

**MINUTES OF THE BUCHANAN COUNTY DEPARTEMENT OF  
SOCIAL SERVICES  
ADMINISTRATIVE BOARD MEETING  
NOVEMBER 17, 2009**

The meeting was called to order by Board Chairman, Randall Deel. All Board members, Board Attorney Vern Presley, Director Judy Holland, some staff, members of the press and public were in attendance.

The minutes of the Administrative Board meeting of October 20, 2009 were approved on motion by Mr. Neo and second by Mr. Thornsbery. A voice vote was called and no objections were made.

On a motion by Ms Cole and second by Mrs. Hale, the agency administrative bills were approved by roll call vote.

Roll Call vote:

Mrs. Hale	Aye
Mr. Thornsbery	Aye
Ms Cole	Aye
Mr. Farmer	Aye
Mr. Neo	Aye
Mrs. Elswick	Aye
Mr. Deel	Aye

The next item was approval of the agenda. Mr. Neo requested that two items be added to the agenda – one under New Business and one for closed session, Personnel. In the item for closed session, Mr. Neo requested that the Director be excused with the public. Chairman Deel felt this was improper and offered Mr. Neo the opportunity to challenge the ruling of the chair. Attorney Presley noted that the Board as a group decides as to who stays and who does not stay in closed session. Mr. Deel called for a second to the motion to approve the agenda with additions and Ms Cole seconded. A voice vote resulted in all Ayes.

Mrs. Holland presented Director items next. She noted her schedule and the Thanksgiving holiday schedule for the agency. Mrs. Holland reported on the two meetings she traveled to – one to the New Directors Learning Experience in Richmond and one to the Virginia League of Social Service Executives Fall Conference in Newport News. Mrs. Holland distributed the handout presented by Mr. Gump of VDSS at the Learning Experience. The handout described the basis of funding for VDSS. Mrs. Holland noted that she would provide copies of other material which she received at these meetings over the course of the next several board meetings. Mrs. Holland asked all board members to check to see if they had a copy of the Human Resource Manual. She informed all members that Chapter 2 had been changed and she would get everyone a copy. Mrs. Holland also distributed financial updates to the Board. The Director also informed the Board that the new receptionist, Rebecca Vance started working for the agency on November 16. She

also noted that the staff was partnering with the Cub Scouts to provide food for our elderly. A thank you to the Cub Scout pack will be sent.

Under New Business, Mr. Neo made a motion that all closed sessions be recorded and the recording be kept until the next Board meeting when they would be deleted. There was no second to this motion. Mr. Neo asked for clarification as to whether or not the recordings would have to be maintained once they were taped. Mr. Neo then motioned that the matter be tabled pending research by counsel. There was no second to this motion.

The next item on the agenda was closed session. Mr. Neo reiterated the closed session motion to discuss personnel and as a part of that motion he asked that the Director be excused from the session. Ms Cole seconded the motion. Mrs. Holland objected to this motion in that the Director is in charge of personnel. On roll call vote, the motion was defeated.

Roll call vote:

Mrs. Hale	No
Mr. Thornsbury	No
Ms Cole	No
Mr. Farmer	No
Mr. Neo	Yes
Mrs. Elswick	No
Mr. Deel	No

Mr. Neo then asked the latitude from the Director to discuss the matter in open session. Mr. Deel offered to go into closed session with the Director present. Mr. Presley advised that if it involves personnel, it needed to be done in closed session. Ms Cole motioned that the board go into closed session with the Director. Mrs. Elswick seconded the motion. After discussion, the motion was rescinded upon request of Ms Cole and no closed session was held.

Mr. Neo then stated he would discuss the issue in public. He was ruled out of order. Mr. Neo raised a point of order. He stated that he was quite okay with doing this in open session and he could modify his motion so that it is not a personnel matter. After additional discussion, Mr. Neo presented a motion that any board member or employee of this agency who makes discussions which occur in closed session public be sanctioned by this board and so noted in the minutes of these proceedings. There was no second to this motion.

The next item on the agenda was a request by Mr. Shea Cook for attorney's fee in representation of Rebecca Slone in her grievances. Mr. Cook stated that he had incurred total attorney's fees in the amount of \$4,439.61. Mr. Cook cited Virginia Code 2.2 -3005.1, dispute resolution. Mr. Cook asked for a determination now before he went into a second matter.

Mr. Presley noted that he had already responded to Mr. Cook in writing that there is no provision for recovery for attorney fees. Virginia follows the rule that there must be a contract or a specific statute. Neither of these situations exists in this case. Mr. Presley also noted that the Human Resource Manual for Local Departments of Social Services does not provide for recovery of attorney fees in the matter of a grievance. In fact, lay persons can represent an employee in a grievance process. The state grievance procedure does have a manner for recovering attorney fees in the matter of a grievance, but the local agency does not and the Human Resource Manual is silent on this matter. After additional discussion, there was no motion to pay the fees.

Mr. Cook presented a second issue related to the panel hearing and the panel decision. He questioned the Board on its not implementing one item of the panel decision. Mr. Deel informed Mr. Cook that this board does not recognize the panel's authority to make policy. This board does follow the grievance procedure of the Human Resource Manual and the board plans to follow that policy. Mr. Cook quoted Chapter 7 of the Human Resource Manual related to implementation of the panel decision.

Mr. Deel announced the next meeting is December 15, 2009 at 6:00 P.M.

There being no further business, Mr. Farmer motioned and Mrs. Hale seconded for adjournment at 6:35 P.M.