

January 27, 2011

Virginia:

AT A REGULAR SCHEDULED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the Board of Supervisors Room located in the Nelson County Courthouse.

Present:

Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor
Thomas H. Bruguiera, Jr. West District Supervisor - Vice Chair
Joe Dan Johnson, South District Supervisor – Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk

Absent: None

I. Call to Order

Mr. Johnson called the meeting to order at 7:02 pm, with all Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance – Mr. Hale led the Pledge of Allegiance

II. Public Hearings and Presentations

- A. Presentation – Region Ten Community Services Board

Those present representing the Region Ten Community Services Board: Weston Matthews, Board of Supervisors representative for Nelson County and Nelson County Teacher, Mike Huntley, Director of Horizon House and Counseling Center, Steven Stern Region Ten Chair, and Dr. Robert Johnson, Executive Director of Region Ten.

Mr. Matthews noted that there were possible changes to Medicaid being made at the State Level. He then reviewed the services provided by Region Ten to Nelson County and its families as follows: Outpatient, Crisis Management, In-Home Therapy, Case Management, Mental Health Support, Psychiatric, Substance Abuse, Domestic Violence and Anger Management, Educational Support, and Horizon House.

He reported the service statistics for Nelson County as follows:

Nelson Counseling Center Information (January 2011)

Children served in school through the ESS/TOT program (K-12)	50
Children counseled weekly through the \$40,000 school grant	48
Children served through the Head Start consultation (as needed)	<u>12</u>
Total children served	110

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Adults served in the Horizon House day support program (M-F)	40
Adults served through the Mental Health Support Services program - operating 7 days a week to include evenings.	60
Case Management (MH and ID)	
MH adults	75
MH children	56
ID adults	55
ID children	<u>6</u>
Total with Case Management	192

The report also noted that the Nelson Counseling Center is in essence a mini community services board, offering a full range of services including: intake; crisis management (to include hospitalization when needed); out-patient counseling; intensive in-home counseling; a psychiatrist and a nurse (one day each week); substance abuse, anger management, and domestic violence. Adults receiving only medication management was at a high of 87 at one time and is currently down to 26 due to the development of programs that meet the various needs of these consumers in the county.

Mr. Johnson noted that he was familiar with ESS (Educational Support Services) through the school system. TDT- Targeted Day Treatment was discussed as supporting students with not much support at home and that qualify for Medicaid services. It was noted that ESS was very helpful for the teachers who have these students and the students are more successful. Mr. Matthews noted that ID stood for Intellectual Disabilities which was formerly known as MR.

It was noted that the Head Start services were provided mostly at the beginning of the school year to deal with adjustment issues for kids who were new to being at school. They also utilize referrals and provide services on an as needed basis.

Mr. Matthews stated that Region Ten's commitment to its prevention and recovery model was impressive to him.

Mr. Robert Johnson noted that prevention was their main goal and was the hub of the wheel. He added that the tendency was to react and not to prevent. He stated that if they were going to get to high risk kids, they needed to do so by the second grade; however they were generally in the 4th and 5th grade before funded programs could help.

Mr. Matthews discussed the possible changes to Medicaid at the State level; noting that Region Ten receives 61% of their budget in Medicaid dollars. He noted that more people were entering the system than funding allowed and the response had been to go to an HMO style system of CSBs (privatization). He noted that they were concerned that if this occurred, consumers would lose out because there would be less funding for them and more going to private entities. He stated that the braiding of funding could unravel if they were to lose part of the 61% of Medicaid dollars.

It was discussed that the Healthcare Bill would cut Medicaid funding and that at the State level they were shuffling money from agencies to private firms.

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Mr. Robert Johnson added that the Governor wanted to privatize CSB services and give state dollars to for profit entities. He stated that the General Assembly had disposed of this and that they have had several meetings with the administration and Secretary Hazel is working with CSBs to ensure that they are at the table. He added that privatization was a buzz word, but now they were using the term care coordination. He noted that he was concerned that it would take dollars out of the local community as was done in other areas of the country, which resulted in the dis-enrollment of many. He added that the Governor has dedicated \$30 million in the budget for mental health and the matter was not as critical at this point as it was in October. He noted that they were concerned about losing dollars in the system and having to do more with less. He stated that he wanted to educate the Board and ask for their partnership in working with the State.

It was noted that case management would remain with CSBs, however, children services case management was not controlled by CSBs at this point, but that legislation regarding this had been introduced. Region Ten staff noted that 72% of these service providers were private entities and that Region Ten wanted to manage these cases and save the State money.

In conclusion, the Region Ten staff noted that they wanted to have a contact person with the county to keep them informed about General Assembly action on these issues. Ms. Brennan noted that she was on the VACO Health and Human Services Committee and they could send information to her and also to Mr. Carter.

Mr. Matthews then noted that they were very appreciative of the level of funding given to Region Ten.

Ms. Brennan inquired as to the involvement that they have with the Sheriff's Department in crisis intervention and Mr. Huntley noted that they have a licensed crisis intervention person on staff and two other staffers who work with them.

Mr. Johnson noted that Mr. Huntley was a counselor in his building at one time and he could vouch for crisis intervention and ESS workers. He added that he has seen the action of Region Ten and does appreciate their services; noting that Nelson was very well served.

III. New/Unfinished Business

A. Courthouse Security Officer Agreement (R2011-07)

Mr. Carter noted that as part of the construction of the new courts facility, it was to become more secure; which included a single point of entrance. He noted that the Board has provided for funding of security personnel and that staff and the committee have discussed this with the Judge, the County Attorney, and the Sheriff and have come up with the presented agreement. He added that the Sheriff was to provide the personnel and that the agreement included the provision of funding for officers and equipment. He noted that the agreement suggested that the judge wanted security 40 hrs/wk and that they may have security at Board meetings etc. He reiterated that staff would be able to enter the building with a swipe card and would not have to go through the single point of entry.

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Mr. Carter stated that the funding for this was budgeted for half of a year and that staff would allow for a full year in next year's budget. He added that the Sheriff has done the hiring and the new personnel would have to attend school, would be trained, and would be fully certified deputies.

Mr. Hale questioned why they would staff for 90 hours per week if the courts were only open for 40 hrs per week and Mr. Carter reported that they would use three part time people and have two on site at all times; which would result in an overlap of hours at times. He added that the intent was to allow for one officer screening the public at the entry.

The Board and staff discussed the necessity for two security officers on site at a time and it was suggested that dispatchers could be used to provide breaks. It was noted that there was not sufficient staff for this and dispatchers would not be properly trained. It was suggested that the judge may consider having them there only on court days and Mr. Carter noted that this could be negotiated and then the Judge would provide the order.

Mr. Carter noted that funding was from the General Fund and there was some courthouse security money, but this was usually used for Bailiffs.

Mr. Bruguiere stated that they could request security for controversial meetings etc. and Mr. Harvey noted that the point of the new building was increased security and that it should be secured.

It was noted that this would be a major change to get used to and it was agreed that the public needed to be informed of it.

Following discussion, Ms. Brennan moved to approve resolution **R2011-07**; a Resolution Authorizing the Execution of the Agreement with the Nelson County Sheriff's Department For the Provision of Courthouse Security and Mr. Harvey seconded the motion.

Mr. Bruguiere commented that ninety days notice was a long time for termination of the agreement, and after brief discussion, the Board's consensus was that this was acceptable.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION-R2011-07
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION AUTHORIZING THE EXECUTION OF THE AGREEMENT WITH THE
NELSON COUNTY SHERIFF'S DEPARTMENT FOR THE PROVISION OF COURTHOUSE
SECURITY

RESOLVED, by the Nelson County Board of Supervisors, that the Chairman of the Board, be and is hereby authorized to execute on behalf of The Nelson County Board of Supervisors, an agreement with the Nelson County Sheriff's Department for the provision of Courthouse security as attached. THIS AGREEMENT, made and entered into this __ day of January, 2011, by and between W. DAVID BROOKS, Sheriff (the "Sheriff") and the NELSON COUNTY BOARD OF SUPERVISORS (the "Board") provides:

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1. Introduction. In consultation with the Judge of the Circuit Court, the Board has determined to implement security rules governing entry into the courthouse and by this Agreement vests the Sheriff with the responsibility for providing such entrance security.

2. Security. Entrance security to the courthouse will be provided by uniformed deputies hired by the Sheriff (the "Security Personnel"). Security Personnel will man the courthouse entrance from 8:00 o'clock a.m. until 5:00 o'clock p.m. each week day the courthouse is open to the public, and at such additional times as might be directed by the Judge of the Circuit Court or deemed appropriate by either the County Administrator or the Sheriff. Security Personnel will screen by metal detection device or other means provided by the Board all persons entering the courthouse. The procedure for such screening and exemptions from screening shall be pursuant to any order of the Circuit Court and any supplemental directives issued by the County Administrator.

3. Funding. The Board shall provide funds to enable the Sheriff to employ, train, and equip a minimum of three part-time deputies. The Board has appropriated to the Sheriff sums providing part-time deputy compensation for 90 hours per week at \$ 14.97 an hour, together with required FICA and workers' compensation contributions, and \$ 5,361 for their initial equipment and training for the balance of the current fiscal year. Funds appropriated from time to time shall be the Board's sole financial obligation.

4. Duty Assignment. The part-time deputies shall be properly equipped and certified as law enforcement officers pursuant to Virginia Code Sections 9.1-10 1 and 15.2-1706. Any deputy serving as Security Personnel shall receive training as such pursuant to the requirements of the Virginia Department of Criminal Justice Services. The Sheriff is not limited to assigning such new deputies to entrance security, but may assign any of his deputies to the position of Security Personnel so long as the coverage required by this Agreement is provided and those providing such coverage are properly qualified and supervised.

5. Employment by Sheriff. The part-time deputies contemplated by this agreement and all other Security Personnel shall be employees of the Sheriff, and not of the County of Nelson, and shall be subject to the hiring, supervision, termination, and personnel policies of the Sheriff.

6. Term. Either party may terminate this Agreement upon ninety days' written notice. Notwithstanding the foregoing, it is understood that this Agreement is subject to annual appropriations by the Board. Should the Board fail to appropriate funds contemplated by this Agreement, then the Sheriff's obligations herein shall be terminated when existing funds are exhausted.

By:

W. David Brooks, Sheriff
County of Nelson

NELSON COUNTY BOARD OF SUPERVISORS
Chairman

B. Courthouse Project- Second Floor Connector Change Order

Mr. Carter explained for the public that an additional outcome of the new courthouse project had been discussion of bridging over the additions to the original courthouse. He noted that by doing this they would gain some space, would have total access throughout the building on all floors, and with the addition of the elevator, the building would be ADA compliant. He added that the advantage was to do this by change order with Blair Construction rather than bidding it out, since they were already here and mobilized.

Mr. Carter then noted that Ms. McCann had done a project reconciliation and with all known cost elements, there was still just under \$800,000 in the balance of Courthouse Project funds. He noted that it was likely that there would be some smaller change orders coming forward from fine tuning the project, rather than major discoveries.

The Board and staff discussed that now was the time to do this; the connector was needed to make the space usable on the second floor and to improve the flow of the building. It was noted that it was to be determined as to whether or not the other stairwell to the second floor would be closed off for public use.

Mr. Johnson noted that he was concerned about the created office space, and that it appeared there was only one entry for three offices. Members looked at the drawing and determined that nothing would be changed on that side and that the Architect had merely failed to put an existing door in on the hallway.

Mr. Hale then moved to authorize staff to proceed with the connector change order with Blair for the cost of \$244,446 and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Financial Disclosure Requirements for Agencies Receiving County Funds

Mr. Johnson reported that he had requested that this be on the agenda because if the Board was going to include this during the budget, then they needed to ask for this information ahead of when it would be required. Mr. Carter noted that Ms. McCann had put together some suggestions for the information that they could request as follows:

- 1) Copy of January and December bank statements.
- 2) Check registers and deposit registers.
- 3) Debt schedules for the next 3-5 years
- 4) List of assets including mileage, purchase price, and purchase date
- 5) IRS tax forms for non-profits (or a simplified form that shows types and amounts of income and expenditures)

Mr. Carter noted that staff was tossing these out for comment, acknowledging that these were geared more towards Fire and Rescue agencies, but that the overall mission was meant for everyone receiving county funding. He added that there was a form used for funding the Senior Meals program that they could potentially use. He added that the larger agencies did complete audits but they showed the overall

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agency and were not Nelson County specific; although most ded complete county specific information with their budget request submission.

Mr. Harvey suggested taking this to the EMS Council meeting and asking if they had suggestions and Mr. Hale noted that the IRS tax form was extensive and would cover it all. He added that completion of the form was a current requirement and it came down to whether or not they wanted staff to spend time looking at the forms. He suggested that they present this for just Fire and Rescue agencies. They discussed that this would be a uniform way to assess the agencies; however it could be one part of it and they would also look at their budget submissions.

Ms. Brennan noted that she was concerned with helping them save money and Mr. Hale indicated that the funding formula seemed good to him. Mr. Johnson added that he thought that sometime they may have to look at helping more than they do; because they were currently helping volunteers to raise money to volunteer. Members further discussed that each year the EMS Council goes above and beyond its overhead costs, and grants \$10,000 - \$15,000 per department, which can be used for capital. Mr. Harvey noted the base amount covered things that they could not put a finger on.

It was noted that members did get tax relief and the agencies needed to be able to say that the list of members was accurate. Mr. Bruguire added that the members list filed with the Circuit Court was a requirement. Mr. Harvey clarified that the Captains give the Commissioner of Revenue the list of those members who have met the requirements to receive tax relief.

Following discussion, the Board agreed by consensus to have Mr. Bruguire take this issue to the EMS Council for recommendations.

IV. Correspondence

A. Request For Board Action On Proposed General Assembly Legislation Re: Onsite Sewage Disposal Systems (R2011-08)

This item of business was not considered by the Board, since the proposed legislation was withdrawn by the bill's patrons during the General Assembly session and just prior to the meeting.

Introduced:

Legislative Day in Richmond: It was noted that Mr. Johnson and Ms. Brennan would be attending Legislative Day on February 3, 2011 in Richmond. Mr. Carter suggested that they talk to David Blount about who to talk to on the issues of their concern.

Mayors and Chairs Meeting: It was noted that Mr. Johnson and Mr. Carter would be attending the Mayors and Chairs meeting on January 28, 2011.

Correspondence from Retired Judge Whitehead: Members discussed correspondence from retired Judge Whitehead regarding his opposition to proposed changes to the judicial districts that would separate Nelson County from Amherst County. Members expressed their concern about the potential change and Mr. Carter advised that none of the current judges work within the area covered by the Criminal Justice

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Board or the Regional Jail that Nelson is a member of. Members indicated that they would not endorse the change; however the Board's consensus was to defer action until they have had time to read the proposed bill etc. and then they could have Mr. Carter contact their legislators. Mr. Carter indicated he would email them the following day for clarification on the status and particulars of the proposed legislation.

Gladstone Rescue Squad: Mr. Johnson noted that the majority of Gladstone Rescue's service was to other localities due to its geographic location and the majority of their territory went to the South. He inquired about the possibility of them being in a different EMS Council area in the Lynchburg Region instead of the current one to the North. He supposed that they would need the medical director on board and Mr. Harvey suggested that the request for this change would need to come forward from the Council.

V. Public Comments

Mr. Johnson opened the floor for public comments and there were no persons wishing to be recognized.

VI. Adjournment

AT 8:15 pm, Ms. Brennan moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.