

**HALIFAX COUNTY BOARD OF SUPERVISORS
POLICY & PERSONNEL COMMITTEE
County Administration Building
1050 Mary Bethune Street
Halifax, Virginia
Thursday, March 2, 2023 / 4:00 PM**

A. CALL TO ORDER

Committee Chairman D. Throckmorton called the meeting to order at 4:02 p.m.

B. ATTENDANCE

Board of Supervisors present were: Policy & Personnel Committee Chairman D. Throckmorton, Supervisor R. Duffey, and Supervisor H. Pannell.

Staff members present were: Scott Simpson, County Administrator; Stephanie Jackson, Director of Finance, Oliva O. Epps, Strategic Programs Coordinator, and Charlene Hendricks, Executive Administrative Assistant.

C. BUSINESS ITEMS

1. Board of Supervisors Salary Analysis

Committee Chairman said the first item on the Agenda is the Board of Supervisors Salary Analysis.

Mr. Simpson referred the Committee members to page 3 of the meeting packet. He stated County staff reached out to surrounding Counties that have a similar population as Halifax County. He said a survey was completed to determine information based on the number of Board members, what the Board members are currently paid, if they get reimbursed for mileage, if health insurance is offered, and if cell phones and computers are offered. He noted the survey also included their current budgets and tax rates for comparison on size and responsibility.

Mr. Simpson stated Health Insurance is offered to Board members in most of the Counties with the exception of Botetourt and Pulaski, so that seems to be a common benefit. He said about 50 percent offer reimbursement for mileage In-County or Out-of-County. He commented currently Halifax County offers mileage for Out-of-County, but no reimbursement for In-County, and noted the difficulties in keeping track of the mileage. Most of the surrounding Counties provide computers, but no cell phones.

Mr. Simpson stated the current compensation for Board members is \$6,000 per year with the Chairman receiving \$7,200 per year and noted those amounts have been in place for decades. There was some discussion about other locality's compensation and how it varies. He said working through the proposed budget, County staff set aside \$11,000 for Board members, \$12,000 for Vice Chairman, and \$13,000 for

Chairman. He stated the Board of Supervisors will make the decision for compensation for the Board members. He reviewed the Code Sections on page 1 and page 2 of the meeting packet and said if the Board members choose to increase the board's salary, it needs to be done prior to July 1st by a majority vote, and noted the effective date will be on January 1, 2024 because there is an election in November.

<p>3/1/2023, 8:10 PM</p> <p>§ 15.2-1414.1. Each member to be paid annual salary</p> <p>3/1/2023</p> <p>Code of Virginia Title 15.2. Counties, Cities and Towns Chapter 14. Governing Bodies of Localities</p> <p>§ 15.2-1414.1. Each member to be paid annual salary.</p> <p>Each member of the board of supervisors of each county shall be allowed and paid out of the county levy an annual salary, to be fixed as herein provided, for his services in attending the meetings of the board and in discharging the duties imposed by law upon him.</p> <p>Code 1950, § 14-55; 1964, c. 386, § 14.1-45; 1998, c. 872.</p>	<p>3/1/23, 6:11 PM</p> <p>§ 15.2-1414.2. Salaries to be fixed by board; limits; reimbursement in addition to salary</p> <p>3/1/2023</p> <p>Code of Virginia Title 15.2. Counties, Cities and Towns Chapter 14. Governing Bodies of Localities</p> <p>§ 15.2-1414.2. Salaries to be fixed by board; limits; reimbursement in addition to salary.</p> <p>The annual compensation to be allowed each member of the board of supervisors of a county shall be determined by the board of supervisors of such county but such compensation shall not be more than a maximum determined in the following manner. Prior to July 1 of each year, the current board, by a recorded vote of a majority present, shall set a maximum annual compensation, which will become effective as of January 1 of the year following the next regularly scheduled elections.</p> <p>Until the board is able to set a maximum compensation as provided above, the maximum compensations for the several counties shall be as authorized on July 1, 1981.</p> <p>Any board of supervisors may fix a higher salary for the chairman, or the vice-chairman, or both, than for the other members of the board without respect to the limits herein set forth.</p> <p>A member of the board of supervisors of any county may accept in lieu of salary, reimbursement for actual expenses incurred in maintaining an office and secretarial assistance necessary for the proper performance of his duties. Such reimbursement shall be subtracted from the amount of the salary due such official and the remaining sum shall be paid to him at his option; however, such expense shall not exceed the salary. In addition to the salary, members of each governing body may receive the same fringe benefits which are given to county employees generally, and all prior grants of such benefits are validated.</p> <p>A county may provide a member of its board of supervisors in addition to salary, reimbursement for actual expenses incurred in purchasing, operating, maintaining and using a telephone, including a car telephone or other portable telephone, provided the expenses are attributable directly to the proper performance of the member's official duties.</p> <p>No increase in the salary of a member of the board of supervisors shall take effect during the incumbent supervisor's term in office; however, this restriction shall not apply to boards of supervisors when the supervisors are elected for staggered terms nor to corrections to the above listed compensation.</p> <p>1976, c. 590, § 14.1-46.01; 1977, cc. 391, 416; 1978, cc. 319, 435, 572; 1979, c. 256; 1980, cc. 3, 450; 1981, cc. 13, 623; 1982, c. 376; 1990, c. 518; 1996, c. 371; 1998, c. 872; 2000, c. 299; 2022, c. 616.</p>
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Mr. Simpson said a higher salary can be implemented for the Chair and Vice Chairman with all Board members receiving the same benefits that are given to County employees. He stated the Code Section does not reference a Public Hearing or Ordinance, but he will ask the County Attorney to review the Code Section to verify those requirements. Mrs. Jackson commented the increase in compensation has been included in County staff recommendation for next year.

Supervisor Duffey asked if the Committee members need to take the matter to the Board of Supervisors for further discussion. Mr. Simpson said a Committee recommendation to the Board members would be preferred, so the matter could be included at the Regular meeting on April 3, 2023.

Committee Chairman wanted to know if a Board member elects to be covered on the Health Insurance plan if the Board member would be responsible for the cost of family coverage. Mrs. Jackson said that is correct, and noted it would be the same payroll deduction as for a County employee. She stated currently the monthly deduction for family coverage is \$1,071.

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to recommend the Board of Supervisors approve increasing compensation for the Board of Supervisors to \$11,000 for Board members, \$12,000 for Vice Chairman, and \$13,000 for the Chairman. Motion passed 3-0 unanimously.

2. Employee Healthcare Participation Resolution

Mrs. Jackson said the County received the healthcare renewal last week and observed there is a 10 percent increase. She stated in the last 4 years, County employees have not incurred an increase in cost for health coverage. The County has absorbed all of the increase. She referred the Committee members to page 5 of the meeting packet and said County staff is proposing that the County cover the cost of \$117,500, and employees will see an increase of \$11 per month. She explained over the course of a year and with the payroll deduction being pre-tax, it estimates out to an additional \$80 to County employees for the year. She noted even with the increase, the cost to employees is either below or in line with surrounding localities.

Mrs. Jackson said the proposed Resolution for the Health Plan is on page 4 of the meeting packet and stated it sets the minimum that the County will contribute towards the health insurance depending on the different plans selected by the employees.

Supervisor Pannell wanted to know what the increase is for County employees, and Mrs. Jackson verified it would be an increase of \$11 per month.

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to recommend the Board of Supervisors adopt Resolution 2023-4 for the County Employee Health Plan as presented. Motion passed 3-0 unanimously.

3. Discussion of County Attorney Procurement

Mr. Simpson said at the last Board meeting, Supervisor Brandon inquired about the procurement of the County Attorney and stated the last time the County Attorney was procured was in 2016. The Attorney is considered a professional service, so it falls under services, such as accounting, architecture, and engineering. He referred to page 7 of the meeting packet and said the procurement process is by competitive negotiation. He explained a newspaper advertisement would need to be done at least 10 days prior to when it is due and proposals could be received. Once those proposals have been narrowed down, negotiations could begin with the top-ranked individual or firm. He stated then once negotiations have been held, you could enter into an agreement. He explained there are no timeframes set for contracts and confirmed the County Attorney is a hire of the Board of Supervisors. He stated the Board members will need to conduct the interviews, and the process will most likely require 2 or 3 additional meetings for the Board of Supervisors.

Mr. Simpson stated the current fee for the County Attorney is \$180 per hour with no retainer and verified there is no monthly minimum. He noted the amount currently being paid for services is reasonable and quite frankly low in today's market. Through a new procurement, the cost of services will most likely increase. Mrs. Jackson stated an increase in the cost for those services has not been included in next year's budget.

Committee Chairman Throckmorton asked if the amount allocated in the budget's line item is reserved in case the attorney's services are needed, and Mrs. Jackson verified that is correct.

Supervisor Pannell wanted to know what the reserved amount is in next year's budget, and Mrs. Jackson stated approximately \$55,000. He asked what the amount was in last year's budget. Mrs. Jackson said approximately \$36,000 was used in last year's budget. She stated she could provide an exact amount at the Regular Board Meeting on Monday, March 6th, if needed.

Committee Chairman Throckmorton asked when would the procurement process need to start and if one of the requirements for the attorney would be practicing in local government. Mr. Simpson said that is

correct, and the Request for Proposal would need to require the candidate to have experience in local government law since it is a specialized field.

Supervisor Duffey asked if it would be better to wait until the next budget cycle to start the process since this year's budget process has already begun. Mr. Simpson said from a budgetary standpoint, it would be best to wait to avoid exceeding the budget. He emphasized it is hard to predict how much money will be used for services.

Committee Chairman Throckmorton asked if there is a current problem with the County Attorney's performance. Mr. Simpson stated Mr. Carroll is one of the State's top-ranked attorneys in local government. He said any time there has been a question or concern, he is responsive and noted he is also the local attorney for several Counties. He commented Mr. Carroll encounters some of the same issues from the other localities, so when our County has a similar situation, he knows how to move forward in a prompt manner. He stated if the Board wants to be confident they have the right person in the position, procurement is probably the best way to proceed. Mrs. Jackson said there are no surplus funds available in the upcoming budget and consideration on how to generate additional revenue will need to be discussed.

Supervisor Pannell stated he thinks it is best to move forward with the procurement process. He said the procurement is not so much about the attorney's ability to do the job, but to ensure all Board members are being represented fairly. He commented if funds are not available in the budget for this year, the information needed to be passed along to the full Board of Supervisors, so a decision can be made to move forward in the next budget cycle.

Supervisor Duffey asked if the matter could be discussed at the Board of Supervisors Work Session on Monday, March 6th. Mr. Simpson said motions are not allowed during work sessions, but if there is a specific matter that affects the proposed budget, the matter could be discussed especially if there is a possibility that the matter will exceed the budget. He noted another option to consider is any recommendation coming from the Committee could be included on the agenda at the Board of Supervisors Regular Meeting in April.

Mrs. Jackson reminded the Committee members that the advertisement for tax rates will need to be approved at the Regular Meeting on Monday, March 6th. She noted if the County does not advertise for an increase in taxes, there would be limited means of additional revenue.

Supervisor Throckmorton stated waiting until the next budget cycle seems to be the best way to proceed. Mrs. Jackson commented the matter could be reviewed in the fall since the budget cycle starts in July. Mr. Simpson said that timeline makes sense because it would allow the new Board members to conduct the interviews and make a selection to coincide with the next budget cycle.

Supervisor Throckmorton wanted to know if the procurement is mandatory if Board members are satisfied with the representation being provided. Mr. Simpson verified procurement is not mandatory in order to continue with the same arrangement. He stated County staff is satisfied, and there are no issues. He said typically the County Attorney is not needed to be present at a meeting unless there is a special circumstance.

Supervisor Duffey suggested the Board of Supervisors have a discussion during the work session next week without making a motion. He said explaining the procurement process to the full Board would be beneficial because it will have an effect on the budget.

The Committee members concurred that a discussion needs to take place with the Board of Supervisors to determine how best to proceed.

4. Discussion of Bylaws

Mr. Simpson said there was another question that came up at the end of the Regular Board Meeting in February about rotating the Chairman. He referred the Committee members to page 17 of the meeting packet and said Section 3-Officers, addresses the annual organizational meeting. He stated this section is the part of the Bylaws that dictates how the Board elects from its membership a Chairman and Vice Chairman and determines the term for a calendar year. He commented he has reached out to several County Administrators in surrounding localities, and they have no knowledge of rotating a chairperson and stated he has found nothing in Robert's Rules of Order.

Mr. Simpson said he is not sure if the rotation that Supervisor Brandon mentioned is being suggested on a monthly or yearly basis but the current Bylaws are set up to elect an official in January from within the membership who serves for 1-year term. He stated if the position changes monthly, it will affect payroll every month. Supervisor Duffey said the Bylaws would also need to be changed.

Supervisor Pannell said in the past while he was in attendance at VACO meetings, there was some discussion about the rotation of the Chairman and Vice Chairman once a year on a rotated basis. He stated the Bylaws could be amended to implement that specific change, and the Board members could elect to serve or decline the position. Mrs. Jackson asked Supervisor Pannell if he remembers which Counties used that method. Supervisor Pannell stated he could not remember which Counties used that method but recalls the discussion taking place.

Supervisor Duffey stated he would like to know how the rotation process is determined. Supervisor Pannell said the determination could be based on seniority or district, and it is a process that should be reviewed by the full Board. There was further discussion between the Committee members on how the process would work. Mr. Simpson said he would be glad to reach out to representatives at VACO to inquire about and gather more information and data on the process. He commented the County Bylaws could be changed at any time, but the difficulty is determining the parameters.

D. MOTION TO ENTER CLOSED SESSION PURSUANT TO VIRGINIA CODE §2.2-3711

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to enter into Closed Session pursuant to Virginia Code §2.2-3711, Subsection (a)(1): 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. (Employee Salary Discussion)

Motion passed 3-0.

The Committee members entered Closed Session at 4:45 p.m.

E. MOTION TO RECONVENE IN OPEN SESSION

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, that the Committee arise from Closed Session.

The Committee members returned to Open Session at 5:01 p.m.

H. MOTION TO ADOPT RESOLUTION FOR CERTIFICATION OF CLOSED SESSION

Motion made by Supervisor Pannell, seconded by Supervisor Duffey, to adopt the following certification:

WHEREAS, the Halifax County Board of Supervisors Policy & Personnel Committee has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this governing body that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that this governing body hereby certifies that, to the best of each member’s knowledge, (i) only public business matter lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the governing body.

ROLL CALL VOTE

Committee Chairman Dean Throckmorton	Yes
Supervisor Ronnie Duffey	Yes
Supervisor Hubert Pannell	Yes

Motion passed 3-0.

I. ACTION RESULTING FROM CLOSED SESSION

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to recommend the Board of Supervisors approve the proposal for the Salary Scale and adjustments as presented effective on July 1, 2023. Motion passed 3-0 unanimously.

Motion made by Supervisor Pannell, seconded by Supervisor Duffey, to recommend the Board of Supervisors approve the Compensation Survey Implementation Plan effective on July 1, 2023. Motion passed 3-0 unanimously.

J. ADJOURN

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to adjourn the meeting.

Motion passed 3-0.

The meeting adjourned at 5:05 p.m.