

**Buckingham County  
Board of Supervisors  
June 28, 2010 Meeting**

At a reconvened meeting from June 14, 2010 of the Buckingham County Board of Supervisors held on Monday, June 28, 2010 at 6:00 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; F.D. "Danny" LeSueur; Dr. Brian D. Bates; Danny R. Allen; and John D. Kitchen, Jr. 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-seven members present and that the meeting could continue.

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

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

**Re: Approval of Agenda**

**Supervisor Bates moved, Supervisor LeSueur seconded and was unanimously carried by the Board to approve the following agenda:**

1. Reconvene from June 14, 2010 meeting
2. Establishment of a quorum
3. Invocation and Pledge of Allegiance
4. Approval of Agenda
5. Matters for Board consideration:
  - a) Consider amendments to the Buckingham County Personnel Policy\*
  - b) Presentation of the bids for the County Administration/Social Services and Health Department Complex and consideration of bid acceptance
6. County Administrator's Report
  - a) Personnel Committee Report (provided under separate cover)
7. Other Board matters
8. Adjournment

**Re: Consider amendments to the Buckingham County Personnel Policy**

Please find attached proposed amendments to the Buckingham County Personnel Policy . These amendments deal mostly with compensatory time and over time. The Personnel Committee has asked that our office work on amendments to this policy in order to better control the accrual of compensatory time.

I find this amendment necessary in order to be able to better control the accrual of large amounts of compensatory time and to help determine when an employee should be paid over time instead of accruing compensatory time.

The County Attorney, Karl Carter and I have worked on these amendments and will continue to review this policy to bring forward improvements to this policy.

Pursuant to Section 1.10 of the Buckingham County Personnel Policy when, in the opinion of the County Administrator, reasonable change has occurred to warrant an amendment to the Personnel Policy and Procedures Manual, such an amendment will be made with the approval of the County Board of Supervisors.

Please consider the proposed amendments.

**Supervisor Kitchen moved, Supervisor Bates seconded and was unanimously carried by the Board to approve the following amendment to the Buckingham County Personnel Policy:**

## Amendments to Buckingham County Personnel Policy

Pursuant to Section 1.10 of the Buckingham County Personnel Policy, which provides:

### Amendments

*When, in the opinion of the County Administrator, reasonable change has occurred to warrant an amendment to the Personnel Policy and Procedures Manual, such an amendment will be made with the approval of the County Board of Supervisors.*

is amended as follows:

### Amendments to Section 6.9

#### **6.9 Compensatory time is amended to read:**

#### 6.9 Compensatory Time and Overtime:

- A. On occasions, when circumstances require, salaried employees may have to work hours beyond the regular work week. Overtime and compensatory time for hours worked beyond regular hours will be determined as follows:
  1. Compensatory time and overtime will be allowed on the basis of one and one-half time off for overtime worked;
  2. Compensatory time will be given when the employee request to work hours outside of and beyond hours required during the regular work schedule and the request is approved by the employees immediate supervisor;
  3. Overtime will be calculated and paid in the pay cycle, when the employer request the employee to work hours outside of and beyond hours required during the regular work schedule;
  4. In either case, time authorized, shall be reported, the next work day by the supervisor authorizing the time (either compensatory or overtime), signed by the supervisor and employee.
  5. Compensatory is expected to be used in the same work week it is accumulated, whenever practical. When requesting to work Compensatory time, the employee should discuss and plan when the compensatory time is expected to be taken.
  6. Compensatory time, if not feasible to have been taken within the same work week, should be taken within 30 days of the time accrued. If the time is not taken because the Supervisor or Department head had determined it not feasible due to scheduling conflicts or work load, the time accumulated as compensatory time will be paid.

- B. This amended policy shall not apply to law enforcement personnel.
- C. EMPLOYEE WORK SCHEDULES SHALL BE ESTABLISHED BY THE COUNTY ADMINISTRATOR.
- D. Additional reference to overtime, compensatory time, and exempt status of employees are contained in Section 7 and 8 of this manual.

**Amendments to Section 7.5**

7.5 Compensatory Leave is amended to read:

7.5 Compensatory Leave

Compensatory Leave shall be accrued in accordance with the provisions of Personnel Rule 6.9 of this manual. This section shall not be construed so as to deny any employee compensatory leave earned in prior to the effective date of this manual or the amendments hereto.

7.12 Termination Leave and Pay is amended to read as follows

7.12 Termination Leave and Pay

An eligible employee shall be paid, at the final rate of the employee, as follows when he/she leaves County service, subject to the restrictions hereinafter set forth:

- A. All unused compensatory leave accumulated (except exempt employees shall not be paid for compensatory leave) to the date of separation;
- B. All unused annual leave accumulated to the date of separation, except an employee terminated for reasons involving moral turpitude shall not be paid for unused annual leave;
- C. An employee may receive a lump sum payment equal to 25 percent of unused sick leave not to exceed payment of \$2,500, except an employee terminated for reasons involving moral turpitude shall not be paid for any unused sick leave.
- D. To be eligible for payment for unused sick leave, an employee must have been employed by the County a minimum of five continuous years.
- E. Any sums due an employee may be offset by any of the amounts set forth in Section 6.1:2.

**Amendments to Section 8**

8.0 Fair Labor Standards Act Amendment of 1985 shall be amended to read as follows:

8. Fair Labor Standards Act Amendment of 1985

#### 8.1 Paid Overtime Compensation

Where employment requirements prevent timely use of compensatory leave accrued by an employee, accrued compensatory leave shall be paid in accordance with Section 6-9 A 6.

#### 8.2 Usage of Compensatory Time

A County employee shall be permitted to use compensatory time within a reasonable period after making the request, usually within 30 days, on the condition that the use of the time does not unduly disrupt the operations of the County and/or department that the employee is placed under.

#### 8.3 Separate and independent employment

In a situation where a County employee, who is engaged in either or police enforcement activities, and who agrees to be employed on a special detail by a separate or independent employer in related activities, the hours of such separate and independent employment shall be excluded from the calculation of overtime. County employees engaged in or wishing to be engaged in employment separate from and in addition to their County employment shall notify the County Administrator immediately in writing as to the type of separate employment and the work hours thereof. Such employment shall be permitted only so long and insofar as such does not interfere with or detract from the employee's performance as a County Employee.

#### 8.4 Part-time employment

A county employee shall only undertake part-time employment for the County which is different from his/her regular employment with the specific authorization of the County Administrator.

#### 8.5 Substitute for another employee

If an employee agrees, with the approval of his/her department head and solely at the option of such individual, to substitute during scheduled work hours for another County employee who is employed in the same capacity, the hours worked as a substitute shall be excluded from the calculation of overtime payment. The County reserves the right not to keep a record of such substitute work hours and maintains that such substitute work was solely on the basis of the employee's agreement.

#### 8.6 Definition of employee

The term "employee" does not include any individual who volunteers to perform a service for this public agency. This is true as long as the individual is paid a minimum

fee and the service performed is not the same type of service that the individual is employed to perform for the County. An employee of the County may volunteer to perform services for any other public agency and are encourage to do so to promote the general public welfare of this community, so long as it does not conflict with or interfere with the performance of existing duties.

#### 8.7 Interpretation

Nothing contained in these personnel policies shall act or be construed to make exempt employees non-exempt under the Fair Labor Standards Act or any regulations or opinions issued pursuant to such Act.

#### 8.8 Fair Labor Standards Act Compliance

##### A. INTRODUCTION

This administrative procedure establishes policies and procedures to ensure compliance with the Fair Labor Standards Act (FLSA). Further, this procedure defines county policy regarding employees exempt from or not covered by the FLSA.

##### B. DEFINITIONS

1. Exempt Employee (E) – An employee who is exempt from guidelines and regulations established by the FLSA. To be considered exempt, an employee must meet one of the tests specified in Section III.
2. Nonexempt Employee (N) – An employee who is subject to guidelines and regulations established by the FLSA.
3. Non-covered Employee (NC) – An employee not covered by the FLSA because of falling within one of the following groups:
  - a. Elected officials and their personal staffs
  - b. Policy making appointees
  - c. Legal advisors
  - d. Legislative employees
  - e. Volunteers
  - f. Independent contractors
  - g. Prisoners
  - h. Certain trainees

##### C. EXEMPTIONS

To be considered exempt from provisions of the FLSA, one of the following tests must be met:

1. Executive – An executive employee must meet all of the following requirements to be exempt from the FLSA:
  - a. The employee's primary duty is managing the county, or a customarily recognized department, or subdivision;
  - b. The employee must customarily and regularly direct the work of at least two other fulltime employees or their equivalent;
  - c. The employee must have the authority to hire or fire other

employees, or have his or her suggestions and recommendations regarding the hiring, firing, advancement, promotion or any other change of status of other employees be given particular weight; and

- d. The employee must be compensated on a salary basis at a rate of not less than \$455 per week.
2. Administrative – An administrative employee must meet all of the following requirements to be exempt from the FLSA:
- a. The employee’s primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the county or its customers;
  - b. The employee’s primary duty includes the exercise of discretion and independent judgment with respect to matters of importance; and
  - c. The employee must be compensated on a salary or fee basis at a rate of not less than \$455 per week.
3. Professional – A professional employee must meet all of the following requirements to be exempt from the FLSA:
- a. The employee must be compensated on a salary or fee basis at a rate of not less than \$455 per week, and
  - b. The employee’s primary duty must be either:
    - 1. Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized instruction, or
    - 2. Work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.
4. Computer Employees – A computer employee must meet all of the following requirements to be exempt from the FLSA:
- a. The employee must be compensated on a salary or fee basis at a rate of not less than \$455 per week, and
  - b. The employee’s primary duty consists of:
    - i. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
    - ii. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
    - iii. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
    - iv. A combination of the aforementioned duties, the performance of which requires the same level of skills.

D. COMPENSATORY TIME

1. Nonexempt Employees – See Section 6.9
2. Exempt Employees – It is recognized that Exempt Employees must devote a great deal of time outside normal office hours to business of the Employer, and to that end the Employee shall be allowed to take reasonable compensatory time off during said normal office hours. .  
Exempt employees are ineligible for overtime or compensatory time paid.

**Caveat:**

- 1: *Buckingham County is in the process of revising its personnel policy and this document is subject to further modification at the approval of the Board of Supervisors;*
2. *Law enforcement personnel shall be covered until further notice by the amendment policy.*

**Re: Presentation of the Bids for the County Administration/Social Services and Health Department Complex and Consideration of Bid Acceptance**

The bids have been received for this project. The County received nine (9) bids ranging from \$5,132,974.00 to the low bid of \$4,467,826.00. The low bid in the amount of \$4,467,826.00 is from C.L. Lewis Construction. C.L. Lewis Construction appears to be a very reputable firm.

Representatives from BCWH will be present to answer any questions regarding these bids.

The overall project cost still remains within budget with the County not expecting to borrow more money than the present rent from the Social Services and Health Department will service. This project will not require any tax increases or any changes in any other planned capital projects including schools, recreation, water and sewer.

Please consider accepting the low bidder, C.L. Lewis Construction and authorization for the Chairman to sign necessary contracts.

**Supervisor Talbert:** Mr. Chairman, I'm not against the building itself, the bids came in, but I would like to make a motion that we hold off until we find out what the school do. The school, pretty much, is what it is going to be what it amounts to because we are looking at \$25 million for a school and that's been going on now for about 6 years. Again, I'm not against the building itself, I'm against where it's going to be located, but that's another thing, I think the way the economy is and everything, we better find out what that school...that school in my opinion, I'm a 100% for that, then if we can do both, then let's do it.

**Supervisor Kitchen:** So Bill, what you're saying is to wait to the bids come in on the school?

**Supervisor Talbert:** The bids come in on the school, then we will know if we can pay for this right here.

**Supervisor Talbert moved, Supervisor Kitchen seconded to put off the County Administration/Social Services/Health Department Complex on hold until after the bids for the school comes in. No vote was taken at this time.**

**Chairman Snoddy:** Well, I would like to hear the bids before we vote on this thing.

**Mrs. Carter:** Mr. Chairman, would you like me to read all of these out or just the low bid?

**Chairman Snoddy:** All the bids.

**Mrs. Carter:** The list of bids received and the amounts are as follows:

- |                               |             |
|-------------------------------|-------------|
| 1. Breakell, Inc.             | \$5,287,000 |
| 2. C.L. Lewis Construction    | \$4,467,826 |
| 3. CMS, Inc.                  | \$5,132,974 |
| 4. Coleman-Adams              | \$4,732,000 |
| 5. Haley Builders             | \$4,615,000 |
| 6. J.E. Jamerson & Sons, Inc. | \$4,522,000 |
| 7. Kenbridge Construction     | \$4,725,000 |
| 8. Martin Horn, Inc.          | \$4,980,000 |
| 9. Nielson Builders, Inc.     | \$4,585,900 |

This leaves the low bidder to be C.L. Lewis Construction for \$4,467,826.

The proposal to pay for this is listed below:

### Administrative Building Financial Analysis

**Construction  
Budget**

<b>Contract Cost</b>		\$4,467,826.00
	<b>New</b>	\$2,852,511.00
	<b>Renovation</b>	\$1,027,478.00
	<b>Site</b>	\$587,837.00
<b>Contingency - %</b>	3.00%	\$134,034.78

**Fixtures,  
Furnishings,  
Loose Equipment**

	\$360,000.00	\$360,000.00
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**Architectural &  
Engineering Fees**

<b>Renovation</b>	\$138,975.00
<b>New Construction</b>	\$266,760.00
<b>FF &amp; E Fee</b>	\$36,000.00
<b>Reimbursables</b>	\$25,000.00
<b>Modification Gen add &amp; Health dept</b>	\$5,883.00

<b>Total Architects</b>	\$472,618.00
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**Additional  
Services**

<b>Survey &amp; Geotechnical</b>	\$25,770.00
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	<b>Special Inspections</b>	\$40,000.00
	<b>LEED Services for New Construction</b>	\$68,730.00
<b>Total Additional Services</b>		\$134,500.00
<b>Total</b>		\$5,568,978.78
<b>paid already</b>	<b>engineers</b>	\$333,000.00
<b>Cash in Budget - 11/12</b>		\$2,950,000.00
<b>Reserve for 12/13</b>		\$1,000,000.00
<b>Needed</b>		\$1,285,978.78
<b>Payment Needed</b>		-\$55,634.50
<b>Current Rent Received</b>		\$55,656.00
<b>Amount Needed</b>	\$1,285,978.78	
<b>Rate</b>	3.000%	
<b>Years</b>	40	

**Chairman Snoddy:** You have heard the bids and the finances and the budget, I open the floor for motion.

**Supervisor Talbert:** You've got a motion on the floor to hold off until the bids come in on the schools and a second.

**Supervisor Bates:** Mr. Chairman, it seems to me...we do have a motion on the floor and it's been properly seconded, the information has been presented to us with the low bid of \$4,467,826 and the County's finances will allow us to do this project and pay the borrowed debt service with the rent revenue that we currently have in place, therefore I offer an amendment to the motion to award the low bid to C.L. Lewis for \$4,467,826.

**Supervisor Kitchen:** I move that we vote on the motion that is on the floor.

**Supervisor Bates:** I've already amended the motion, if it doesn't get a second, then we will vote on that motion.

**Supervisor LeSueur:** Second.

**Supervisor Bates moved, Supervisor LeSueur seconded to amend Supervisor Talbert's motion to accept and award the low bid of C.L. Lewis for \$4,467,826. This opened the floor for discussion.**

**Supervisor Talbert:** Discussion. This bid does not include the architects, which is going to be somewhere around ½ million dollars. If you add that ½ million dollars, look at what it's going to cost you.

**Supervisor Bates:** Mrs. Carter, would you like to comment on that?

**Mrs. Carter:** The budget if you accept the low bidder, \$4,467,826, a 3% contingency of \$134,034.78, fixtures, furnishings, and loose equipment: \$360,000; total architects is \$472,618; total additional services which is the surveys and special inspections and LEED services for New Construction, \$134,500. That is \$5,568,978.78. The County has already paid the engineers a sum of \$333,000.

**Supervisor Bates:** So this \$55,634 debt service is on the total project costs?

**Mrs. Carter:** Yes, the amount that needs to be borrowed.

Chairman Snoddy called for any more questions.

**Supervisor Allen:** One more question, if we hold off and don't do this, will we lose what we've already done? We will lose \$333,000?

**Mrs. Carter:** Maybe the architects can help you better with that answer, but if you hold off, you are going to have the cost of rebidding; these bids will not be good for that long; and then you...it's a fairly good construction climate right now to bid a project; by fall, perhaps the prices could be higher.

**Supervisor Kitchen:** I think the children come first. That's my concern. I don't have a problem with doing the building if...but the children come first and I was talking to Mr. Wright, and I said what if the bids come in for the schools \$4-5 million over. We were just talking generally, he said then we wouldn't be able to do it. We need to think...

**Mr. Wright:** What was that, John?

**Supervisor Kitchen:** I said, when you and I were talking down at your office, I said what if the building bids come in on the school \$4-5 million over what we anticipated, you said we probably wouldn't be able to do it. Right?

**Mr. Wright:** I said it would make a difference, I may have said we might not be able to do it but yall always have the authority to do it. What I don't understand is five years yall have been planning to do this building. You've set up a budget, you do projects, you are now in a position to have that budget and handle the things that come forth. You set a budget for school, a generous budget, and you've allowed them \$26-27 million. You are suggesting that the school board will not be able to stay within that budget on that project, then that is on the school board.

**Supervisor Kitchen:** I'm not saying that. I just said that it possibly could. Look, look, the garage down there, they had a budget of \$1.3 million. The county had to put up \$468,000 of that. Down at Gold Hill, with the air conditioners, \$200,000 and some, we had to put up another \$105,000. What I'm saying is, I'm just saying "What if?"

**Mr. Wright:** They have an allotment in hand, you allocated a budget for school board, you've allocated a budget for this, this is within budget, it's yall's decision, policy's decision...

**Supervisor Kitchen:** Policy's decision? You are a taxpayer, you've got a vote.

**Mr. Wright:** That's right, it's policy's decision. With that change, the school board will be off by 20%.

**Supervisor Kitchen:** I didn't say that. I said "What if?"

**Mr. Wright:** If you are off by \$5,000,000 then the school board is off by 20% in their estimate. That's the play.

**Supervisor Kitchen:** The school board has nothing to do with it, the architects and the other people bid it not the school board.

**Supervisor LeSueur:** I think Mrs. Carter has done one excellent job in setting up our budget to do the school project and to do this project and the sewage project and also to do the water treatment facilities project. I think we are in better shape right now than we have ever been to do these projects. We, I believe the seven sitting here on this board, irregardless of the fact of what transpires with this project or what transpires with the school project, we are not going to see that school project die. We will see that school through. We are committed to that and it will happen.

**Supervisor Kitchen:** In other words, if we have to raise taxes, we'll do it?

**Supervisor LeSueur:** John, you are going out there on a limb. I mean, we can what if this world to death.

**Supervisor Kitchen:** Oh, yeah. You certainly can.

**Supervisor LeSueur:** She has sit here and made an excellent budget.

**Supervisor Kitchen:** Poor people that live in this county has to pay their taxes.

**Supervisor LeSueur:** Certainly, so do I.

**Supervisor Kitchen:** I do too.

**Supervisor Bates:** I call for question.

**Supervisor Talbert:** I'm not ready to vote yet, you can call question all you want to. Mrs. Carter, if this is passed, with the school, with the water plant, and sewage, we are going to be somewhere around \$45 million in debt, not counting what we already owe. Am I right or wrong? I'm concerned about it.

**Mrs. Carter:** We don't know the number on the sewer.

**Supervisor Talbert:** Well, you know you have \$25 million down here, you are going to have almost \$6 million here before it's over with...

**Mrs. Carter:** But you are only going in debt \$1.2 million for this project.

**Supervisor Talbert:** So that's \$30 million. And you put \$5.5 million on the water plant.

**Supervisor Bates:** Wait a minute. \$26 million and \$1.5 million is not \$30 million.

**Supervisor Talbert:** Well, \$25 million and 5 ½ is what?

**Supervisor Bates:** The \$5.5 million is not being involved, Bill.

**Supervisor LeSueur:** We've already got \$3 million sitting there to be put on the project.

**Mrs. Carter:** \$1,285,978.78

**Supervisor Talbert:** It don't make any difference anyway, I'm just worried about the school project.

**Supervisor Bates moved, Supervisor LeSueur seconded to amend the motion made by Supervisor Talbert. This motion passed with a 4-3 vote, Supervisors Bates, LeSueur, Snoddy and Allen voting in favor and Supervisors Talbert, Chambers and Kitchen opposing to amend the previous motion.**

**Supervisor Kitchen:** Well, so much for putting the children first.

**Mr. Wright:** Mr. Chairman, that was a motion to amend, now you need to vote on the amended motion.

**Supervisor Bates:** The motion as amended is to award the bid to C.L. Lewis for \$4,467,826. That's the motion.

**Supervisor Talbert:** Well, did the amendment kill my vote?

**Supervisor Bates:** Yes, sir. It did.

**Supervisor Talbert:** I figured you did.

**Mr. Wright:** You've voted to amend the motion, now you need to award the contract.

**Supervisor Talbert:** I had a motion that we hold off, but the amendment killed my motion.

**Mr. Wright:** No, it amended your motion, it didn't kill it.

**Supervisor Bates:** The motion is still on the floor to be voted on.

**Supervisor Bates moved, Supervisor LeSueur seconded to amend the motion to award the contract for the Buckingham County Administration/Social Services/Health Department Complex to C.L. Lewis at a price of \$4,467,826. This motion passed with a 4-3 vote with Supervisors Bates, LeSueur, Snoddy and Allen voting in favor and Supervisors Talbert, Chambers and Kitchen opposing.**

**Supervisor Talbert:** I stated my reason why I oppose it. I hope I'm wrong.

**Re: County Administrator's Report**

**Mrs. Carter:** The only other item I have, Mr. Chairman, is the personnel committee report that I have provided you under separate cover.

**Re: Other Board Matters**

There were none.

There being no further business to discuss, Chairman Snoddy declared the meeting adjourned.

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Rebecca S. Carter  
County Administrator

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I. Monroe Snoddy  
Chairman