

**Sussex County Board of Supervisors  
November 17, 2011 Public Hearing Meeting – 7:00 p.m.  
General District Courtroom – Sussex Judicial Center**

**Present:**

C. Eric Fly  
T. Wayne Birdsong  
Charlie E. Caple, Jr.  
Rufus E. Tyler, Sr.

**Absent:**

Harris L. Parker  
Wayne M. Harrell

**Others:**

Thomas E. Harris, County Administrator  
Henry A. Thompson, Sr., County Attorney  
George E. Morrison, III, Deputy County Admin./Director of Economic Development  
Lyndia Person-Ramsey, Commonwealth's Attorney  
Onnie L. Woodruff, Treasurer  
Chequila H. Fields, Director of Social Services  
Raymond R. Bell, Sheriff  
Ellen G. Boone, Commissioner of the Revenue  
Charles H. Harris, III, Superintendent of Schools  
Deborah A. Davis, Assistant to the County Administrator

**ITEM A. CALL TO ORDER/DETERMINE QUORUM**

Vice Chairman Fly called the meeting to order and determined that a quorum was present.

**ITEM B. MOTION TO APPROVE AGENDA**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the November 17, 2011 public hearing agenda of the Sussex County Board of Supervisors is hereby approved as presented.

Voting aye: Supervisors Birdsong, Caple, Fly, Tyler

Voting nay: none

Absent: Supervisors Harrell, Parker

**ITEM C. MOTION OF ENTER PUBLIC HEARING**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby enter public hearing to consider the following ordinances: (1) Chapter One, General Provisions, (2) Chapter Two, Administration; (3) Chapter Three, Animals; (4) Chapter Four, Building; (5) Chapter 5, Courts; (6) Chapter Six, Emergency Services; (7) Chapter Ten, Motor Vehicles; and (8) Chapter Eleven, Offenses and Miscellaneous Provisions.

Voting aye: Supervisors Birdsong, Caple, Fly, Tyler

Voting nay: none  
Absent: Supervisors Harrell, Parker

#### **ITEM D. PUBLIC HEARING**

Supervisor Fly stated that before the Board goes into public hearing, he suggested that due to the complexity of these ordinances and due to the fact that many of the ordinances have been altered, that the Board of Supervisors not take action on the ordinances at tonight's meeting. Perhaps a meeting or work session can be scheduled which will allow Board members to individually study the ordinances, because they affect the citizens of Sussex County.

Vice Chairman Fly announced the ordinances for consideration:

**ITEM D1.** An Ordinance to completely revise, update, amend, enact and ordain *Chapter One* (General Provisions) of the Code of Ordinances of Sussex County, Virginia

**ITEM D2.** An Ordinance to completely revise, update, amend, enact and ordain *Chapter Two* (Administration) of the Code of Ordinances of Sussex County, Virginia Section 2-51 and Section 2-72, the Redistricting Ordinance portions of Chapter Two has been previously enacted by the Board of Supervisors and approved by the United States Department of Justice.

**ITEM D3.** An ordinance to update, amend enact and ordain a completely revised *Chapter Three* (Animals) and the component sub parts therein of the Code of Ordinances of Sussex County, Virginia, as amended

**ITEM D4.** An ordinance to update, amend, enact and ordain a completely revised *Chapter Four* (Building) and the component sub parts therein of the Code of Ordinances of Sussex County, Virginia, as amended

**ITEM D5.** An Ordinance to update, amend, enact and ordain a completely revised *Chapter Five* (Courts) and the component sub parts there in of the Code of Ordinances of Sussex County, Virginia, as amended

**ITEM D6.** An Ordinance to update, amend, enact and ordain a completely revised *Chapter Six* (Emergency Services) and the component sub parts therein of the Code of Ordinances of Sussex County, Virginia

**ITEM D7.** An Ordinance to completely revise, update, amend, enact and ordain *Chapter Ten* (Motor Vehicles and Traffic) of the Code of Ordinances of Sussex County

**ITEM D8.** An Ordinance repealing Chapter Eleven (Offenses and Miscellaneous Provisions) of the Sussex County Code and amending, re-ordaining and enacting *Chapter Eleven* (Offenses and Miscellaneous Provisions) in its entirety, of the Sussex County Code. (Note: Chapter Eleven contains a proposed County noise ordinance and juvenile

curfew ordinance among other sections in this Chapter to be considered at this public hearing).

### **ITEM D9. CITIZENS' COMMENTS**

Comments were heard from the following citizens:

- William J. Collins, Courthouse District – does not believe that the Board has had the opportunity to fully review all of the changes that have been made and he believes that the Board should not act on the ordinances at this meeting.
- Anne Joyner, Courthouse District – feels that the Board should not act on ordinances tonight; they (the Board) should read all ordinances in great depth and should review them more before they (the Board) vote on the ordinances.

### **ITEM D10. Board Comments**

Supervisor Caple asked if the Board is going to schedule a date to hold a work session to review the ordinances.

Supervisor Fly asked that the County Administrator look at dates so that a work session can be scheduled.

Supervisor Birdsong suggested that the Board hold a retreat and discuss two (2) ordinances at a time to cover each one thoroughly and also allowing the public to have ample time to review and comment.

Supervisor Fly asked about Chapter Two, Revision to the Election District; he stated that he noticed in Section 2-46, in the old code for the election districts, physical boundaries is defined. In the new code, there is no verbal description of the districts and the boundaries.

County Attorney Thompson: “What you are looking at, is the 1991 ordinance. Most of the ordinance that you are referring to has already been passed by the Board. The Justice Department and most jurisdictions, applaud using census blocks because boundary features are altered, sometimes the streets disappear. The 2000 ordinance has census boundary descriptions, secondary pictorial maps. You’re looking at the 1991 ordinance that was in effect, but for ten years Sussex County.....most provisions have already been approved by the Board in all of these ordinances, but that is the rationale for it. Census blocks are uniform; any citizen, any governmental agency, local, federal or state has access to the census block maps which are not altered. And that’s the rationale behind it.”

Supervisor Fly asked where the 2000 ordinance is.

County Attorney Thompson responded that County Administration has it. He advised that the only part that changed is Section 2-51.

**ITEM E. RETURN TO REGULAR SESSION**

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby returns to regular session.

Voting aye: Supervisors Birdsong, Caple, Fly, Tyler

Voting nay: none

Absent: Supervisors Harrell, Parker

**ITEM G. BOARD'S ACTION ON PUBLIC HEARING ITEMS**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby postpones actions on the following ordinances: (1) Chapter One, General Provisions, (2) Chapter Two, Administration; (3) Chapter Three, Animals; (4) Chapter Four, Building; (5) Chapter Five, Courts; (6) Chapter Six, Emergency Services; (7) Chapter Ten, Motor Vehicles; (8) Chapter Eleven, Offenses and Miscellaneous Provisions, until such time the County Administrator can schedule a work session for further review and discussion.

Voting aye: Supervisors Birdsong, Caple, Fly, Tyler

Voting nay: none

Absent during vote: Supervisor Harrell, Parker

**ITEM G. MOTION TO ADJOURN**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby adjourns the November 17, 2011 public hearing meeting.

Voting aye: Supervisors Birdsong, Caple, Fly, Tyler

Voting nay: none

Absent: Supervisors Harrell, Parker

**Sussex County Board of Supervisors  
November 17, 2011 Regular Meeting – 7:30 p.m.  
General District Courtroom – Sussex Judicial Center**

**Present:**

C. Eric Fly  
T. Wayne Birdsong  
Charlie E. Caple, Jr.  
Wayne M. Harrell  
Rufus E. Tyler, Sr.

**Absent:**

Harris L. Parker

**Others:**

Thomas E. Harris, County Administrator  
Henry A. Thompson, Sr., County Attorney  
George E. Morrison, III, Deputy County Admin./Director of Economic Development  
Lyndia Person-Ramsey, Commonwealth's Attorney  
Onnie L. Woodruff, Treasurer  
Chequila H. Fields, Director of Social Services  
Raymond R. Bell, Sheriff  
Ellen G. Boone, Commissioner of the Revenue  
Charles H. Harris, III, Superintendent of Schools  
Deborah A. Davis, Assistant to County Administrator

**ITEM 1. 7: 30PM - CALL TO ORDER/DETERMINE QUORUM**

Vice Chairman Fly called the meeting to order and determined that a quorum was present.

**ITEM 2. PLEDGE OF ALLEGIANCE/INVOCATION**

The Pledge of Allegiance was recited by all; the Invocation was offered by Supervisor Harrell.

**ITEM 3. AMENDED AGENDA**

Thomas E. Harris, County Administrator requested that the following item be added to the Consent Agenda: (1) The Governor's Opportunity Fund amount of \$75,000.00, amend the budget and authorize the County Administrator to make payment; this item is for the Wood Fuel Developers, LLC project.

Supervisor Fly requesting the following amendments to the Regular Agenda: (1) Under County Administrator's Report, move Item 6B4, Deputy County Administrator's Contract, in front of 6B1;(2) Add to the agenda 6B4.5, Resolution of December 4, 2003; (3) Add 6B4.6; County Attorney.

#### **ITEM 4. APPROVAL OF REGULAR AGENDA**

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Regular Agenda of the November 17, 2011 meeting of the Sussex County Board of Supervisors is hereby approved with the following amendments: (1) Under County Administrator's Report, move Item 6B4, Deputy County Administrator's Contract, in front of 6B1;(2) Add to the agenda 6B4.5, Resolution of December 4, 2003; (3) Add 6B4.6; County Attorney.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

#### **ITEM 5. APPROVAL OF CONSENT AGENDA**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Consent Agenda is hereby approved as amended, to include the following: (1) Sheriff's Department, \$5,000.00 be re-appropriated from Information System Services (51100-1224-512-510) to Law Enforcement (51100-1245-512-510); (2) Sheriff's Department – Highway Safety Grant, \$7,899.00 for the purchase of two in-car cameras; (3) Appropriation of \$62,706.17, for the One-Time Salary Supplement for Sussex County Employees; and (4) Approval of the Governor's Opportunity Fund amount of \$75,000.00, to amend the budget and to authorize the County Administrator to make payment, for the Wood Fuel Developers, LLC project.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

#### **ITEM 6. STANDING REPORTS**

**ITEM 6A. HEALTH DEPARTMENT REPORT** - No report at this time.

#### **ITEM 6B. COUNTY ADMINISTRATOR'S REPORT**

##### **ITEM 6B4. Deputy County Administrator's Contract**

Supervisor Fly: "This is an item that has been before the Board – the Assistant County Administrator/Director of Economic Development contract. This has been before the Board twice now and it's coming back onto the agenda at my request because it's apparent to me as a single Board member, with one vote, that what we have done with this contract...."

County Attorney Thompson (interjected): "Mr. Chairman, I suggest you go into Closed Session, it is personnel and contract matters."

Supervisor Fly: "This has been discussed openly and voted on openly, so I think we are okay with that. The contract is a public document and my concerns with this contract, has

really nothing to do with the individual the contract is affixed to. But what we have done in this contract is we have essentially set up a government that cannot function. We have set up a contract which puts in place a co-administration.”

County Attorney Thompson interjected: “Mr. Chairman, I again suggest that you are dealing with contractual matters that you go into closed session. You are specifically talking about a personnel matter; you’re specifically talking about a contract, which the County, at this juncture has and again I would suggest that respectfully that these matters should be talked about in closed session as opposed to opening up the County for possible liability. That is why you have a closed session.”

Supervisor Fly: “Any Board member is welcome to make a motion to go into closed session.”

Supervisor Tyler: “If it’s going to open up a door for litigation, I would so move that we at the advice of the County Attorney, go into closed session to discuss personnel item as related to contract.”

Supervisor Harrell: “Is there a closed session on the agenda?”

Supervisor Tyler: “If it’s in fact a personnel matter and legal matter, I believe we can go into closed session for that.”

Supervisor Fly: “A motion has been made to go into closed session for personnel matters, is there a second?”

Supervisor Caple: “Second.”

Supervisor Fly: “A motion has been made and seconded that we go into closed session for personnel matters. Any discussion? Gentlemen, this does not need to go into closed session. This is a contract that has been publicly circulated; it has been discussed in open session, has been voted on in open session and therefore I believe it needs to be discussed in open session. But there is a motion and I will vote against going into closed session and I hope others will join me. But there is a motion, properly made, and seconded that the Board of Supervisors go into closed session to discuss this contract. All in favor...

Voting aye: Supervisors Caple, Tyler

Voting nay: Supervisors Birdsong, Fly, Harrell

Absent: Supervisor Parker

Chairman Fly announced that the Board is in open session.

Supervisor Fly: “The contract...”

Supervisor Tyler: “Mr. Chairman, point of order. If the code state that you can go into for personnel and legal matters, we have a contract that deals with specific personnel, which is a personnel matter, all of us can leave and constitute illegal action, I think that even

though you have the votes to not go into closed session, I think we are treading on legal waters and I would advise the Board that if we have received the legal advice, which we pay him for, saying that it is a closed item issue, that we will not just arbitrarily discuss this issue in open session. Now, if it proceeds to legal matters, then understand and let the record reflect that I oppose discussing this in open session.”

Supervisor Fly: “Your vote said that. With this contract, the situation that we’ve got, and whether the contract would be a contract with me or whether it would be a contract anyone in the room, the situation that we face that I am asking the Board to look at and consider doing further work on, is the fact that this contract in several sections in the contract, it does state, in fact in Section B, on page 4, it says the Assistant County Administrator/Director of Economic Development shall be the Assistant Chief Executive and Deputy Clerk of the Board and shall be subject to the direct supervision of the Chairman of the Board and the Board of Supervisors as a whole and subject to the approval and policies of the Board and the laws of the Commonwealth. It also goes on to say in this contract that this position is evaluated by the Board of Supervisors and that this position reports to the Board of Supervisors and therefore it is made clear to me in this contract, that what we have is a Deputy County Administrator or Director of Economic Development that works for the Board. And most counties that I know of has there ever been set up what amounts to a co-administration.”

Supervisor Caple: “I am not going to be a part of this discussion because the legal advisor has told you that it’s supposed to be in closed session and I am not going to be a part of this, whatever it is, so don’t include me in it. You can discuss all you want; I am not going to discuss it. I am not even going to be a part of this discussion. It ought to be in closed session. If we are not going to take the advice of our legal advisor, what are we paying him for? Or we don’t care what the law says. We are going to do whatever we want to do. Don’t include me in it. You can discuss all you want; don’t count me in.”

Supervisor Fly: “With this contract, we have set up a situation where the County cannot function, in my opinion. If you look into government, in the creation of government, since our founding fathers, there’s never been a situation where we have had two presidents; there has never been a situation where we have had two governors, never. And there has never been a situation in the history of the Commonwealth of Virginia that I am aware of, where one county had co-administrators. And the existence of this co-administration, of one administrator who has certain responsibilities and another administrator who has other responsibilities, I think lends itself to the government being dysfunctional. I think we’ve seen that since the contract was signed. We have seen dysfunction in the government. The other thing that concerns me with this contract is the fact that at our September meeting, we passed a resolution that specifically said that the County Administrator was responsible for the entire County. Then we turn around and ratify this contract which basically says he’s not in charge of the entire County; that certain portions of the County are under the direction of the Deputy or the Assistant County Administrator. So, I think we have created a little bit of a monster. I do not believe that the government can function; people do not know who to report to; we have situations that will be discussed in a little bit where the County Administrator doesn’t

know that the Deputy is hiring people and different things like that. What I am recommending is that the Board sends this contract back to the Personnel Committee for it to be worked on to see if this contract can be brought to a situation where we do not have the existence of co-administrators in the County. I don't believe that we will ever find a point in which there is a co-administration. It's just not going to work. Another concern that I have with this contract is the fact that is somewhat in conflict with the County Administrator's contract; his contract being first, placing him as head of the entire County. This contract being signed secondly, I think in some portions they are conflicting with one another, and that, in itself, could cause a problem."

County Administrator Harris: "First off, professional courtesy, personnel matters need to be discussed in closed session, but Henry, this is your area of expertise. My understanding of the Code of Virginia allows certain items to be put in closed sessions; it mandates nothing."

Supervisor Fly: "There are six elected officials, if this Board votes not to go into closed session, it will not go in closed session."

County Administrator Harris: "Again, I feel like I have some professional obligations here and I have no problem releasing my contract; it is what it is and I am okay with that."

Supervisor Fly: "What I am asking for is a vote to send this contract back to the Personnel Committee for it to be altered and changed and re-presented to the Board of Supervisors for ratification as a separate contract. I am asking for it to be sent back to the Personnel Committee for further work to create a situation in which we don't there is a co-administration. That's what I am asking for."

ON MOTION OF SUPERVISOR FLY that the contract for the Assistant County Administrator/Director of Economic Development be sent back to the Personnel Committee for further work to ensure that we (the Board) do not create a situation in which we have co-administrators in Sussex County.

County Attorney: "Mr. Vice Chairman, I advise the Board and it's your right, Board by a majority vote, can do anything they want, whether it's legal or illegal. But there are ramifications. Any such motion, whether pass or not pass, would have no legal effect. You have a binding contract and again I suggest you go into closed session. You are making statements on the record regarding what could be taken as a county position regarding a contract that is now in effect. So a motion can be made to do what the Board chooses, as you indicated a majority can do virtually anything, but that majority has legal consequences with an improper vote and you can make that motion, but there are certain things that contractual rights guaranteed by the Virginia and United States Constitution. But again, I have put that on the record and the Board can do anything you which by majority vote."

Supervisor Harrell: "I second that motion."

Supervisor Fly: "Motion made and seconded; any discussion?"

Supervisor Birdsong: "When the contract was voted on at our previous meeting, it was brought to the Board and voted on without us having a copy of the contract for the Board's review. It was our discussion at that time about what was in the contract, There are some things that's in the contract, that we were assured was not in the contract. Mr. Parker, our Chairman, there were some things in there that he was adamantly opposed to, as best as I can remember. And because of that I voted against the contract at that time because we did not have the copy of the contract that we were asked to vote on, in front of us. I asked for a copy of the contract at that time, and have yet to receive a copy of the contract. It turned to be exactly what I was concerned that it would be at the time it was passed. I am unhappy with the way the whole thing turned out because I believe that if this Board had not acted in such a hasty manner, I believe that the Board as a whole could have come up with an agreement with a contract that would have been agreeable to everyone involved. Because we were not that far, we were very close."

Supervisor Tyler: "The terminology 'hasty manner,' if I recall, we had began deliberation on this contract back in June, even prior to the County Administrator coming on Board. But we proceeded to execute the contract with the County Administrator which I think we did the right thing. At that time, we had lengthy deliberation over a contract with the Deputy County Administrator. From June, July, August, September, October which was our last meeting, when we officially executed and approved that contract with the Chairman here. The Chair had executed a contract previously and the question came from the Board, who gave him the authority to execute the contract? That contract came back before at our previous meeting, which was voted on by this Board and approved. Now, once you have a voted on contract and approved, tell me how can you go back, if you will, undo the contract, and send back to the Personnel Committee. I think you can send it back to the Personnel Committee and Personnel Committee can modify, subject to the person whom we have entered the contract with. If that person agrees to amend the contract, I am sure we can do that, but my question to you is, if it comes back to the Personnel Committee, let's say perhaps the person who entered the contract with us say "I don't want to change that." Then that contract is binding, because we have approved it, it's executed, it's a legal document. So the question is if you send it back as a professional courtesy asking him to sit with us to see how we can amend the contract, subject to his approval, then I think that's fine."

Supervisor Fly: "The motion is to send it back to the Personnel Committee, which you are Chairman."

Supervisor Tyler: "Which I am Chair, but understand, even if this vote carries, if it comes back to the Personnel Committee and the other party is not willing to sit at the table to re-negotiate and make modifications to the contract, it's null and void. I just want to make sure, if that's your intent to ask Mr. Morrison to come to the table to modify the contract in good faith, as professional courtesy, maybe he will do that and that's wonderful. But if he doesn't, understand it's a null and void issue."

Supervisor Fly: "I appreciate that. Let me just add to that. The problem we have and I want it to be corrected in the Personnel Committee and brought back to the Board, is we have the Deputy County Administrator or Assistant County Administrator/Director of Economic Development saying that he understands that he works directly for the County Administrator. We have the County Attorney saying that he understands that the Assistant County Administrator/Director of Economic Development works under the County Administrator. But we have a contract that says opposite, so I have complete confidence by sending this back to the Personnel Committee, seeing that everyone already agrees that the Assistant County Administrator/Director of Economic Development works for the County Administrator, it is simply a function of changing the language in the contract. So we've all agreed that he works for the County Administrator. We just need to modify the contract so that it shows that he works for the County Administrator and that the County Administrator is a singular chief executive officer of the County. There's a motion on the floor that has been properly seconded that we send the contract back to the Personnel Committee for modification. All in favor

Voting ayes: Supervisors Birdsong, Fly, Harrell

Voting nay: Supervisor Tyler

Absent: Supervisor Parker

Supervisor Caple: "I gave you my answer earlier; don't include me in this mess; you are not doing it right and you don't intend to do it right, so don't put me in it. Let the record show that I am not in it. If any legal ramification comes, I'm not in it."

Supervisor Fly: "Is that a yes, no, or abstention?"

Supervisor Caple: "You can call it what you want to."

#### **ITEM 6B4.5. Resolution of December 4, 2003**

Supervisor Fly distributed a resolution and explained that it is a resolution that was passed some years ago, which he has complained about because it is dangerous to the County. He also explained that he is bringing it up for discussion tonight.

The resolution reads: "At a meeting of the Board of Supervisors of the County of Sussex held at the Courthouse thereof, on the 4<sup>th</sup> day of December 2003, ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR CAPLE and carried: RESOLVED that all personnel matters involving the County Administrator and County Attorney be introduced at one meeting and voted upon at the next meeting and all discussion be in Closed Session."

Supervisor Fly: "I think this document is dangerous for the County and I have said that since I came on the Board. To have such a document in place prevents the Board from eliminating a County Attorney or County Administrator that may have done something that the Board did not appreciate or something that was not in standards with County and yet the Board cannot move upon removal of that person from the County without going

into a two month process. Even though I understand the rationale of why it came about, I still thinks it is an extremely dangerous document to have on the books of Sussex County and ask the Board to take action to null and void this resolution, effective immediately.

Supervisor Tyler: “Mr. Chair, I remember this document and we have discussed this several times before with this Board. It’s a personnel issue involving the County Administrator and the County Attorney. Now if you bring this up tonight because you want to fire somebody, just say it. That’s your intent, you have somebody you want to fire while you have the votes here tonight and I understand. But I don’t think we should use this opportunity, let’s go back to the document which the Board had instituted, been in operation since December 2003, to try to manipulate and/or or do something that might adversely affect the County. I don’t think that’s the way government should work. I think if there are some personnel issues and you think someone is not performing, there should be evaluations done by this Board and discussed in closed session.”

Supervisor Fly: “This resolution only affects the two at-will employees that work for this Board.”

Supervisor Tyler: “According to this document, this motion by me at the time, we discussed the process for dismissing the County Attorney and the County Administrator. Well, obviously, the County Administrator just came on board with a contract, I don’t think it’s him, so it must be the County Attorney you have in mind.”

Supervisor Fly: “That’s correct.”

Supervisor Tyler: “If that’s what your intentions are, well then even that is a personnel matter and should be sent back to the Personnel Committee.”

Supervisor Fly: “I would disagree, especially in light of the fact now that when this document was written, the County Administrator did not have a contract. Ms. Jones did not work under a contract. Maybe that’s the way things were done back then, I’m not sure, she did not work under a contract. So she had no safety at all and so this would have been beneficial for her. But now that we operate with the County Administrator under a contract that has clauses in his contract that gives him a safety net, that if we were to fire him tonight with no cause, which we can do, he does have some safety net in that. So I see no need for the document and I would make a motion that we rescind this, revoke this resolution immediately.”

County Attorney: “I claim my liberty interest in the document Mr. Chairman and if the Board wants to abrogate, you should also abrogate the, I also claim the Board can do whatever it wants, but it wasn’t that ninety day time period, I would ask you to add to that motion that you give me the year salary that in a prior motion before the Board as you have not given, if that (next word inaudible) of the ninety day notice and I like that to be clearly stated on the record that you are provided a liberty interest in this document, but as I again said, the Board can do anything it wishes, but there are ramifications, but go forward if you want, but please add that you give me my year’s salary as well as my

year's budget, because you have not given any notice to the County Attorney regarding any abrogation or dismissal."

Supervisor Fly: "Do you have a document that states a ninety day...."

County Attorney Thompson: "Yes, I have it in my office. During that time period..."

Supervisor Fly: "I have searched the records and all I find is a .....this contract that you are referring to, this agreement was made on February 16, 2000 for a period of one year."

County Attorney Thompson: "Mr. Chair, I am not going to argue the point. The Board can do what it wants. I have put on the record that you have given a liberty interest. I believe that this is being done in bad faith; there isn't any person, performance issue and I believe that you are violating my civil rights and that's why you have court sir. If the Board wishes to do that, abrogate (1) I believe you owe me a year's salary (2) you cannot do.....there is another resolution that you have to rescind where there will be two consecutive votes in open session and you will rescind the ninety day provision and just pay the year's salary sir, that would be fine. But if you want to do all these, you cannot stop, at least for the night, but thank God for courts. You can do what you want."

Supervisor Fly: "So you are in agreement with one year's salary, is that what you are saying?"

County Attorney Thompson: "Yes sir, you can give me....I am talking about my entire budget, because that was in it. If the Board wishes me to step down tonight without me raising any....."

Supervisor Tyler: "This item was added to the agenda by you Mr. Fly. Several items and you have distributed the document tonight which I recalled, because I was on the Board at the time. I think in good faith, this is just bad business for the County to operate like this and I am just embarrassed to see this kind of stuff."

Supervisor Fly: "I hear you. So, now Mr. Attorney, one year salary..."

County Attorney: "This is a personnel issue and I claim a personnel issue right. The Board can do what it wishes. You have heard my position that you are taking away a liberty interest without agreement that is being done in bad faith for the record and there may be some race involved in it as well. I wish that to be on the record and the Board can vote....."

Supervisor Fly: "Then I would make a motion that we relieve the County Attorney of his duties of employment with the County of Sussex, effective immediately, with the benefits of one year salary as severance pay and that the County employee that is assigned to his office, report back to the County Administrator immediately. That's the motion, is there a second?"

Supervisor Birdsong: "Second."

County Administrator Harris: Can I say something? Obviously this is not mine, I just going to be up front about it. Mr. Tyler, this seems to be what we done the last time, now we're going to turn around and do it again this time. At some point, these are the people that need to be served. Mr. Thompson, you raised the race issue. And I am going to have to say something about that. Because I have a contract – you offered me a contract or sent me a contract that stipulated that if I voluntarily left my job, take another job, that I somehow could have four months of your hard earned money as a going away present. What did I tell you?"

County Attorney Thompson: "The Board offered you a contract and I am not going to violate Virginia law on a personnel matter."

County Administrator Harris: "It's simply this – I said no, that it's not in the best interest of the people I am not quite yet serving. The point is, in my contract if I voluntarily leave my position, I will have my accrued leave whatever that may be. That is not the case in the Deputy County Administrator's contract and you are telling me that you have a year's worth of severance?"

Supervisor Tyler: "I am not the Chair, but think this is getting a little too personal and a little unprofessional. And I am embarrassed that this is brought out in this manner. I think that this issue should be referred to the Personnel Committee and will not act on this personnel matter as it was just thrown on us tonight. There was no discussion; we did not anticipate such coming up tonight; obviously there are others who did and I think this is not professional courtesy. And having said that, the Board can do whatever it wishes; we are not in the process of negotiating with the County Attorney on salary, fringe benefits or anything else. I think it's uncalled for; I think we need to go back to doing the business of the County and proceed. If this is an issue that the Board wants to look at, refer to the Personnel Committee, if there is concern about the County Attorney's performance, then I think there should be some formal evaluation and submit to him the rationale why or whatever, but none of that has been articulated, none of that has been done. I think that just bad business."

Supervisor Fly: "There has been ample discussion on this item for years and further discussion, I don't think is needed. Is there any other discussion from Board members on the motion that's on the floor?"

County Attorney Thompson: "And would you include the 192 hours, even though I believe that the Board is violating it and it's an illegal resolution, since you have to rescind another resolution where you will have (1) that the ninety days notice, you're going to rescind that, even though it is contractual; you have to rescind another resolution indicating that these matters are to be discussed in closed session; if you will rescind those resolutions and as you said the year's salary, the 192 hours of accumulated leave and other expenses, the Board can do whatever it wants, but Board can be challenged. You are supposed to represent democracy."

Supervisor Fly: "The 192 hours would equate to what in monetary?"

County Attorney Thompson: "I have no further discussion. I have stated the rationale, 192 could easily be accumulated. Fine. 192 hours."

Supervisor Caple: "I am sort of appalled and I am very disappointed. We sit here, no not we, because if I say we, that includes me and I am not taking a part in this. Seems like somebody is trying to railroad somebody tonight and ram something down somebody's throat with no cause, no rationale, no nothing, just personal and want the Board to sanction what you got in your mind. If you have something personal against somebody, that's alright, but personal and now he has told you, if we are law abiding citizens, something ought be in personnel, in closed session, now somebody don't have any regard for law, no regard for the rules and regulations, no nothing; just going to ram something down somebody's throat. Something is wrong somewhere. Something is wrong with that picture. And then want to talk about ain't no race in it; ain't nobody blind. Ain't nobody crazy and this don't make no sense. I am going to call it just like it is. We sit here and act like children. It doesn't make any kind of sense. I don't know what we are acting like and think I want to be part of this. Let the record show I am not in this thing, don't be calling any votes, I am not in it. Don't count me in. If you are going to do the thing right, I don't have a problem with it. If you go back to closed session, that's there it supposed to be done; I don't have a problem with that. But no, you want to ram something down somebody's throat; it's going to be your way or no way. Something is wrong with that picture, you're supposed to be a representative for the citizen of Sussex County. I don't know what citizen you are representing. I wouldn't want you representing me, not this kind of way."

Supervisor Fly: "Any other comments from the Board? If not, there is a motion on the floor and has been properly seconded."

Voting aye: Supervisors Birdsong, Fly, Harrell  
Voting nay: Supervisors Caple, Tyler  
Absent: Supervisor Parker

County Attorney Thompson: "So it's one year salary, you're going to give me 192 hours and I ask the Board permission for leave, to reapply after receiving that payment."

Supervisor Fly: "The motion was for one year's salary."

County Attorney Thompson: "Well I would ask you to make another.....you owe me 192 hours of leave time. Will you make that motion, so I can get that?"

Supervisor Fly: "Not tonight."

County Attorney: "When will the check be mailed to me?"

Supervisor Fly: “We will work that out with the County Administrator.”

County Attorney: “And I ask the Board’s permission to allow me to reapply at a later date.”

**ITEM 6B4.6. County Attorney**

(Discussed in conjunction with Item 6B4.5).

**ITEM 6B1. Letter of thanks from Chesterfield County:** Thomas E. Harris, County Administrator stated that included in the Board packet is a copy of a letter from Mr. James J. L. Stegmaier, Chesterfield County Administrator, thanking Sussex County for their ongoing support of the regional Med-Flight Program (See enclosure).

County Attorney Thompson: “Excuse me Mr. Chairman, I ask the Board’s permission to leave at this juncture and time. And again for the record, I believe this is an illegal act, but if you wish to pay me a year’s salary, that will go towards part of the damages in this matter. Thank you.”

**ITEM 6B2. Letter of thanks from Miles B Carpenter Museum:** Thomas E. Harris, County Administrator stated that included in the Board packet is a copy of a letter from Mrs. Shirley Yancey and Mrs. Thelma Wyatt, President and Treasurer, respectively, of the Miles B. Carpenter Museum, thanking the County for the \$10,000.00 donation. (See enclosed). He also stated that he attended his first Annual “Peanut Festival” Saturday November 5, 2011 and had a great time.

**ITEM 6B6. VACo County Supervisors’ Forum:** Thomas E. Harris, County Administrator, stated that the Virginia Association of Counties offers a forum for County Supervisors to concentrate on critical issues facing counties today. The Program is scheduled for January 6-8, 2012 at the Richmond Marriott. Please contact Ms. Deborah Davis if you would like to attend the forum. (See enclosed).

Supervisor Fly recognized the Supervisors-elect: Mr. A. G. Futrelle, Waverly District, Mr. John A. Stringfield, Wakefield District and Mr. Raymond Warren, Blackwater District.

**ITEM 6B7. Medicare and Medicaid Services:** Thomas E. Harris, County Administrator stated that VACo has offered comments on the proposed regulations governing Medicaid eligibility changes and has asked that Counties provide similar support. (See enclosed).

**ITEM 6B3. Personal Thanks:** Thomas E. Harris, County Administrator, stated that Mr. Millard “Pete” Stith, of Virginia State University is present and would like to share a few words.

Mr. Stith thanked the Board for allowing him the opportunity to speak. He complimented the Board for hiring Mr. Harris as County Administrator. He also thanked the Board for their service and the gifts that the Board has given to Virginia State University.

**Item 6B5. County Website Update:** Thomas E. Harris, County Administrator, stated that the new website went live today. There are some things to that need to be added, edited and has asked each department to check their various sections and let County Administration know of corrections.

**ITEM 6C. TREASURER'S REPORT:** Onnie L. Woodruff, Treasurer, provided an update on the Reassessment Project. (A copy of the Treasurer's Report is retained in the November 17, 2011 Board packet).

**ITEM 6D. GENERAL REGISTRAR:** Thomas E. Harris, County Administrator stated that the General Registrar is requesting a budget appropriation of \$4,485.00, for the purchase of three voting machines. (See enclosed).

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and appropriate the amount of \$4,485.00 to the General Registrar's line item 23100-1229-291-230 for the purchase of three voting machines.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

**ITEM 6E. COMMISSIONER OF THE REVENUE** – no report at this time

**ITEM 6F. SHERIFF'S DEPARTMENT** – no report at this time

**ITEM 6G. SUPERINTENDENT OF SCHOOLS:** Dr. Charles H. Harris, III, Superintendent of Schools advised that Rancorn Wildman Architects has submitted an invoice in the amount of \$58,195.00 with current and prior reimbursable expenses of \$2,329.76 for a total bill of \$60,524.76. With payments of this invoice, that represents 100% of the fee for construction documents. The total cost for services until this point is \$463,463.00, which is approximately 75% of the architect's fee.

**Recommendation:** To approve and appropriate the payment in the amount of \$60,524.76 to Rancorn Wildman Architects.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves and the payment in the amount of \$60,524.76 for Invoice #20053 to Rancorn Wildman for the Elementary School Construction Project.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

Dr. Harris also advised that the Sussex County School Board accepted at its last meeting, the low bid from Oyster Point Construction for the construction of Sussex Central Elementary School in the amount of nine million, nine hundred twenty-two thousand dollars (\$9,922,000.00).

**ITEM 6H. Director of Social Services:** Thomas, E. Harris, County Administrator, advised that enclosed in the Board packet is a request from Chequila Fields, Director of Social Services, requesting that the Board approve and appropriate the \$53,000.00 grant received from the Cameron Foundation. He congratulated Ms. Fields and her staff on their efforts.

**Recommendation:** To accept and appropriate the grant in the amount of \$53,000.00 received from the Cameron Foundation and direct the County Administrator to confirm this approval with the Director of Social Services.

ON MOTION OF SUPERVISOR CAPLE, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts and appropriates the grant amount of \$53,000.00 from the Cameron Foundation, for Sussex County Health Education Awareness for Women and Senior Citizens Project.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

#### **ITEM 6I. CITIZENS COMMENTS**

Comments were heard from the following citizens:

- Williams J. Collins, Courthouse District, state that his is disturbed and finds it difficult to understand that a member of this Board could not get a copy of the deputy administrator contract without resorting to the Virginia Freedom of Information Act; he learned that a member of this Board reserved a suite of rooms at the recent VACo meeting and subsequently failed to attend the meeting; more difficult to understand is the recently and approved contract for the deputy county administrator/director of economic development.
- Johnny Wiggins, Courthouse District, stated that his is concerned at the matter in which the Board allowed citizens to move around to vote; he lives within 3 miles of two precincts, and yet he has to come all the way across to the Courthouse District; also has a husband who goes to one poll to vote and his wife goes to another; never discuss personnel matters in open session.
- Onnie Woodruff, Courthouse District, on election day, he rode around to all the polls and he spoke several people who are upset about how far they have to travel to vote.

#### **ITEM 7. UNFINISHED BUSINESS**

**ITEM 7A. By-Laws and Rules of Procedure for Planning Commission:** Thomas E. Harris, County Administrator, advised that included in the Board packet are the proposed By-laws and Rules of Procedure for the Planning Commission. He is currently working on a Board Directory to include the Planning Commission. Upon approval the Board will need to make the necessary appointments by unfilled District representation to ensure equal representation in all Voting Districts.

**Recommendation:** To approve the By-Laws as recommended.

Supervisor Tyler recommended that the By-Laws be tabled until the December 15, 2011 meeting.

**ITEM 7B. Tobacco Commission Grant Resolution:** Thomas E. Harris, County Administrator, stated that included in the Board packet is a draft resolution for the Tobacco Commission Grant program. This Grant will allow for the purchase of the Mega-Site/Industrial Park due on November 18, 2011. Additionally Mr. D. Eugene Brittle, Chairman of the Sussex County Industrial Development Authority's Board of Directors provided a letter of support for the project.

**Recommendation:** *To approve the Virginia Tobacco Indemnification and Community Revitalization commission Special Projects Mega Site Grant Program as drafted.*

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby adopts the following resolution, to wit:

**WHEREAS**, economic prosperity, a diversified employment base and an improved quality of life are among the highest annual goals and priorities of the Sussex County Board of Supervisors; and

**WHEREAS**, Sussex County has invested thousands of public dollars in an effort to meet the economic, social, development and community growth needs of Sussex County; and

**WHEREAS**, the Sussex County Board of Supervisors has identified and committed public funds and personnel resources to acquire, plan and develop an Industrial Mega-Site in Sussex County, Virginia; and

**WHEREAS**, the Virginia Tobacco Commission is accepting applications from Local Governments for a *Fiscal Year 2012 Tobacco Commission Economic Development Special Projects Mega Site Grant* due no later than November 18, 2011.

**NOW THEREFORE BE IT RESOLVED** that the Sussex County Board of Supervisors does hereby authorize and approve the submission of a *Fiscal Year 2012 Tobacco Commission Economic Development Special Projects Mega Site Grant Application* for the development of the Sussex County Route 626 (Beefsteak Road) Mega Site; and

**BE IT FURTHER RESOLVED** that Sussex County Administrator, Thomas E. Harris, is hereby authorized and directed, upon review, to sign and submit the *Fiscal Year 2012 Tobacco Commission Economic Development Special Projects Mega Site Grant Application*; and

**BE IT FINALLY RESOLVED** that the County Administrator will be responsible for reviewing the accuracy of the application and for the appropriate use of Tobacco Commission funds, should they be granted.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

**ITEM 7C. Communications Request For Proposal (RFP) Report:** Thomas E. Harris, County Administrator, explained that staff is still waiting for one to complete the evaluation that will be provided on tomorrow. *(Please note that following completion of the review and reference checks, the County Administrator would like to offer a contract to the lowest responsible respondent as expeditiously as possible)*

**Recommendation:** Pending final review and a recommendation from the review committee.

By general consensus, the Board deferred action on the Communications RFP until the December 15, 2011 meeting.

**ITEM 7D. Public Complaint Policy:** Thomas E. Harris, County Administrator, stated that following discussions at the October Board Meeting, he is again recommending that the Board adopt the attached Complaint Policy ... due in part to complaints that sometimes go unintentionally unattended. (See attached (proposed) Sussex County Complaint Policy). This policy requires documentation and a conclusion to both real and imagined complaints. When implemented, it will also assure County Staff that unfounded complaints will be put to rest.

**Recommendation:** *For the Board of Supervisors to approve and adopt the Sussex County Public Complaint Policy as submitted and further to authorize the County Administrator to distribute and implement.*

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Public Complaint Policy, to wit:

**Introduction:** While the County of Sussex makes every effort to first work with our residents, property owners and business owners and further to assist, as appropriate, in addressing any violation(s) of County Ordinances, Policies, Regulations and/or Codes, it is the Policy of the County of Sussex to respond in a timely and professional manner to all complaints received by County Personnel. In so doing, however, it is important that every received complaint, formal, informal, verbal or written, be handled in a consistent

and appropriate manner. To this end it is the Policy of the County of Sussex to respond to all complaints as follows:

**I. VERBAL COMPLAINT:** Upon receipt of a verbal complaint, County personnel will complete a complaint form with all pertinent information including the complainant name and phone number, if provided, and the alleged violation.

- a. Upon review, if the County Administrator (or designee) determines that a probable violation exists, an inspection of the site/issue will follow. This inspection will be completed by appropriate County personnel.
- b. If the complaint is unsubstantiated or is deemed to be an acceptable and legal activity, a letter will be sent to the complainant confirming the disposition of the complaint.
- c. If a violation is confirmed, the responsible party will be contacted in writing to have the Ordinance, policy, regulation and/or code violation(s) corrected.
- d. If the violation is not corrected, the County of Sussex will issue a *Notice of Violation* which gives the responsible party a reasonable amount of time to correct the violation.
- e. If there is no response to the *Notice of Violation*, a Certified Notice will be sent with additional time for compliance.
- f. If there is no resolution to the violation at this time, the County of Sussex will take all legal measures to insure that County Ordinances, Policies and/or Regulations are properly maintained and individuals/businesses are in compliance.

**II. WRITTEN COMPLAINT:** If a written complaint is received, all information will be verified.

- a. Upon verification, the procedures as outlined in **Section I** will be followed.

**III. STATE OR FEDERAL VIOLATION:** If a complaint, either written or verbal is determined to be under the auspices of a State or Federal Agency, the County of Sussex will provide such information to the County resident, property owner and/or business owner and the appropriate agency in writing. Upon sending the proper correspondence, Sussex County will have no further involvement unless formally requested by the responding Agency.

**IV. COMPLAINT FILES:** All Complaints will be properly determined and closed with a formal letter/memo.

**V. DISPOSITION OF COMPLAINTS:** All Complaints will be properly filed in the office of the County Administrator and maintained pursuant to County Procedures and applicable Federal and State Law.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell,

Voting nay: none

Abstaining: Supervisor Tyler

Absent: Supervisor Parker

**ITEM 7E. Personnel Management Procedure Policy:** Thomas E. Harris, County Administrator, stated that based on recent personnel management decisions and the fact that he has had to counsel employees regarding personnel management and protocol, he recommends the attached Policy to outline step by step the procedures to be used (and documented) in managing County staff. As a Public Administrator, it is absolutely essential that all employees be treated in a fair and like manner, that efforts are consistent between departments and agencies of the County and that these efforts be documented.

*Recommendation: For the Board of Supervisors to approve and adopt the Sussex County Personnel Management Procedure Policy as submitted and further to authorize the County Administrator to distribute and implement.*

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Public Service and Personnel Management; to wit:

1. The matter of addressing complaints, discipline, procedures and/or County actions are predicated on, and shall be consistent with, the Sussex County Personnel Policies and Procedures Manual.
2. Management (Supervisors, Department Directors, Deputy County Administrator) are responsible for addressing complaints/concerns at the lowest possible level. This process includes:
  - a. In an effort to maintain a cohesive, friendly and supportive atmosphere in County Offices, any and all complaints/concerns should be discussed first with your immediate supervisor (who may ask for the issues/concerns to be reduced to writing)
    1. If these discussions do not resolve the issue or issues
  - b. The complaint/concern is to be reduced to writing and provided to the Supervisor by the employee to help clarify and delineate the issue/complaint/concern.
    1. Complaints etc. are to be factually based, documented (time, location etc.) and should not include personal or non-essential items.

- c. Supervisors are responsible for responding to each concern (item and proposed resolution) in writing.
  1. All written responses are to be copied to the immediate Supervisor and County Administrator.
3. If the employee does not believe his/her issue has been satisfactorily resolved, the employee is to inform his/her supervisor that the unresolved matter(s) will be addressed to the next Supervisory level up to and including the County Administrator.
  - a. Please note that at every appeal above the first level requires that all correspondence be in writing.
  - b. A copy of all previous and current action(s) as well as any written complaint regarding such actions is to be submitted and copied to the Immediate Supervisor and County Administrator.
4. The final responsibility for resolving either complaints or personnel matters lies with the County Administrator.
  - a. The County Administrator is available at every level to assist and provide guidance to management and employees as needed.
  - b. If the County Administrator does not resolve the issue or issues, the employee is at liberty, and is hereby encouraged to contact the Chairman of the Sussex County Board of Supervisors.
5. Please be advised that it is the position of the County Administrator to both support and hold Supervisors and employees accountable for their actions and meeting their respective job duties.
6. This process is not intended to, nor does it prevent or discourage an employee from utilizing the Sussex County Grievance Policy if deemed appropriate.

Voting aye: Supervisors Birdsong, Fly, Harrell, Tyler

Voting nay: Supervisor Caple

Absent: Supervisor Parker

**ITEM 7F. Employee Sick Leave Bank Policy:** Thomas E. Harris, County Administrator, stated that this item was tabled from October 20, 2011 meeting. Please find attached the recommended Sussex County Employee Sick Bank Policy. This policy will not cost the County anything financially, will help build equity and team building in our operations and is managed by members (staff) for members (staff). Over the years this has been a very effective and cost efficient way of building the employment team in other communities. Please note that it is voluntary.

**Recommendation:** *For the Board of Supervisors to approve and adopt the Sussex County Employee Sick Leave Bank Policy and further to authorize the County Administrator to distribute and implement.*

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the Employee Sick Leave Bank Policy; to wit.

**I. PURPOSE**

The purpose of the *County of Sussex Employee Sick Leave Bank* is to provide permanent full-time and permanent part-time employees who are “active” Sick Leave Bank Members an additional source of paid leave days when they or their immediate family members, as defined within this Policy, are incapacitated by an extended personal illness, disability or serious health condition, as defined in accordance with the Family Medical Leave Act (FMLA), but are not eligible for Worker’s Compensation or Retirement Benefits.

**II. ELIGIBILITY FOR MEMBERSHIP**

- A. All permanent full-time and permanent part-time employees of the County who work 20 hours or more per week, year round and who have completed their initial probationary period, will be eligible to participate in the Sick Leave Bank.
- B. Employees meeting the requirements specified above will be eligible to join the Bank during June of each year.
  - 1. Or within the first twenty work days following satisfactory completion of an employee’s probationary period.
  - 2. Or at such times as are determined necessary by the County Administrator to maintain a minimum sick leave balance of three hundred and twenty (320) hours.
  - 3. Or at such times employee membership does not equal one-half of the total County employees.

**III. TERMS OF MEMBERSHIP**

- A. Membership in the *County of Sussex Employee Sick Leave Bank* is voluntary.
- B. In order to participate in the Bank, each employee will be required to submit, in writing, an Application for Sick Leave Bank Membership within twenty (20) work days prior to satisfactorily completing their probationary period or during the month of June. The application requires

that said employee must contribute personal sick and/or annual leave hours equal to a minimum of eight hours. Once completed, participation in the Sick Leave Bank will begin as of July 1.

1. If an employee joins following satisfactory completion of his/her probationary period, participation will begin as of the first day of the first full pay period following the successful completion of his/her probationary period.
- C. Each July 1 thereafter, each participating employee who wishes to continue in the program will be required to contribute a minimum of eight additional hours of sick or annual leave to the Bank. The County Administrator will determine the need and extent of all future contributions. The County Administrator is empowered to require a special assessment of eight or more hours per Fiscal Year from each participating employee, if the Bank balance falls below one half (1/2) of the total number of County employees or the total sick bank leave hours fall below 320 hours at any time during the year. When a special assessment is required, members will have the option to cancel their membership. A member not wishing the special assessment may terminate membership in the bank by sending a written statement to the Chairperson of the County Employee Sick Bank Review Committee in care of the County Administrator within thirty (30) calendar days from the date of notice. A member who has no sick or annual leave to contribute at the time of assessment shall be assessed the sick/annual leave (total hours) and have them subsequently accumulated. Any member drawing leave from the Bank will be exempted from the assessment, but will be required to accumulate leave at a later date.
- D. Membership in the Bank is continuous and sick/annual leave will be contributed from the employee's accrued sick or annual leave as outlined above, unless the employee completes a *Termination of Sick Leave Bank Membership Form* and returns it to the County Administrator's Office before July 1.
- E. All employees applying for Sick Leave Bank Membership agree to permit the *Employee Sick Leave Bank Review Committee* to obtain for review all pertinent leave records and medical information.
- F. The Employee Sick Leave Bank will carry over its total balance of hours from one fiscal year to the next.
- G. Members utilizing sick leave hours from the Bank will not have to replace these hours except as a regular contributing member of the Bank.

- H. Upon termination of employment or withdrawal of membership, a participating employee will not be permitted to withdraw his/her contributed hours.
- I. Upon severance or retirement any employee may donate their unused sick leave to the Sick Leave Bank up to a maximum of forty (40) hours.

#### **IV. DISABILITY BENEFITS**

- A. An employee may draw his/her regular base salary from the Bank for a maximum of three hundred and twenty (320) hours during any continuous twelve month period starting on the first day he/she starts drawing from the Sick Leave Bank. The employee would become eligible to again draw on the Bank one year from the last day he/she used the Sick Leave Bank.

Upon special appeal, providing at least three hundred and twenty (320) uncommitted hours are available in the Sick Leave Bank at the time of approval, the one year waiting period may be waived by the Review Committee and **Section V. Eligibility for Benefits, Part A.1** will be followed.

- B. An employee drawing sick leave from the Bank will not be expected to replace it.
- C. An employee will not accrue sick or annual leave while drawing hours from the Sick Leave Bank.

#### **V. ELIGIBILITY FOR BENEFITS**

- A. The first consecutive four weeks (160 hours) of each personal illness or disability must be covered by the member's own accumulated sick, annual or compensatory leave. This waiting period will begin on the first day the employee is absent from work as a result of the disability.

**1.** If a Member Employee does not have the required 160 hours of combined sick/annual /compensatory hours an emergency request may be submitted to the Chairperson of the Sick Leave Bank Review Committee in care of the County Administrator for review and approval by the Sick Leave Bank Review Committee.

- B. In all circumstances a member must exhaust all individually accrued sick leave hours, all annual leave hours, and all compensatory leave hours before withdrawing leave from the Bank.

- C. A member must make application for use of the Sick Leave Bank entitlement and be approved by the Sick Leave Bank Review Committee ...and therefore please understand that it is not automatic.
- D. The Sick Leave Bank member, or someone on his/her behalf, must submit an Application for Withdrawal of Sick Leave Bank Days and a Physician's Certification of Disability Form to the Chairperson of the Sick Leave Bank Review Committee through the County Administrator. This certificate must contain the nature of the illness or disability, a statement that the member is totally unable to work as a result of the illness or disability and the approximate length of absence. If an application is made due to the needs of an immediate family member all relevant and comparable information must be provided to the Review Committee (see V – G).
- E. Additional physician certification or documentation may be required by the Review Committee as necessary. (Failure to submit any requested physician's certification/documentation may result in the denial of Sick Leave Bank benefits.)
- F. If a member suffers a relapse or recurrence of the original illness or disability which initiated utilization of the Bank, and has/had not used all of the eight (8) weeks (320 hours) maximum authorized, with proper documentation the member need not meet another waiting period to draw upon the Bank.
- G. The Sick Leave Bank may also be used by an enrolled employee in good standing for an illness or injury of an immediate family member of the enrolled employee. "*Immediate Family Member*" means spouse, parent, son, daughter, brother, sister, grandparents, grandchild, step children, step parents, guardian and same relatives for spouse. Said illness or injury shall be certified by a physician on proper forms.
- H. Members may withdraw leave from the Bank (upon Review Committee approval) for maternity purposes if the pregnancy is termed "*complicated.*" Complicated shall mean that the member/spouse etc. is unable to perform normal duties and is both confined and the condition is certified by a physician on proper forms.

## **VI. EXCLUSIONS, LIMITATIONS AND TERMINATION OF BENEFITS**

- A. Disabilities resulting from the following will be excluded from eligibility for Sick Leave Bank benefits:
  - 1. Any occupational-related accident or illness for which Worker's Compensation benefits are payable.

2. Intentionally self-inflicted injuries.
  3. Injury occurring in the course of committing a felony or assault.
  4. Horseplay or intoxication by alcohol or drugs while at work, or failure to obey instructions or to use safety devices while at work.
  5. Service in the Armed Forces.
  6. War, insurrection, rebellion or active and illegal participation in a riot.
  7. Cosmetic surgery or treatment, or surgery or treatment not deemed necessary by a physician.
- B.** No Sick Leave Bank benefits will be payable for that portion of any period of disability when the disabled employee is confined in a Penal or Correctional Institution as a result of conviction for a criminal or other public offense.
- C.** The granting of Sick Leave Bank benefits for any period of disability caused by nervous or mental diseases or disorders, alcoholism or drug addiction or chemical dependence will be limited to a total period of sixty (60) days annually unless the participating employee is confined in a legally constituted and approved hospital, clinic or detox facility.
- D.** Pre-Existing Conditions (Charter Members and their Immediate Family Members excluded) may be considered when determining eligibility for Sick Leave Bank use by members. As such, disabilities arising within the first year of participation and attributable to a pre-existing condition may be excluded from the bank. Pre-existing conditions are those conditions for which medical advice or treatment was received during the twelve (12) month period prior to the effective date of the employee's participation in the Sick Leave Bank.
- E.** A participating employee will immediately lose the right to use Sick Leave Bank benefits because of the following:
1. Termination, resignation or severance from Employment with the County.
  2. Suspension without pay.
  3. Voluntary cancellation of participation in the Sick Leave Bank.
  4. Failure to make required contributions or to provide required Physician Certification or requested documentation.
  5. Any abuse or misuse of the Employee Sick Leave Bank Policy.
  6. Any misrepresentation of fact before, during or after the utilization of Sick Leave Bank benefits.
  7. Exhaustion of Sick Leave Bank days.

## **VII. ADMINISTRATION**

A. The Sick Leave Bank will be administered through the County Administrator by a Review Committee of seven (7) County employees. The Review Committee will be comprised of one (1) member each from the Environmental Inspections, Building and Grounds, Animal Control, Housing Department, Planning Department, Building Department and one from (combined) the County Administration Office or Public Safety Department. The Review Committee shall be chaired the first year by the designated representative from the County Administration Office/Public Safety and henceforth by one of the Committee Members with the Chairmanship rotating annually each January 1. The Administration Office/Public Safety, Animal Control, Housing Department and Planning Department will begin with a two-year term and the remaining Members will begin a one-year term on January 1, 2012. Upon expiration of the original term of office, each succeeding term shall be for two (2) years and future membership positions (7) to the *County of Sussex Employees Sick Leave Bank Review Committee* shall be open to all participating County Departments and Constitutional Offices, Department of Social Services and Registrar's Office if they individually or collectively participate in the program.

1. Members may succeed themselves if no one else desires to serve on the committee although every effort will be made to rotate representation between all participating County Department/Offices et.al.
2. Vacancies due to removal, resignation or termination shall be reported to the County Administrator and shall be filled as original appointments, except that the term of office is restricted to the unexpired term of office.
3. Any modifications, changes or additional policies or rules developed and recommended by the Review Committee must be submitted to the County Administrator for final disposition.
4. All requests for Sick Leave Bank benefits shall be made on authorized forms and submitted to the Review Committee via Department Heads. The request forms and support documentation (as needed) are to be addressed to the Chairperson: *County of Sussex Employee Sick Leave Bank Review Committee* C/O (in care of) the County Administrator.
5. Each request for Sick Leave Bank benefits shall be made on the appropriate form including a signed physician certification with all appropriate documentation confirming the cause of the illness or accident and certifying the existence of a disability which prevents the participating employee from performing assigned duties.

6. All forms for application for participation in the Bank, requests for withdrawal of Bank hours, and/or cancellation of participation shall be available from the County Administrator's Office.
7. Applicants may submit requests for an extension of benefits before the expiration of their current requests.

**B. The Department Director shall:**

1. Receive Employee Sick Leave Bank applications from Department employees within their Department/Agency/Office.
2. Review and complete the *Employee Sick Leave Bank Application Form*, as needed. If applicable, the Department Director should sign the form where appropriate.
3. The Department Director is responsible for forwarding the completed Sick Leave Bank Application to the County Administrator (addressed to the Chairperson of the Review Committee) within three (3) working days of receiving the completed application.
4. The Department Director is responsible for notifying the Chairperson of the Review Committee through the County Administrator immediately of any change in the employee's Sick Leave Bank Application.

**C. The Review Committee shall:**

1. Review all applications for Bank use, ensure that they meet Bank policy guidelines and recommend approval or denial of the request. The Review Committee must meet as a group to discuss and determine the decision on every request submitted.
2. Each Committee Member will have an equal vote in determining a decision. A quorum of four (4) members must be present for voting to take place.
3. Respect the right to privacy of those individuals who made application for use of the Sick Leave Bank.
4. Not vote on his/her own Sick Leave Bank request.
5. Review and/or recommend revisions to Bank policy as appropriate.
6. A representative from the Office of the County Administrator/Public Safety shall serve the first year as Chairperson and henceforth as a voting member of the Review Committee.

- a. The Chairperson of the Review Committee (or designee) will interact as necessary with the County Administrator in the operation of the Sick Leave Bank.
7. An employee who is eligible for any other loss of time benefits (disability retirement, workers' comp., etc.) will be encouraged to apply for such benefits by the Review Committee. Regardless of other benefits, however, under no circumstance may the *County of Sussex Employee Sick Leave Bank* be used in conjunction with or in addition to any other loss of time benefit without explicit approval by the **Board of Supervisors** following recommendation by the County Administrator.

**D. The Deputy County Administrator shall:**

1. Compile a list of members interested in serving on the Review Committee from those indicating an interest on their Application for Sick Leave Bank Membership form.
2. The Deputy County Administrator shall review with the Chairperson (if not the same), rule and then recommend to the County Administrator whether the Review Committee's decisions are in conflict with the County's sick leave or other leave policies, with any County Personnel Policy and finally is consistent with the rules and regulations of the Sick Leave Bank.
3. Notify the County Administrator and Payroll Department/Clerk to effect Sick Leave Bank payments and to effect Sick Leave Bank approvals.

**E. The Payroll Department shall:**

1. Maintain records of all participating employee contributions, withdrawals, and the status of the Bank.
2. Report the status of the Bank on June 30 and December 30 as well as any time upon the request of the County Administrator and shall provide him/her information with respect to any participating employee's contribution status or prior use of Bank benefits.
3. Effect Sick Leave Bank payments as directed and account for Sick Leave Bank usage as taken.

**F. All applications for participation in the Bank, requests for withdrawal of**

Bank days, and/or cancellation of participation will be available through the County Administrator's office.

- G.** The contribution of sick leave days by participating permanent full-time employees will be in hours and the use of Bank days will be hours payable at the rate of 100% of eligible daily earnings. The contribution of permanent part-time employees defined in **II (A)**, will also be in hours; prorated according to the average hours worked per week, and the benefit payable to the Bank will be identical to the contribution.
- H.** Decisions of the Review Committee may be appealed to the County Administrator within 14 calendar days of receipt of the decision.
- I.** Final authority for Sick Leave Bank administration rests with the County Administrator.

#### **VIII. TERMINATION OR MODIFICATION OF THE SICK LEAVE BANK**

- A.** The County of Sussex fully intends to continue the Bank as a permanent employee benefit. However, it may become necessary to terminate or modify the Bank for reasons including, but not limited to, termination by law or by the County Administrator on the opinion of the State Attorney General's Office, failure of one-half (1/2) of eligible County employees to contribute to the Bank or the total Bank sick leave hours fall below the minimum balance of three hundred and twenty (320) hours for more than (6) consecutive months. Therefore the County reserves the right to terminate or to make necessary modifications to the Employee Sick Leave Bank as needed, and shall not be held responsible to anyone then eligible or who may be or become eligible to participate in the Bank.
- B.** If the Bank were to become inoperative, the sick/annual/compensatory leave days remaining in the Bank at that time shall be distributed according to the following priorities:
  - 1.** First, to the bank members then drawing sick leave days from the Bank, until all unused sick leave hours are exhausted or until the member has received the maximum allowable entitlement from the Bank.
  - 2.** Second, to those bank members who have applications pending decision at the time the Bank becomes inoperative, and who are subsequently ruled eligible for benefits under the terms of this Policy, until the limits described in 1, above are reached.

3. Third, assuming 1 and 2 above are not applicable or have been met, then the benefits remaining in the Bank shall be returned to its members prorated in direct proportion to their individual contributions.

## **IX. FINANCING**

The participating employees will bear the benefit cost of the Bank through their annual contribution of sick/annual/compensatory leave days provided to them at no cost by the County under the current sick/annual/compensatory leave accrual plan. The County will bear the necessary administrative cost to the Sick Leave Bank.

## **X. POLICY AMENDMENT**

This policy may be amended upon recommendation of the Review Committee provided.

- a. That a simple majority of active members approve such amendment. Voting shall be by written secret ballot. A member who does not return a ballot within five (5) days of its receipt shall be deemed to have abstained from voting.
- b. The County Administrator approves and forwards the proposed amendment to the Board of Supervisors; and
- c. The **Sussex County Board of Supervisors** approves (or disapproves) the amendment once submitted by the County Administrator.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

**ITEM 7G. Sussex County Personnel Policies and Procedures:** Thomas E. Harris, County Administrator, provided the Board with a copy of the proposed/ recommended Sussex County Personnel Policy. This document has been drafted document as a means of meeting the following needs:

First and foremost as a practical and easily understood Policy and Procedure Manual for our staff that is based on “*operational and management*” needs

1. To clarify “*who*” is in charge of personnel and personnel management
2. To clarify the fact (if/once adopted) that this is the “*official*” County Personnel Policies and all other’s are rescinded
3. To more clearly establish rules, regulations and expectations for line staff, supervisors and administration as they relate to personnel

management and employee expectations/requirements in a way that can be readily implemented and as a means of holding all levels of the organization to a set of standardized rules and regulations ... even if there has been no prior training.

4. Please note that each Policy Section is titled and identified separately so that if the Governing Body chooses or needs to change a Policy in the future it can be done independently.
- a. As such the Sussex County Personnel Policies and Procedures can be updated on an as needed basis without losing access to all of the other policies.
5. Please note that there are several referenced and accompanying Policies that I would like to continue to work on ... which include:
  - a. Personnel Management Plan (Restricted Classification Plan - RCP) (previously provided)
  - b. Inclement Weather Policy (currently being finalized)
  - c. Drug and Alcohol Policy (to be developed)
  - d. Light Duty Policy (to be developed)
  - e. Reimbursement Policy (to be developed)
6. And finally please be advised that this Policy has now been reviewed by County Attorney Thompson. Mr. Harris explained that he and the County Attorney do not agree on sections of the Preface (as submitted) we are in agreement that the recommended Sussex County Personnel Policy is legal and acceptable.

**Recommendation:** *For the Board of Supervisors to approve and adopt the Sussex County Personnel Policies and Procedures and further to authorize the County Administrator to distribute and implement.*

ON MOTION OF SUPERVISOR HARRELL, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby accepts the Sussex County Personnel Policy and Procedures, as presented.

Voting aye: Supervisors Birdsong, Caple, Fly, Harrell

Abstaining: Supervisor Tyler

Absent: Supervisor Parker

## **ITEM 8. APPOINTMENTS**

**ITEM 8A. Crater Area Agency on Aging:** Thomas E. Harris, County Administrator advised that there is no term expiration set by the Crater Area Agency on Aging and therefore the Board of Supervisors can set the terms as you deem appropriate. To this end, he recommended that the Board set a two year term limit for your new appointment Brenda Burgess and direct the County Administrator to inform both the Crater Area Agency on Aging and Ms. Burgess.

**Recommendation:** *To approve a two (2) year term for Ms. Brenda Burgess to expire December 31, 2013.*

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors hereby appoints Mr. Brenda Burgess, Post Office Box 548, Waverly VA 23890, to the Crater District Area Agency on Aging Board of Directors for a two year term, expiring December 31, 2013.

Voting aye: Supervisors Birdsong, Caple, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

**ITEM 8B. Board of Zoning Appeals:** Thomas E. Harris, County Administrator, advised that the *Board of Zoning Appeals* term of Mr. George Urquhart expires January 31, 2012. Mr. Urquhart has agreed to serve an additional term if appointed and if the Board acts in November, the nomination can be submitted to the Circuit Court so that the nominee/appointee would be available in February.

**Recommendation:** *To approve the nomination of Mr. George Urquhart to the Board of Zoning Appeals (BZA) and direct the County Administrator to submit this nomination to the Circuit Court Judge for final disposition.*

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR TYLER and carried: RESOLVED that the Sussex County Board of Supervisors hereby nominates Mr. George N. Urquhart, 7201 Newville Road, Waverly VA 23890, for appointment to the Sussex County Board of Zoning Appeals; and

FURTHER RESOLVED that the County Administrator is hereby directed to submit this nomination for the Circuit Court Judge for final disposition.

Voting aye: Supervisors Birdsong, Caple, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

**ITEM 8C. Board of Zoning Appeals:** Mr. Raymond Warren currently serves on the Sussex County Board of Zoning Appeals and has been elected to the Sussex County Board of Supervisors. Section 15.2-2308 of the Code of Virginia, as amended, states “Members of the Board (Zoning Appeals) shall hold no other public office in the locality except that one may be a member of the local Planning Commission.” (See enclosed). Therefore, it is necessary for the Board of Supervisors to submit a nomination to the Circuit Court Judge.

**Recommendation:** *To nominate an individual at the December 15, 2011 Board meeting.*

**ITEM 8D. Appointment to the Planning Commission:** As a result of the pending retirement of the Honorable Harris L. Parker, who serves as the Board of Supervisors appointee to the Planning Commission, the Board will need to appoint a replacement.

**Recommendation:** *To appoint a member of the Board of Supervisors to serve on the Planning Commission for a term that runs concurrently with the term of office.*

**Recommendation:** *To nominate an individual at the December 15, 2011 Board meeting.*

## **ITEM 9. NEW BUSINESS**

**ITEM 9A. Request to add Eugene's Lane To VDOT's Six Year Plan:** Thomas E. Harris, County Administrator, advised that he has previously submitted a request for Eugene's Lane to be reviewed and included in the State's Road System. Included in the Board's packet is the copy of a petition signed by property owners.

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR CAPLE and carried: RESOLVED that the Sussex County Board of Supervisors add Eugene's Lane to the Sussex County Six Year Road Plan.

Voting aye: Supervisors Birdsong, Caple, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

## **ITEM 10. BOARD MEMBERS COMMENTS/REPORTS**

**Blackwater District:** No comments

**Courthouse District:** Supervisor Birdsong reported that the Board appointed him to be the County's representative on the John Tyler ASAP Board. That Board oversees all ASAP classes for people who have been convicted of DUIs, to ensure that the classes are run properly and according to state mandates and state law. A few months ago, the Board had a personnel problem. An employee made a complaint about another employee and before the Board could act on the complaint, the complainant went to Richmond and filed a formal complaint to the chairman of the state. There has been some dialogue back and forth between the state commission and the regional Board. The Chairman of the state Commission sent a representative to Chesterfield County to seize possession local Board's building, all their assets and all of their records. Chesterfield Police Department convinced them that if they didn't leave, they would be locked up. There has been a letter sent to the Chairman of the State Commission outlining what the State Commission's authority over the local board is, per state law, and what the local Board's authority is per state law. He advised that he expects further ramification and it was supposed to be in the Richmond newspaper this morning, but did not. It will be in tomorrow's paper, front page. He thanked the Board for appointing to such an exciting position. If it is the

Board's pleasure that he remains on the John Tyler ASAP Board, he is more than willing to continue serving.

**Henry District:** no comments

**Stony Creek District:** Supervisor Caple asked about the status of Reed Road Convenience Center.

Thomas E. Harris, County Administrator, responded that he spoke to Rich Nolan before he left Atlantic Waste Disposal, Inc in Waverly (to take another position). He advised that he has been out to the site and the grass has been cut, but more works needs to be done by Atlantic Waste, Inc. George A. Taylor, Environmental Inspections Supervisor will schedule a meeting with Atlantic Waste Inc. District Manager, the County Administrator and himself.

**Wakefield District:** Supervisor Fly has two things that he wants to touch on: (1) The County still owns the three horses from a criminal case. The County has now spent \$20,000.00 in caring for the horse.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR BIRDSONG and carried: RESOLVED that the Sussex County Board of Supervisors hereby directs the County Administrator to dispose of the three horses in a humane way, by either sale or adoption.

Voting aye: Supervisors Birdsong, Caple, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker

Supervisor Fly advised that his second issue includes an amendment to the contract for the County Administrator, Section 14C. It reads "Severance pay in the event of a termination of this agreement as provided in Section 2B. The County Administrator agrees to forfeit and shall not be entitled severance compensation." This is not similar to the Deputy County Administrator's contract, which allows for severance. This needs to be taken out; it was not part of the agreement with the County Administrator.

Supervisor Tyler asked Mr. Harris if he wanted to amend his contract.

County Administrator Harris responded in the affirmative. He stated that he wants his contract to be consistent with the other contract.

Supervisor Tyler that he has no problem with that, but the Board should be given prior notice, allowing time for review and discussion.

ON MOTION OF SUPERVISOR BIRDSONG, seconded, SUPERVISOR HARRELL and carried: RESOLVED that the Sussex County Board of Supervisors hereby removes Section 14C from the County Administrator's contract.

Voting aye: Supervisors Birdsong, Fly Harrell

Voting nay: Supervisor Caple  
Abstaining: Rufus E. Tyler  
Absent: Supervisor Parker

**Waverly District** – absent

**ITEM 11. Reports From Department/Staff/Comment**

Vice Chairman announced that reports from departments will be heard at the December 15, 2011 meeting.

**ITEM 12. ADJOURNMENT**

ON MOTION OF SUPERVISOR BIRDSONG, seconded by SUPERVISOR HARRELL and carried: RESOLVED that the November 17, 2011 meeting of the Sussex County Board of Supervisors is hereby adjourned at 9:19 p.m.

Voting aye: Supervisors Birdsong, Caple, Harrell, Tyler

Voting nay: none

Absent: Supervisor Parker