

**7. DISCUSSION REGARDING PUBLIC SAFETY
COMMUNICATIONS SYSTEM**

At the request of Chairman Jones, I have placed this matter back on your agenda for further discussion. In accordance with your direction last month, I provided the attached notice to Mr. Francis.

For reference, I'm also attaching excerpts from your meeting minutes over the past several months.

SOUTHAMPTON COUNTY

26022 Administration Center Drive
P. O. Box 400
Courtland, Virginia 23837



757-653-3015
Fax: 757-653-0227

July 30, 2012

Mr. Vernie W. Francis, Jr.
P.O. Box 362
Courtland, VA 23837

RE: Management/Maintenance of Southampton County Communications System

Dear Mr. Francis:

In regular session on July 23, 2012, I was directed by motion of the Board of Supervisors to provide this 30-day notice of termination for the captioned contractual services. I regret to inform you that the contract will terminate at 11:59 p.m. on August 31, 2012.

Please recognize that this action is entirely without cause, and is no reflection of your performance; rather, it is based largely on budgetary constraints and a desire by the Board to reduce contractual expenses.

Thank you for your service and please accept my best wishes for future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Johnson".

Michael W. Johnson
County Administrator

MAY 29, 2012 – ITEM 11 – CONTRACTS

Chairman Jones stated the next item was number 11.

Mr. Michael Johnson stated item 11 is a discussion regarding specified contracts. After seeing payments associated with certain contracts appear on the bill list each month, Dr. Edwards asked that this matter be placed on your agenda for members to obtain a better understanding of certain ongoing contracts. He specifically inquired about our contract(s) with The Timmons Group and the contract with Vernie W. Francis, Jr. for the Management/Maintenance of the Public Safety Communications System.

Mr. Michael Johnson said item B relates to a contract with Mr. Vernie W. Francis, Jr. for the maintenance of the county public safety radio system. In order to better understand the nature of this agreement, a fundamental understanding of our Public Safety Communications System is important. In 2005, the County invested almost \$2.9 million in new equipment. It is configured as a VHF simulcast system, with fixed equipment and stand-by generators co-located on communication towers in Boykins, Capron, Courtland and Ivor. Dedicated microwave paths connect each site in a redundant, circular network. The system includes 5 VHF high band repeater pairs and associated frequencies and may be expanded in the future to 10 frequencies.

In addition to the fixed equipment at the tower sites, the system also includes a monopole and microwave at the Southampton Sheriff's Office, consoles in the Emergency Communications Center at the Sheriff's Office, more than 140 mobile radios installed in police cars and volunteer fire/rescue apparatus, more than 200 portable (handheld) radios assigned to emergency responders, more than 300 pagers, and 10 base stations across the country.

Prior to July 1, 2010, as part of his job responsibilities, Captain James Covington managed the communications system for the county. With the exception of the Sheriff himself, there was no one else in the Sheriff's Office at the time with an understanding of the design, the equipment and the preventive maintenance needs in order to maintain the system at peak performance. So when Captain Covington retired on July 1, 2010, the County contracted with Covington Electrical to continue managing and maintaining the system. A copy of his proposal is attached (pages 11-33 through 11-34). His original proposal was \$24,000 annually but was negotiated down to \$21,600.

After 11 months, Captain Covington provided the County notice that he wished to "fully retire" and terminated the agreement without cause. Sheriff Francis assumed the responsibility of the system for the final 6 months of his elected tenure without additional compensation. When Sheriff Francis retired in December, Sheriff Stutts was again faced with not having an employee on his staff with the knowledge, understanding and time to adequately maintain the system. Mr. Francis agreed to assume management and maintenance of the system under the same terms as Covington Electrical in 2010. A copy of his proposal is also attached (pages 11-35 through 11-39) as well as an opinion from the Commonwealth's Attorney as it relates to potential conflict of interest. Mr. Michael

Johnson stated that he had asked Sheriff Stutts here tonight in case you had questions. Sheriff Stutts has already left. Mr. Michael Johnson said the Sheriff had provided him with a report. The Sheriff currently works roughly 85 hours a month and drives approximately 500 miles monthly. He is on call at all times. The contract does provide that the Sheriff will provide all the fluids, oils, anti-freeze, and cleaning equipment and supplies. He is also the point of contact for the Regional ORION Radio System. If you calculate out that hourly rate minus the mileage it calculates out to about \$17.00 or \$18.00 an hour.

Supervisor Phillips thanked Mr. Michael Johnson.

Chairman Jones asked what we going to do about this contract. He asked are we going to look for somebody else and put that out for bids.

Supervisor West said he likes the fact that the person associated with doing this work now knows the system and has done it for a long time. He thinks he has our best interest at heart. For fairness if you feel the need of contracting with someone else that is okay by him, but then again I think you have a dedicated servant here who is willing to do this and if the facts and figures Mr. Michael Johnson gave us are correct and I assume they are, I think you are getting a good deal.

Supervisor Edwards said I don't think that is the point though. I think the point was going back to the beginning and letting this Board know what this \$1,800.00 we are paying every month is and that will probably stop most of this. That is the point as far as he is concerned.

Supervisor Porter said one thing that concerns him now is apparently he is the only one in the county who knows this job.

Supervisor Phillips said exactly.

Supervisor Porter said what happens if he happens to get broad sided going to one of the towers. All of a sudden we have this expensive communication system that we have no one to maintain. At least when it was in the Sheriff's Department the deputy and the Sheriff knew how to do it and somehow we need to have a backup to make sure the work gets done if something happens to Mr. Vernie Francis, Jr.

Mr. Michael Johnson said there is a note on here that you do have a backup, but it is a very expensive backup. Gately Communication out of Hampton is the company that installed the system. They will maintain it, but their hourly rates are \$75.00 an hour plus you pay the travel from Hampton here and back.

Supervisor Porter said that is not a back up.

Mr. Michael Johnson said right, but that is an option should something happen.

Supervisor Porter said that is not an option.

Supervisor Phillips said in reading through this whole proposal there is mention of the communications committee which is part of the Sheriff's Department.

Mr. Michael Johnson said it is part of the fire and rescue association.

Supervisor Phillips said should they not be tasked with training somebody as a back up.

Mr. Michael Johnson said they are volunteers.

Supervisor Faison asked didn't he read somewhere about the idea of somebody shadowing Mr. Vernie W. Francis, Jr. to become familiar with it.

Mr. Michael Johnson said he thought that was in a discussion they had.

Supervisor Faison asked if maybe that would be a possibility maybe for someone in the Sheriff's Department.

Mr. Michael Johnson said that is why he had asked Sheriff Stutts to be here.

Supervisor Updike said he was hoping that Sheriff Stutts was going to be here also. Number one the Sheriff's Department has been taking care of it previously and you can't tell him that you cannot train individuals on the Sheriff's Department to do this job and you will have a backup. You can take \$22,000 and round these figures off and hire another deputy along with the state's funds and this will probably take up less than half his time so he can donate the rest of his time for security of whatever the Sheriff so designates. This way you will be getting the same job done and you will have an active deputy to provide the service. We can have Mr. Vernie Francis, Jr. or someone to train a couple of people. Don't tell him they can't be trained. He asked how did they learn. These people can be trained so we can be more efficient and get double your kick for your buck by training someone else. It is not saying that Mr. Vernie W. Francis, Jr. is not doing a great job and he is not saying anything against him. We can do it more efficiently if we hire another deputy and get more service out of him at the same price. Train them. When babies are born they can't walk. We have got to train the individuals to do these jobs. We cannot continue to pay for services that we can get someone else to do at a cheaper price.

Chairman Jones said we will still have to pay Mr. Vernie W. Francis, Jr. to teach them.

Supervisor Updike said yeah for a couple of months.

Chairman Jones said or however long it takes.

Supervisor Porter said he agrees with Supervisor Updike on one case, but another case I think he is underestimating the cost because I believe we are at the full capacity of deputies that the state allows us, so any deputy that we hire we would have to fund 100%. Supervisor Updike said you have quite a few retiring and leaving so they can be replaced. Supervisor Porter said that is not hiring a new one that is just taking a current deputy and doing that but let's not build a smoke screen saying that we can hire a new person just to do that. We have to see if the Sheriff's Department can take some of this work back in house. That is the real question.

Chairman Jones said we do this for Sheriff's Stutts. He has to do this. We can't go over his head.

Supervisor West said maybe they needed to have a seminar someday where they could sit down and get this explained to us. Some of this you kind of know from years of hearing about it but the bottom line is we have a good service and probably the most economical available. The point that Supervisor Porter made concerning backup in case something happens to the former Sheriff is a great point. He said he didn't think it was feasible to use the people who installed it and with that being said it would be good to have another complement in the Sheriff's Department. As far as hiring someone he thought it was understated Supervisor Updike to hire someone paying them \$43,000.00 a year paying all the benefits and then you say whatever for this community thing. He said that was fine by him, but surprising coming from Supervisor Updike however.

Supervisor Edwards said he didn't see any reason the Sheriff couldn't come back to them at the next meeting and don't let this drop. We can get his ideas and what his plans are. Invite him back for that meeting.

Chairman Jones asked Mr. Michael Johnson if he could invite Sheriff Stutts to the next meeting.

Mr. Michael Johnson stated that he would.

JUNE 25, 2012 – ITEM 4C – BILLS

Supervisor Updike asked is there any way we can break the contract or get out from under there. Last but not least he thinks the Board needs to get something done and that is he is just as sure as he is sitting here that there is someone in the county offices regardless of which office they come from that can do communications work. That is 110 citizens out here in a poverty situation that could get paid for this service. We have got somebody among the county employees that could do this job that could save us this \$22,000.00 a year.

Chairman Jones asked what kind of communications he was talking about.

Supervisor Updike said Mr. Vernie Francis' job. He hopes that we will make a decision to train somebody to do this job.

Supervisor West asked if he was adding this on to someone else's present responsibilities. Supervisor Updike said you sit here and he didn't think any department head could sit here and say that their employees are 100% tied up all the time. He said he doesn't believe it. They might say it, but the ones he has observed, it doesn't work that way. It can be anybody. It can be somebody from the Sheriff's Department or it can be someone from any department.

Chairman Jones said you are just going to give them another duty.

Supervisor Updike said yes.

Chairman Jones said it doesn't work like that.

Supervisor Updike said it can.

Chairman Jones said it doesn't work like that.

Supervisor Updike said it works like that in everyday life. If you have an extra job or chore to do on the farm you do it. So you work that extra hour or whatever to get the job done. So if you just want to put everything under the rug go ahead. That is his opinion and he thinks 110 people when they get their tax bill in December will be saying the same thing. He said and one other thing this is just the old department of labor. He knows why the fringe benefits or perks were put in back 30, 40 or even 50 years ago the county or government personnel were paid less than the private sector today the government employees get all the perks. They are getting 83% more than the public sector. These are people with the same background and the same education. We are not a wealthy county so it is time that the county employees and the public employees step up to the plate because we can't continue.

Supervisor West said can't continue what.

Supervisor Updike said benefits and increasing salaries. We have got to cut period.

Supervisor West said you are saying cut benefits.

Supervisor Updike said we have got to. That is why the county is in such bad shape now. The retirement system and everything else is in bad shape because we promised more than we can deliver.

Chairman Jones said so you are saying not to pay the bills then.

Supervisor West said no sir; I say pay the bills.

Supervisor Updike I didn't say that. I said there is a whole lot of opportunity to explain the situation. I think we need to change the policy.

Supervisor Edwards said we have something planned along that line with Supervisor Porter and West. Look at page 4-51. He asked if Supervisor West would like to explain that.

Supervisor West stated that Mr. Michael Johnson, Mr. Jon Mendenhall, Supervisor Porter and himself have met and they had an opportunity to pay for their own lunches and they discussed ways to save money, starting with potential shared services for the schools and with that they are going to the City of Franklin so they are going outside of Southampton County. They are going to look at Franklin shared services whether it be through financial delivery of services, purchases of materials (instead of you getting from one organization and we getting from another one) we pool our resources and maybe get a better price. We are on the way to doing this Mr. Charles Turner and you would approve of that because we are certainly trying to save what money we can by doing the right thing. We sat down and we are under a time period to do this for the next budget calendar to be able to sit down and achieve some cost savings and consolidate the services. It may require shared services with the City of Franklin whether the City of Franklin wants to share with us we don't know, but we are going to extend the hand and offer and go where ever we can. He said just like the regional jail. We have a jail and there is another one in the City of Suffolk isn't it?

Mr. Michael Johnson said correct.

Supervisor West said another one is Isle of Wight. He asked how many of you have heard the dog pound is full. No cats. Come get my cats because the cats are giving me a problem. We may have to use a shared service, but these are the things we are going to be looking at. We have decided by working with Mr. Jon Mendenhall and Supervisor Porter we will be able to give you a report on a monthly basis.

Supervisor Porter said we will be looking at every activity that we do to run the county government and evaluating the value it adds and see if we can find ways to consolidate duties and find ways to do things better at a lower cost.

Supervisor West stated that includes combining departments.

Supervisor Porter said every department will be looked at and he thinks that the feasibility of the benefit cuts that Supervisor Updike is referring to has a lot of legal issues around those and he didn't think you could just go out and cut somebody's pension benefits that have accrued or that they are entitled to. What you can do maybe is think about how you treat future employees and new hires. It is pretty difficult to take benefits away that certain people, who have earned them, under a prior employment contract.

Supervisor Updike said there is only one person in the county that we cannot remove or request that the cut be taken in the future like hospitalization or retirements and these perks there is no constitutional agreement amongst any of them that these things will be

provided like say these conferences and dues, professional groups, automobiles. If you go down the line there is a long list and there is no constitutional restriction on these things. He's not saying take away, but we've got to look across to the future and make sure that they pick up their fair share of this type of expenditure.

Chairman Jones asked if we were ready now to pay the bills.

Supervisor West made a motion, seconded by Supervisor Porter to pay the bills in the amount of \$1,310,921.55 to be paid by check numbers 126254 through 126628. The motion carried unanimously.

JUNE 25, 2012 – ITEM 7 – OLD BUSINESS

Chairman Jones called for item B under old business.

Mr. Michael Johnson stated that this item is also carried over from last month. Supervisor Edwards asked if I would invite Sheriff Stutts to this month's meeting to get his ideas and learn of his plans regarding the radio communications maintenance agreement with Mr. Francis. He indicated that he had a conflict tonight, but did provide a written response to the question posed last month regarding redundancy and succession. A copy of that written response is attached. He stated he was open to your direction.

Chairman Jones asked if anyone had any comments on this.

Supervisor Updike stated that you have already heard his comments about it and he thinks next month they need to make a decision and they should have a month of training for a new person regardless of whether they are from the Sheriff's Department or another department in the county. This is something that Mr. Michael Johnson can talk to the county departments to see where it would best fit and train them and be on board by August 1.

Chairman Jones said so you are saying that whatever office takes this it is going to be a non-paying thing.

Supervisor Updike said right.

Supervisor Edwards said prior to this contract it was incorporated into somebody's salary.

Chairman Jones said that's right.

Supervisor Edwards said as far as he was concerned he would like that to happen again.

Chairman Jones said he didn't think we were going to get anybody to volunteer to maintain the equipment.

Supervisor Edwards said no what he was saying was that before it was one of the chief deputy's jobs to do this and this \$22,000.00

Chairman Jones said he was paid that. He asked if there were any other comments.

Supervisor Faison said it was important that they understand the history of it. He asked Mr. Michael Johnson when this equipment was purchased.

Mr. Michael Johnson said he thought in 2005.

Supervisor Faison asked when Mr. Covington retired.

Mr. Michael Johnson said 2010.

Supervisor Faison said so during that five year period Mr. Covington was responsible for it wasn't he.

Mr. Michael Johnson said correct.

Supervisor Faison said he was paid an additional amount while he was an employee to handle this.

Mr. Michael Johnson said no but he was paid a higher rate than the people that succeeded him.

Supervisor Faison said so he got some compensation for the fact that he was doing this.

Mr. Michael Johnson said correct.

Supervisor Edwards asked if anybody had any idea what that was.

Mr. Michael Johnson said it wasn't a stipend in it was just part of his base salary, but his base salary was higher than the people that succeeded him.

Supervisor Edwards said it wasn't \$22,000.00.

Mr. Michael Johnson said it could have been. There were a number of retirements pretty close together. He was sure the savings were more than \$22,000.00 when you look at them collectively.

Supervisor West said this wasn't sufficient information here to make a decision tonight. This just tells him that someone in the Sheriff's Department is in the process of being trained in the event that a problem with the system and he is assuming sickness, illness, vacation, or whatever, so apparently with the transition of the new Sheriff someone is being trained should we not wait until this person is trained and then get with the Sheriff's Department and see how much of this has to be incorporated. Like you say

Supervisor Updike if it saves \$10,000.00 it saves \$10,000.00 and then add that to the responsibilities of this person, this quote agency supervisor or whoever for the \$22,000.00. He stated he thought we would be hasty in making a decision with the limited information that we have. Due to the fact that Sheriff Stutts has a conflict tonight, we still need to be able to speak directly to him.

Chairman Jones said he didn't think we were going to be able to find anybody to volunteer.

Supervisor West said he can agree with that, but given the information we have right now we would still like to ask the Sheriff some questions.

Supervisor Updike said the question of volunteering is not the issue. When personnel are hired they are expected to do certain jobs and this should be part of the hiring. If they can't do the job just look at the lines formed for any kind of jobs this day in time – anywhere from 50 to 1,000 people looking for a job and they are volunteering; they are saying give me a job and I will do it. So this is a question of employment; if you want employment and have the ability to do the job, we will employ you at this rate.

Supervisor West said Supervisor Updike this agency supervisor that is being trained we don't know if that person is getting a supplement to his salary presently. That needs to be found out; we don't know. We need to find out if there is already a built in increase in that salary and it says agency supervisors which means there is more than one and why tag one with the responsibility and the others go free.

Supervisor Porter said this is an item that should be put on the agenda for our committee and it should be explored.

Supervisor West said Amen.

Supervisor Phillips said to better clarify the situation let's invite the Sheriff back next month and see if it is in his schedule that he can give us updated information which would be available to that committee.

Supervisor Porter said when we get that information we will work with the Sheriff's Department to see if we can make this happen.

Supervisor West said and bring you back a report.

Supervisor Porter said yes we will bring you back a report.

Supervisor Phillips said that should be satisfactory.

Supervisor West said that will give us an opportunity and an increment possibly to save.

Supervisor Porter said so we will do that.

Chairman Jones stated so that will be taken care of.

Supervisor Updike said don't kick the can down the road for the following year.

Supervisor West said he wanted you to know that they are getting paid for this meeting.

Supervisor Updike said he realized that; they were getting paid the big bucks.

JULY 23, 2012 – ITEM 4 – BILLS

Chairman Jones stated they would go to item B – monthly bills. He asked if anybody had any problem with those.

Supervisor Updike said he had one suggestion and one request. He stated that when looking at the bills there are people going here and there creating various expenses and he wants us to adopt a requirement when all expenditures must have a thirty day request ahead of time before the money can be spent. When people take off and go places there needs to be an official request. He noticed that even VDOT officials must have a thirty day request and they are a very relaxed state organization. They even require a thirty day request for travel and expenditures before it occurs. It is disturbing to see bills come in every month and the only thing you see is where the money has been spent. We are sitting here saying why is this money being spent and it is already gone so it doesn't work. The other thing is one we have been talking about for four months and that is Vernie Francis job at \$1,800.00 a month and he moves that this be the last month that this bill be paid. Let someone in the county in the Sheriff's Department or some other department do this job. Mr. Ken Francis used to take care of this with no extra money. Mr. Vernie Francis did it when he was the Sheriff for no extra money. This service can be done in house without this expenditure, so he made a motion that this be the last month that we pay this \$1,800.00.

Supervisor Edwards seconded the motion. He stated that this has been going on for a long time and he had personally talked to the deputies who did this for no extra money and now it is being outsourced to the tune of \$22,000.00 a year. Times are hard and we are all cutting back and he thought the Board needed to take a stand on this and just let people know how we feel about it.

Supervisor West said he was not in favor of this just cold turkey tonight but talk to the Sheriff.

Supervisor Edwards said the Sheriff has been invited here three or four times.

Supervisor West said I know that but more effort needs to be involved at this point. He stated he wasn't sure why the Sheriff hadn't been here, but he thought he needed to be here to offer alternatives. He said he understands because it is \$22,000.00

Supervisor Edwards said he disagreed with Supervisor West a little bit. He said he understands what Supervisor West is saying but if you want to enforce an issue then enforcing the issue is what we need to do.

Supervisor Faison said he understands what Supervisor Edwards is saying, but he agrees with Supervisor West he doesn't think it will be right to just cut it out, but maybe let the Sheriff know you are planning to cut it out and ask him what he is planning to do.

Supervisor Edwards said that was what the motion was not to cut it out this month but to cut it out next month.

Supervisor Faison said you said this would be the last month.

Supervisor Edwards said that's right.

Mr. Michael Johnson said just for a point of order that you may not be aware of this it is in a written agreement with a notice provision of 30 days or 60 days so it may be more appropriate rather than this be the last month to simply go ahead and provide the notice for whatever the contract requires.

Supervisor West said that makes sense to him.

Chairman Jones stated that makes sense because we have got too much involved in the equipment. We have got a whole lot of money tied up in that equipment.

Supervisor Edwards asked if Supervisor Updike wanted to amend his motion.

Supervisor Updike said he would amend it to match the agreement that we had already signed; it was signed so we have to live up to it. Tonight is the final notice and he hopes that this Board will agree that we no longer need Mr. Vernie Francis' services.

Supervisor Edwards said he would second this motion as he seconded the one before.

Chairman Jones said the motion is that we would have the equipment serviced within the Sheriff's Department. The motion is that we would not pay for the service, right. He asked if that was what Supervisor Updike was saying.

Supervisor Updike said he was saying the services could be provided by the county whether it be the Sheriff's office or some other office within the county. He said he didn't think it required a PHD. He didn't believe, Mr. Kenny Francis or Mr. Vernie Francis, either one had a PHD in communications; but they did it for free.

Supervisor Faison said I think what he is saying is that it will no longer be funded.

Supervisor Edwards said the bottom line is that this has historically been taken care of in house. He stated he had talked to several deputies who did this with no added pay for a

number of years and now it is being outsourced to the tune of \$22,000.00 a year. We have stood on achieving financial responsibility and cutting back on cost and it seems to him that he doesn't see any reason it couldn't be done like it had been done in the past.

Supervisor West said he agrees with what Supervisor Updike said and that is simply no more funding from this point on based on the contract agreement with the notice given.

Supervisor Edwards said that is the motion.

Supervisor West said yes that is the motion and certainly gives the Sheriff the opportunity then to come in and re-enlighten us so we will all be on the same page.

Chairman Jones asked Mr. Michael Johnson if he would check and see concerning the contract agreement how much time we have on that.

Mr. Michael Johnson said it is either 30 or 60 days. He didn't remember right off the top of his head, but he would check.

Supervisor Faison said we can execute it whichever it is.

Mr. Richard Railey asked wasn't there another problem.

Chairman Jones asked what the problem was.

Mr. Richard Railey said the contract was between a constitutional officer and an employee.

Mr. Michael Johnson said actually it is not. He said he signed the contract.

Mr. Richard Railey said he stood corrected.

Chairman Jones called for a vote on the motion to terminate the agreement between the county and Mr. Vernie Francis according to the terms of the contract. The motion carried unanimously.