get to that. But now, we are leaving in the County's name. If the property changes names, we will have to

have a public hearing so at this time if we just designate it we can proceed with looking for funding.

Supervisor Kitchen: Can you put that in your motion?

Supervisor Bates: She said we don't need a survey at this time. I don't see a need to do it now.

Supervisor Bates moved, Supervisor Talbert and Chambers seconded and was unanimously carried by the Board to accept the committee recommendation to designate three acres of property in the Industrial Park for the sole purpose of building a public library.

Supervisor Talbert: Before we proceed further, I've had several people call me on... there are two units in the library; you have Friends of the Library. Would the Board have a problem with one serving with the Committee since we are getting started on this, with the Friends of the Library? I told them I would take it to the Board because I really didn't know that there were two things there at the library.

Supervisor Bates: Well, actually Bill. There is only one decision making entity as far as the Library and that is the Library Board. The Friends are a support organization for the library. They are not a policy making entity of the library.

Supervisor Talbert: Well shouldn't they have input, the Friends, since they are part of it, wouldn't it be right to have one member of the Friends on that Board?

Supervisor Bates: They have input through the Library Board at the meetings. I don't attend the meetings regular, but I've been a member for a number of years. My opinion is, you have one policy making board and you have a support board. Both have vital functions to play, but the policy making is the purview of the library board.

Supervisor Talbert: So the policy making board automatically lets the Friends of the Library know what's going on?

Supervisor Bates: Absolutely.

Supervisor Talbert: Alright. Thank you Mr. Chairman.

Re: Renee Maxey, Piedmont Court Services update

Good evening members of the Board and County Administrator. I have handed out to you the annual report for the Fiscal Year 08-09. We will have the annual report for the past fiscal year soon after June. I just want to hit some highlights. I don't know how many of you are familiar with what we do. I was here a couple years ago, I was asking for money, but I'm not asking for money this time. We provide the local probation system for adult, non-violent offenders and we serve the counties of Amelia, Buckingham, Charlotte, Cumberland, Lunenburg, Nottoway, Powhatan and Prince Edward. We are centrally located in Prince Edward. There are pamphlets

that you have that show the geographical area and on the inside it shows the many things we do. We do community service, anger management counseling, shoplifting program. We assist JDR, General District and Circuit Court. Most I think come out of General District Court. On the back is a listing of the Community Criminal Justice Board. I believe from Buckingham serving on this board is Judge Marvin Dunkum and Walton Moseley. Some of the counties have appointed a third person so if you all have some one in mind that is interested in Criminal Justice or court matters, you can appoint a third person. In years past, E.M. Wright was on there but he did resign a couple years ago because he was teaching a class. The Clerk of Court or a member of the Board of Supervisors, as you can see we do have some Board of Supervisors members on there. You might even consider Mrs. Jamerson as someone who could serve because we work a lot with her and she knows what we do. Anyway, in the report, I'll go through and hit some of the highlights for you. A snapshot of the class cases on page 29. We supervised 553 misdemeanants and one felon. The geographical areas served are on page 30. Community Service Sites on page 31-34, Buckingham is listed on Page 31, we have about 10 sites and we would love to add some. The wastewater treatment plant is one of the places, COPPC, Town of Dillwyn, VDOT are some. If you have any suggestion of additional places, we would love to get that information from you. Accomplishments that we have had are shown on page 36. We have collected over \$54,000 in restitution and they have performed over 34,000 hours free labor, community service. Take that and multiply that by minimum wage and it is over \$224,000 in free labor. Our recidivism rate is 13%. Success rate is on page 37. Last fiscal year 86% of all the offenders completed everything that the court ordered. This is really high. Most other agencies statewide are in the 70's. Types of offenses are on page 38. Savings to tax payers is on page 40. The cost of incarcerating a state offender verses what it cost us is a savings of about \$944,000. Free labor would be in addition to that. If we didn't exist, you would have to contribute more to regional jails. The demographics are on page 41-43. For that fiscal year, 69% were male, 31% female. Average age for males was 28.4 and average age for female was 27.5. Just over 55% were white, 42.2% black, 1.5% Hispanic, .2% Native American, .2% Asian, and .5% were other.

Average time we supervise local offenders is 3.79 months and state offenders is 8.59 months. The remaining pages, page 44-47 are actual cases that we have had and this does not give the names. I've brought with me a sheet that shows that through the end of May 2010, how much community service your county has received in free labor (community service). Buckingham is the second largest of eight counties almost 26,000 hours of community service. The first is Prince Edward.

If you have any questions, I'll be glad to answer them.

We have 7 probation officers that work the eight counties. We've been doing this for 26 years.

Chairman Snoddy thanked Ms. Maxey.

Supervisor Bates: Do you use volunteer fire and rescue?

Ms. Maxey: Yes. Definitely.

Re: Karl Carter, Asst. County Administrator: Jaunt Update

Jaunt has provided two bus routes for us in Buckingham County. They provide an early route and a later route. Earlier this year they made a request to have additional appropriations made to them for both routes all year long. As you know back at budget time, with all the state cuts so many other entities have made cuts to their budgets and we made level funding. Jaunt is taking budget cuts like we are and in order to make their budget work, Jaunt has proposed to shut down that second route for three months, during the summertime. The reason they want to do this is that most of the people that use that second bus route work for UVA housing and during the summer months they don't have many people to ride the bus. The number they gave us is about 3 people ride that bus during the summer months so they are proposing to shut down that route for three months and start back up in the fall. The dilemma is, the people that do ride that bus all ride it to work so now, Mrs. Carter and I got calls last week saying that they didn't have a way to get to work. That is the way they depend on getting to work all year. I talked to Jaunt; they say that they can keep that second route going all year for \$2100. That is \$700 a month. My question to you is do you want to appropriate the additional \$2100 to Jaunt to keep that route for those three months or let them handle their budget crisis on their own and shut it down for three months?

Supervisor Chambers: Just two or three people ride it?

Mr. Carter: The number they gave us was 2-3. I'm guessing, Mr. Chambers, with college students being out, it could pick up if they have summer jobs in Charlottesville, but right now the number they gave me is 2-3.

Supervisor Bates: I tell you, I'd like to help people, but I'm just thinking that in this tight budget time it's probably best to let Jaunt shut down the second route for three months. Maybe the three people can work out a way to carpool between the three of them.

Supervisor Bates moved, Supervisor Chambers and Talbert seconded and was unanimously carried by the Board to not fund the \$2100 and for Jaunt to shut down the second route for the three summer months.

Re: Consider Resolution of Authorization for Employee's Contribution to the Virginia Retirement System

The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (This is referred to as Plan 2 employees). The legislation amended VA Code Section 51.1-144 to provide that Plan 2 employees will pay their five (5) percent member contribution and that, absent other action by the employer, such contribution will be paid through salary deduction according to Internal Revenue Code Section 414 (h). Internal Revenue Code Section 414 (h) provides that a governmental employer may paid the mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal

Revenue Code Section 414 (h) to affect the pick-up of the percentages has been taken by the General Assembly with the Governor's signature.

This Legislation also permits each county, city, town, local public school board or other local government employer to pick-up in whole or in part (in one (1) percent increments) the five percent member contribution as an additional benefit not paid as salary. The employer's optional payment of the five percent member contribution may be phased in over a period approved by the VRS Board not to exceed six years and may only be made on a uniform basis for all its Plan 2 employees. The formal written action required by the IR Code Section 414 (h) to affect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

A resolution is required by the VRS and the IRS no later than July 1, 2010 if you elect to pay any percentage of VRS employee contribution for any new hires after June 30, 2010. If you elect not to pay any percentage action is not necessary.

The County presently pays the five (5) percent employees contribution. It is my recommendation that the County continue to pay this benefit for any new hires after July 1, 2010.

Please consider this matter.

Supervisor Bates moved, Supervisor Chambers seconded and was unanimously carried by the Board to approve to continue to pay the 5% employee share of the Virginia Retirement System.

The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2" employees). The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may "pick-up" mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor's signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary. The employer's optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

Please indicate, by selecting one option below, how member contributions will be paid:

- This is to acknowledge that _____ (Employer Name) will have the employees pay the 5 percent member contribution according to the terms of the legislation. This action does not

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require action by your governing body. _____(Authorized
Signature)_____ (Date)

- This is to acknowledge that Buckingham County Board of Supervisors elects to pick-up some or all of the 5 percent member contributions as detailed in the following duly approved resolution.

RESOLUTION

Authorization to Pick-up the Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the Buckingham County Board of Supervisors to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the Buckingham County Board of Supervisors desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July, the Buckingham County Board of Supervisors shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the Buckingham County Board of Supervisors in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the Buckingham County Board of Supervisors directly instead of having them paid to VRS.

Adopted in Buckingham, Virginia this 14th day of June, 2010.

Rebecca S. Carter, County Administrator

Re: Consider Recessing to Reconvene on Monday, June 28, 2010 at 6:00 p.m. to Consider Bids for the County Administration/Social Services/Health Department Complex Project

Please consider reconvening this meeting to meet on Monday, June 28, 2010 at 6:00 p.m. to consider the bids for this project. BCWH representatives will be in attendance to present the bids to provide you with a review of said bids.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to recess this meeting to reconvene on Monday, June 28, 2010 at 6:00 p.m. to consider the bids for the County Administration/Social Services/Health Department Complex Project.

Re: County Ordinance Review

As I work on the re-structuring of the Buckingham County Ordinances to develop a document entitled Buckingham Code of Ordinances I find some very dated ordinances that either need to be rescinded or revised. I would like to begin bringing those forward to you for your consideration.

The plan is to make the Zoning Ordinance the core of our code with the subdivision and other ordinances as articles.

I wish to begin by bringing forward several per month, to consider revising or rescinding as we work through this process. Public Hearings will have to be held to accomplish this and also some of the ordinances will need to be considered for recommendation by the Planning Commission. I will bring those to you first for your referral to the Planning Commission for their consideration and recommendation.

1. The first ordinance listed is the BAD CHECK ORDINANCE: This ordinance has been in effect without revisions since July 7, 1975. I have attached a copy of that ordinance for your review. I request that the Board consider the following changes: 1) that the fee for the processing and collecting of funds for the passing of a bad check to \$30.00. The present \$10.00 fee does not cover the time involved in reversing accounting in the accounts or pursuing the collection of and possible prosecution to recover the cost.

Please consider scheduling a public hearing to consider this revision.

2. Ordinance number 2 is the Bank Franchise Tax Ordinance. This ordinance was adopted January 1, 1980. This ordinance still appears to be in compliance with the State Code and I do not see any changes necessary.
3. Ordinance Number 3 is the Building Permit Ordinance. This ordinance was revised July 1, 2009. At the time I gave you this, I said that I did not see any need for changes but after some research and talking to the County Treasurer, we are finding that we are issuing building permits to people whose property, they have delinquent taxes on. We have found that this will erosion and sediment control permits, zoning permits, we are finding that the County can actively not issue these permits without proof that their real estate taxes have been paid on that particular property. So I ask that you all schedule a public hearing that we would have a statement that would go with this code for any permit to be issued. A building permit or Zoning permit, any type of permit will not be issued if the real estate tax is delinquent for that particular property.

Supervisor Bates: Could that be a blanket thing to require all county ordinances that require a permit to do this?

Mrs. Carter: Yes. The way the code reads it has to be that particular property. In other words, if I have two pieces of property, and I want to do something on one, I can get a permit for that piece of property, but if I had another one, if I own a home on a piece of land and I owe taxes on that, but I wanted to get a permit to build a home on another piece of property, the way the code reads, we will have to issue the permit for the new piece but not for the other. But yeah, you can have a blanket policy. We are finding that a considerable amount of building permits are being issued to property that has delinquent taxes on it.

Supervisor Kitchen: We need to have a public hearing on this.

Mrs. Carter: So far just this one, but we can make one motion at the end.

4. Ordinance Number 4 is the Curfew Ordinance. This ordinance was became effective September 7, 1977. I have attached this for your review to see if you want to continue to have this ordinance or if you see any revisions (within the code) that you would like to see made. It mostly deals with teenagers.

5. Ordinance Number 5 is the Deed Tax Ordinance. This ordinance was adopted effective October 15, 1973 and amended as the Buckingham County Recordation Tax Ordinance. This amended ordinance is effective August 8, 2004.
6. Ordinance Number 6 is the Animal Control Ordinance. This Ordinance was revised effective July 1, 2004 to include an ACO Standard Operating Procedures. This is quite a detailed ordinance but has Code of Virginia Changes from time to time. I will refer this Ordinance to the County Attorney for review to see if we are in compliance with all State Regulations.
7. Ordinance Number 7 is the Erosion and Sedimentation Control Ordinance. That Ordinance was revised in February 13, 2008 and at this point we do not see where any changes are necessary. This Ordinance will be placed with the Zoning, Subdivision
8. Ordinance Number 8 is the Flood Plain Ordinance. This Ordinance was amended March 24, 2008. I do not see any revisions necessary at this time.
9. Ordinance Number 9 is the Health Ordinance. This Ordinance was made effective November 5, 1951. This Ordinance is in reference to human discharges. I believe this ordinance can be rescinded after a public hearing if you so desire, as the State Health Department Regulations override this and we have all of this regulated through either our building permit, subdivision or zoning ordinance.

Please consider a public hearing to have this ordinance deleted from the County Ordinances.

10. Ordinance Number 10 is the Household Good Exempt from Taxation Ordinance. This Ordinance was made effective January 1, 1967. This simply says that all household goods and personal effects as defined by the Code of Virginia are exempt from taxation.
11. Ordinance Number 11 is an Ordinance assuring that the language for Jail Sentences for Violation of County Ordinances. This Ordinance was made effective April 5, 1976. Supervisor Bates, this is kind of like a blanket ordinance like we request to have with the permits.
12. Ordinance Number 12 is the Manufactured/Mobile Home Park Ordinance. This Ordinance is now being considered by the Planning Commission for possible inclusion with the Zoning Ordinance.
13. Ordinance Number 13 is the Motor Vehicle License Tax Ordinance. This is the ordinance establishes the motor vehicle license tax cost and payment and collection procedures. This Ordinance also establishes that a County Motor License Decal cannot be purchased as long as the taxpayer has delinquent Personal Property Tax.

This ordinance was adopted in 1957 and has been revised seven times with the last revision being made September 11, 2000.

At this time I ask that you schedule a public hearing for rescinding Ordinance #9, revising #1, and #3.

Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to hold a public hearing on July 12, 2010 at 7:15 in order to hear public comments on rescinding Ordinance #9: Health Ordinance, Revising Ordinance #1: Bad Check Ordinance, and revising Ordinance #3 to include a blanket policy for all permits issued.

Re: Request from Marie Sweeney, VFW Post 8446, Consider Waiving Building Permit Fee for Alterations to VFW Building.

(Letter from Mrs. Sweeney)

The Buckingham VFW Post 8446 is currently assessing the repair and maintenance needs of our building. We have obtained the estimates of three private contractors in addition to having several of our members with construction/building experience look at and assess needs and costs. The contractor estimates ranged from \$52,100 to \$81,000 to include everything from replacing a number of floor joists to replacing windows to applying new siding. This is a very expensive undertaking and will necessitate our working on it in stages. Stage one of the project would be having the termite damage treated and the replacing the joists to protect the integrity of the entire building. This phase of the project would cost approximately \$5,300 by doing the joist work ourselves. Our members felt if we could do the work ourselves along with some volunteer help we could cut the labor costs and still provide the kind of building that would serve our needs and the needs of the community adequately.

On behalf of the Buckingham VFW Post 8446, I am requesting that the Board consider waiving the building permit fee required by the county for alterations to any building. Any assistance you could give us with regards to this fee would be greatly appreciated.

Supervisor Talbert moved, Supervisor Bates seconded and was unanimously carried by the Board to waive the building permit fee for alterations to the VFW 8446 building.

Re: County Attorney Matters

There were no County Attorney Matters at this time.

Re: County Administrator's Report

Eggleston Request for Relief of Penalty/Interest on Delinquent Taxes: During the May Board meeting, Mrs. Eggleston appeared before you requesting relief from penalty and interest on delinquent taxes. The Board tabled this matter pending additional information. The treasurer has provided you with additional information. But it has been determined under Section 58.1-

3984, that the Board of Supervisors does not have authority to override the decision of the County Treasurer in this situation. Mrs. Eggleston's next step would be appeal the decision of the County Treasurer to the Circuit Court. I have sent this information to Mrs. Eggleston along with several Attorney General Opinions regarding this issue.

Supervisor Kitchen: That takes care of that don't it?

Personnel Committee Report: The personnel committee report, I ask to go into executive session.

That concludes my report Mr. Chairman.

Re: Other Board Matters

Supervisor Talbert: Next year will be 250 years of Buckingham, the letter you have before you, Historical Society says that they would take the bull by the horns and go with it, and I'd like to add Jordan Miles' name to this with Buckingham Board. Jordan came by my house Sunday and was discussing some of the stuff that they have to go through each month, each week or something. I think this is a great idea.

Supervisor Bates: I think Mrs. Martha Louis would be pleased to have the help.

Supervisor Talbert: (speaking to Jordan Miles) And Congratulations on the awards you got from Longwood University and the endeavor to get your diploma.

Re: Executive Session

Supervisor Bates moved, Supervisor Kitchen seconded and was unanimously carried by the Board to enter into executive session under the following code:

Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. (Code of Virginia, §2.2-3711.A.1)

Re: Return to Regular Session

Supervisor Bates moved, Supervisor Talbert seconded and was unanimously carried by the Board to return to regular session.

Re: Certification

Supervisor Bates moved, Supervisor Talbert seconded and was unanimously carried by the Board to certify that to the best of each Board member's knowledge only public business matters as were identified by the motion by which the closed executive meeting was convened were heard, discussed, or considered in the executive closed session.

There being no further business to discuss, Chairman Snoddy recessed to reconvene on June 28, 2010 at 6:00 p.m. in the Buckingham County Agricultural Center.

ATTEST:

Rebecca S. Carter
County Administrator

I. Monroe Snoddy
Chairman