

At a Special Meeting of the Board of Supervisors
Held in the General District Courtroom on
Saturday, January 25, 2020 – 4 pm

BOARD MEMBERS PRESENT

C. Eric Fly, Sr.
Marian D. Johnson
Debbie P. Jones
Wayne O. Jones
Susan M. Seward
Rufus E. Tyler, Sr.
Steve White, Tie Breaker

STAFF PRESENT

Mark Flynn, County Attorney
Millard D. Stith, Consultant
Ellen G. Boone, Commissioner of the Revenue
Brenda H. Drew, Housing Coordinator
Deste J. Cox, Treasurer
G. Reid Foster, Public Safety Coordinator
Ernest Giles, Sheriff
Eric Johnson, Captain
Kelly W. Moore, Director of Finance
George Taylor, Sr. Environmental Inspector
Crystal Wyche, Lieutenant
Shilton R. Butts, Assistant to the County Administrator/Deputy Clerk

Item 1. Call To order/Determine Quorum (4:00 p.m.)

The January 25, 2020 Special meeting of the Sussex County Board of Supervisors was called to order by Chairman Seward.

Item 2. The Invocation

The Invocation was offered by Supervisor W. Jones.

Item 3. The Pledge of Allegiance

The Pledge of Allegiance was recited by all.

Item 4. Agenda Amendment(s)

There were no agenda amendments.

Item. 5. Approval of Agenda

ON MOTION OF SUPERVISOR TYLER, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby approves the January 25, 2020 Special meeting agenda as presented.

Voting aye: Supervisors Fly, Johnson, D. Jones, W. Jones, Seward, Tyler

Voting nay: none

Item 6. Procurement of Administrative Services for Sussex County

Chairman Seward stated that the purpose of the Special Meeting was in regards to action taken at the Board of Supervisors Thursday, January 16, 2020 regular meeting relative to certain County staff. Approval of procurement services were needed for interim services relative to Administration and Planning. Chairman Seward noted that as it was pointed out at the last Board's meeting, according to the Board's By Laws, in the absence of a county administrator, the Chairman would become the county administrator, of which she has no desire or skillset to be the county administrator.

Chairman Seward stated that the Board would be discussing the interim services of the Berkley Group, a local government consulting firm, who is already under contract with the County. The Berkley Group has been providing services to the County for small aerial plans for the Towns and helped develop the County's Solar Ordinance. The Berkley Group will have staff to provide daily County administrative services at the County's office. There will be back up services. The County will have Planning Services.

Chairman Seward stated that the gentleman that will be providing the day to day interim county administrator services, Mr. Larry Hughes, has 40+ years of experience. He has been the city manager for Manassas, Virginia, deputy county administrator for Prince William County, Virginia, and is extremely experienced.

Chairman Seward stated that the County would have as the consultant helping relative to the management of and overall organizational review of the County, former Chesterfield County Administrator, Mr. James L. "Jay" Stegmaier. Chairman Seward stated that Mr. Stegmaier is one (1) of the longest serving county administrators in Virginia's history. Mr. Stegmaier is also one (1) of the consultants to the Berkley Group.

Relative to Planning, Mr. Bart S. Nuckols will be providing planning services day to day for the County. Mr. Nuckols has been a Planner for 34 years with a degree in Planning from the University of North Carolina at Chapel Hill.

Chairman Seward stated a group has been assembled of a well-qualified team to bridge the gap before the Board does searches for permanent replacement.

County Attorney Flynn gave an overview to the Board and the public for the Planning services. Mr. Flynn stated that the County already has a contract for some services with the Berkley Group. The Berkley Group has a contract with the George Washington Planning District that allows for

Cooperative Procurement (§ 2.2-4304. Joint and cooperative procurement.). Cooperative procurement is a process in Virginia in that one (1) government entity contracts with a business and has provisions for the cooperative procurement, other governmental agencies or county, can basically join on that contract. County Attorney Flynn stated that, however, it still requires the approval by the Board to join on the contract.

County Attorney Flynn stated that on the county administrator services, it's different enough from the services that the Berkley Group are providing under the Cooperative Procurement that the estimation of the county attorneys is that it's much better to do on Emergency Procurement basis. Mr. Flynn stated that the Procurement Act has a provision for emergency procurement where normally the County will do a Request for Proposal (RFP) which takes approximately three (3) to four (4) months. When there is a situation that exists when services are needed immediately, then steps are taken for emergency procurement services.

Supervisor Tyler inquired of the compensation rate for the consultants. Chairman Seward stated that in her rush from Richmond, she did not bring the paperwork with her. She noted that the compensation is less than what the County is paying now, minus the benefits. It was not an unreasonable amount of money.

Supervisor Tyler noted that they, the Board, was asked to vote on a contract for procurement of services with no material—not knowing how much the services will be and the duration of the contract. Supervisor Tyler questioned receiving contract so that the Board could know what they were voting on, as opposed to entering a contract, authorizing a contract not knowing the conditions of the contract.

County Attorney Flynn noted that the total cost to the County is less than the employee, the county administrator. It was noted that the contract would be month to month.

County Attorney Flynn noted that in general discussion with Mr. Darren Coffey, Mr. Coffey recommended that the County should start their search for a county administrator immediately.

County Attorney Flynn stated that, as far as the contract terms, he didn't have the rates; however, he reviewed the rest of the contract terms and was satisfied with the services. He stated that he also had some experience with The Berkley Group. They provided some services around town; and, they have a lot of respect for the work they do. County Attorney Flynn stated that he has no concerns legally with the terms of the contract.

Chairman Seward stated that the action the Board needed to take at that time is basically to authorize the Chairman, on behalf of the Board, to agree to procure the services through emergency procurement for County Administration and a cooperative procurement for Planning.

Chairman Seward stated that the Board would be provided a copy of the contract that was getting ready to be signed with The Berkley Group.

County Attorney Flynn read the motion and noted that the emergency procurement requires the Board to do a finding of what the emergency is and post it on the County's website. The basis is

that the current county administrator service with the County will end on February 1, 2020. The County must have uninterrupted service of the chief administrative officer, and so, must obtain those services immediately.

County Attorney Flynn stated that when he was looking at the Planning services of individuals down in North Carolina had travel. He stated that he talked with The Berkley Group about it. They agreed to change it; he removed the travel part.

Chairman Seward stated that she found the rate for Planning Services. She stated that the rate for Mr. Nuckols is \$85.00 per hour. County Attorney Flynn found the rate for the County Administrator and stated that the rate will be \$120.00 per hour. Supervisor Tyler's question to the Board was why weren't those figures given to the Board prior to the meeting?

County Attorney Flynn stated that his answer is in the middle of his day job, he had just gotten the documents together that morning, Saturday, January 25th. Chairman Seward stated that she had been gone from home Sunday through Friday.

Ms. Seward stated that when calculating the hours contemplating the duration of time, the County will be paying less than what the County is paying now, and no benefits will be paid. Chairman Seward noted that she checked references.

Ms. Kelly Moore, Director of Finance, made inquiry regarding how payments for services will be funded. Ms. Moore noted that there would be no funding available in the line item noted at the regular meeting on January 16, 2020.

Supervisor Tyler inquired of the current salary of the County's Planner. Chairman Seward stated that figures were provided by Ms. Brucato, Payroll Clerk, and provided an estimated amount of the salary and benefits.

There was discussion of the number of hours the Planner would be in the office. Chairman Seward stated that in the initial phase, the planner would probably be in the office three (3) to four (4) days to get ordinances and office in order. She also noted that there was so little development in the County, it didn't warrant a full-time Planner which is why The Berkley Group is providing the same service to a number of counties and localities. After the initial phase, the planner would probably be in the office two (2) to two and a half (2-1/2) days a week.

Supervisor Tyler noted the cost of an interim County Administrator at the rate of \$120.00 an hour. He inquired as to the duration of the contract for the interim County Administrator—would the interim County Administrator be in the office every day? How many days a week? Chairman Seward stated that in the initial phase, there would be a number of things to be put in order. Once things were righted, may be four (4) days a week. Chairman Seward noted that the interim County Administrator services would be for the shortest amount of time—until the Board conduct their search for a full time county administrator. Chairman Seward stated that relative to the cost, the interim County Administrator position would not be for a year.

There was discussion of whether there would be a fixed number of hours in the contract or will it be open ended for both Planning and County Administration. Chairman Seward noted that the language in the contract is open ended. She stated that is something that can be determined. The contract does not require hours. County Attorney Flynn stated that there is an intent of an anticipated 32 hours. It was noted the cost for 32 hours annually to be less than what the current pay is with benefits.

Supervisor Johnson stated that she was new to the Board. Her concern was making uninformed decisions. When making decisions, she would like to know what she is dealing with upfront. Supervisor Johnson stated for the record that it would be good if the Board would have all the information that the Board will need, so that the Board can make informed decisions when it does come to a vote.

Chairman Seward stated she would get draft work orders to Ms. Butts, the Deputy Clerk to the Board. Ms. Butts will distribute the draft work orders to the Board members.

Supervisor Fly clarified that the interim County Administrator will serve in the role of the County Administrator with staff reporting as they normally would. The remaining staff of the Planning Department would report to the Planner. No change in the chain of command.

Mr. Millard "Pete" Stith offered services on an hourly rate if the Board so desired.

Supervisor Tyler noted that the payout for contracted County Administrator services is more than what the current county administrator is being paid, not less. There was inquiry as how recent was the negotiation for the services with The Berkley Group. Chairman Seward noted that it was within 48 hours.

County Attorney Flynn discussed how he came up with his total.

Chairman Seward stated that she was comfortable with what the County was being charged with the quality of service the County will be receiving.

Ms. Cox, the Treasurer, recommended that the funding be taken from the Fund Balance through the end of the current Fiscal Year.

Ms. Kelly Moore clarified that the funding would be for two (2) positions with The Berkley Group.

There was inquiry of the Fund Balance. Ms. Cox noted that the Fund Balance was listed in the report in the January 2020 Board packet.

ON MOTION OF SUPERVISOR FLY, seconded by SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby enters into a contract on an emergency basis with The Berkley Group for administrative services and on a cooperative

procurement basis for planning director services for the County, and to authorize the Chairman of the Board of Supervisors to execute the documents, necessary or useful to those purposes; and

BE IT FURTHER RESOLVED that the Board authorize the transfer of appropriation from Fund Balance to fund the contracts for those services for Fiscal Year 2020.

Voting aye: Supervisors Fly, Johnson, D. Jones, W. Jones, Seward

Voting nay: none

Abstained: Supervisor Tyler

Item 7. Citizens' Comments

There were comments heard from:

- Leroy Pierce (Blackwater District) – County Administrator dismissal; will be attending Board meetings; money on Blackwater end of County; Board elected to serve people, not personal gain.
- Jannette Green (Courthouse District) – Opinions of people of County; change; keeping abreast of happenings in County; selection of county administrator; support Board's decision,
- Rose Urquhart (Blackwater District) – Vendors in Waverly; meeting unplanned; change; have facts and information prior to meeting; will be attending meetings.
- Henry Thompson, Sr. (Blackwater District) – Continuing prayers for unity, less division; and more clarity in thought; “standby Santa Claus” on Board - following the lead on personnel changes reaped great rewards on employees who were arbitrarily let go; independent thinkers; previous dismissals; money could be used for schools, etc.; request ; thanked Supervisors Futrell, Stringfield and Joneses.
- Keith Blowe (Stony Creek District) – Defined moral character; continuity; dismissal of county administrator; new Board members with less than three (3) weeks to make drastic decisions – time worked with county administrator; spoke to hours regarding new/interim county administrator; staff changes; effect on citizens.
- Ellen Boone (Courthouse District) – Seen staff come and go; deal with citizens; congratulate members of the Board for a long time and non-returning members; admire New Board members not long on Board, not new to County; pray County move on; being accountability to citizens; offices are not always in place and return calls; new Board members work with the Board.
- Alfred Futrell (Waverly District) – Board work together; can't say Board was wrong for the way voted; fix what is broken; previous dismissals; make decisions for yourself.
- Robert Hamlin (Henry District) – Welcomed new Board members – working on Board is a lot to learn; will learn over time; making decisions; making decisions about people/ citizens; knowing what citizens/County want or what's going on in County.

Item 8. Adjournment

ON MOTION OF SUPERVISOR W. JONES, seconded SUPERVISOR D. JONES and carried: RESOLVED that the Sussex County Board of Supervisors hereby adjourned at 5:03 p.m.

Voting aye: Supervisors Fly, Johnson, D. Jones, W. Jones, Seward, Tyler

Voting nay: none