

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING IN DINWIDDIE COUNTY, VIRGINIA, ON THE 15TH DAY OF AUGUST, 2001, AT 11:30 A.M.

PRESENT: HARRISON A. MOODY, CHAIRMAN ELECTION DISTRICT #1
EDWARD A. BRACEY, JR. VICE-CHAIR ELECTION DISTRICT #4
DONALD L. HARAWAY ELECTION DISTRICT #2
ROBERT L. BOWMAN, IV ELECTION DISTRICT #3
AUBREY S. CLAY, ELECTION DISTRICT #5

OTHER: PHYLLIS KATZ COUNTY ATTORNEY

Mr. Harrison A. Moody, Chairman, called the continuation meeting to order at 11:38 A.M.

Ms. Phyllis Katz, County Attorney, stated there was a need to go into closed session, for Legal Matters, § 2.1-344 A - 7 of the Code of Virginia for consultation with legal counsel about actual or probable litigation for Freedom of Information Act; before the Board could continue with the meeting.

IN RE: CLOSED SESSION

Mr. Bracey moved that the Board now convene in a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act:

- The purpose of the closed meeting is to discuss subject matters identified as Consultation with Legal Counsel. Matters to include: the Virginia Freedom of Information Act;
- **Consultation with legal counsel, § 2.1-344 A.7 of the Code of Virginia,** (consultation with legal counsel and briefings by staff members and consultants about actual or probable litigation and public discussion would adversely affect the negotiating or litigating posture of the County or Town – OR – consultation with legal counsel regarding specific legal matters that require legal advice) the Virginia Freedom of Information Act;

Mr. Clay seconded the motion. Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye" the Board moved into the Closed Meeting at 11:39 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 11:47 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the Virginia Freedom of Information Act;

Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore be it resolved that the Board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Mr. Clay, Seconded by Mr. Bracey, Mr. Bowman, Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Moody voting "Aye", this Certification Resolution was adopted.

IN RE: AMENDMENTS TO THE AGENDA

Mr. R. Martin Long, County Administrator, stated there were two additions needed on the agenda add Item 1 – Closed Session, Consultation with legal counsel, § 2.1-344 A.7 of the Code of Virginia, about actual or probable litigation; FOIA; and Item 2 – Closed Session add Consultation with legal counsel, § 2.1-344 A.7 of the Code of Virginia, about actual or probable litigation; Animal Control Officer.

Upon Motion of Mr. Haraway, Seconded by Mr. Clay, Mr. Haraway, Mr. Bracey, Mr. Bowman, Mr. Clay, Mr. Moody voting "Aye", the above amendment (s) were approved.

IN RE: DISCUSSION REGARDING ISSUES BROUGHT FORTH AT LAST BOARD MEETING AND BOARD'S REQUEST TO MEET WITH COMMONWEALTH ATTORNEY, SHERIFF SHANDS, AND SCHOOL BOARD OFFICIALS

Mr. Long stated there were some issues brought up during Citizen Comments at the August 1, 2001 meeting regarding incidents at the Middle School and the Board had requested a meeting with the Commonwealth Attorney, Sheriff, and School Board members to discuss these matters.

Mr. Bowman asked Mr. T.O. Rainey III, Commonwealth Attorney, several questions regarding why people can't get their phone calls returned, why the victims aren't being notified of the court hearings and if there was indeed a breakdown in communications? He stated this wasn't the first time this has been brought to the attention of the Board and he was very concerned. Mr. Rainey stated the judge had ruled that he had a conflict of interest and a special prosecutor was appointed to the case therefore he did not get that involved in it. However, he had indeed returned the calls in question and did everything he could to help the family. It is not unusual for the victim not to be present for 2 hearings anyway. The victim should have to come only once. Mr. Rainey also stated the father did get notified of the court date and he told the judge that his daughter was in Florida so the judge dismissed the case which is normal, leaving the door open for another court hearing. Continuing he responded that the father was advised on how to get the case back in court.

Mr. Bowman asked the Commonwealth Attorney if he had any suggestion for future communication and if it would help if he were full time? Mr. Rainey replied that his ability to help in this case was restricted but he felt he had done everything he could to help the family. He also reported that he is comfortable with his caseload and the State has decided his office is not entitled to any more help. He stated he is in court on Tuesdays, Thursdays and occasionally Wednesdays depending upon what is on the docket.

Mr. Bowman stated he could relate to these citizens because it was extremely difficult when his son was attacked to communicate with the necessary officials also. The citizens need to have more response from all the officials. Mr. Rainey stated there is a victim witness division and she did an excellent job and was very capable of helping any citizens who might have a problem. Mr. Rainey replied that he would give some careful reflection on how his office can better open the lines of communication with the community and report back to the Board.

Sheriff Sam Shands commented that he has done everything possible to help the family and he has spoken and met with the father in the past few days.

Continuing he informed the Board that he had provided the father with the information he had requested as a matter of fact an officer had taken that to his home yesterday. He stated he would make sure the father is provided with any additional information he might need before the meeting at 2:00 P.M. today.

Mr. Bracey told the Sheriff he felt it was the time element involved that upset the family. The father had tried to get the information from his office and several weeks had elapsed and he had gotten frustrated. He was told to contact Officer Hall who was on vacation and again he wasn't informed that he was on vacation. Mr. Bracey admonished the Sheriff and the Commonwealth Attorney to communicate with people.

Mr. Bracey directed questions to Dr. Lanham, Assistant Superintendent, regarding what the procedures are for handling situations of this nature?

Mr. Lanham replied in an incident such as this, physical assault, the parent of the victim is directed to speak with the assistant principal. If they are not satisfied with the response from the school, then they are directed to him, and from there to the superintendent. If they are still dissatisfied they can appeal to the School Board and as a last recourse then to the court system. But they have to follow the procedure, if they go to the sheriff's department first then our role ends. Dr. Lanham stated if this issue had been handled correctly it could have been resolved within a week of the incident, if the parent had called, and it would have never come before the Board of Supervisors.

Mr. Bracey commented that the father did cite that he had reported the incident to the assistant principal and two teachers saw the incident happen, but no one did anything and that was why he went to the sheriff's office.

Mr. Bowman asked did the teachers who saw the incident do anything about the situation? Dr. Lanham stated the two boys were taken immediately to the assistant principal and dealt with; and the other one was taken to the school nurse. He reported that the perpetrators will be dealt with properly but he couldn't discuss the issue because of the confidentially information act. Dr. Lanham stated the father never checked back with the school to find out what, if anything, was done to these boys.

Mr. Haraway commented I am concerned because in the past year the Board has had such a large number of residents come before the Board with complaints about the Sheriff's Department and the Commonwealth's Attorney; but personally I haven't had any problems with either office. But in my experiences in life, with that much smoke there's got to be a little fire there. There is a perception in the County that a solution to the problems in the County would be a full-time commonwealth attorney and a separate police department. "I am not knowledgeable enough to really say either way. But I would appreciate it if in the next few months you two gentlemen could give us some feedback as to why you think we should continue on with the present system. Just to educate me, because I just don't know." He commented that the Board should answer to the citizens. We really need to know what changes we can make to help us operate these two offices more efficiently.

Mr. Bowman stated one of the letters the Board received when they were considering the school resource officer reflected that the number of students and number of expulsions that have occurred at the Middle School was somewhere around 75 to 80% of the student population. Dr. Lanham explained that doesn't reflect for multiple offenders or offenses by the same student. He agreed that there are a lot of disciplinary problems but hopefully the school resource officer will help curtail these problems. Continuing he stated there are approximately 1100 students in the middle school and 50 to 60 kids are causing the serious problems. Comparably with the actual number of suspensions approximately 300 of that, probably not all of them are expulsions or actual number of students.

Mr. Moody commented that we might not be any worse than any other school in percentages. We might even be better if compared there might be a gradual decline over the whole state. Also, to add to what Mr. Haraway said. He commented that he has been on the Board for a number of years and there have always been complaints and criticisms from a lot of different sources; but there are two sides to every story. The Board does need to be able to justify to the citizens if this communication situation is normal or the way it should be; but it does need to be explained.

Mr. Clay stated he just hoped the complaints could be handled so the citizens won't have to come before the Board again.

Mr. Bowman requested that Dr. Lanham contact the parents of the child involved and explain to them what has been done. Dr. Lanham replied he would be happy to.

Sheriff Shands suggested that sometimes the citizens call the Board instead of calling him. Mr. Bracey asked do you want me to call you when I get these complaints? Because, if I have to call you, I keep records of when I call. He stated he would like to see the lines of communication between all the departments and the community kept open. Sheriff Shands responded that's what he wanted also.

IN RE: CLOSED SESSION

Mr. Bowman moved that the Board now convene in a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act:

- **Consultation with legal counsel, § 2.1-344 A. 7 of the Code of Virginia**, (consultation with legal counsel and briefings by staff members and consultants about actual or probable and public discussion would adversely affect the negotiating or litigating posture of the County or Town – or – consultation with legal counsel regarding specific legal matters that require legal advice)
Animal Control Officer

Mr. Haraway seconded the motion. Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye" the Board moved into the Closed Meeting at 12:25 P.M.

A vote having been made and approved the meeting reconvened into Open Session at 1:07 P.M.

IN RE: CERTIFICATION

Whereas, this Board convened in a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the Virginia Freedom of Information Act;

Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore be it resolved that the Board hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Upon Motion of Mr. Bowman, Seconded by Mr. Clay, Mr. Clay, Mr. Haraway, Mr. Bowman, Mr. Bracey, Mr. Moody voting "Aye", this Certification Resolution was adopted.

IN RE: RECESS

Mr. Moody called for a recess at 12:15 P.M. The meeting reconvened at 12:45 P.M.

IN RE: Meeting with Sheriff – Communications

The Board of Supervisors met with Sheriff Shands in a workshop session to discuss communications and staffing issues that need to be addressed for the proposed public safety building in order to meet the E911 mandates that will be effective for Dinwiddie County by July 1, 2002.

Mrs. Wendy Ralph, Assistant County Administrator, stated at the last day meeting the Board had met with the Sheriff to talk about the Communication staff issues and as a result of the meeting the Sheriff stated he needed some time to put the information together for the Board.

Mrs. Ralph explained to the Board that the Sheriff had provided them with a letter and with that she would turn it over to the Sheriff to explain the information that he provided.

Sheriff Shands stated the main reason for not being able to move the dispatchers is because they have to monitor and assist walk-ins at the office after 5:00 P.M.

Mr. Haraway asked if that was included in a Dispatcher's job description?

Sheriff Shands responded yes, they take complaints, meet and greet citizens, then refers the citizen to the individual who can resolve the problem.

Mrs. Ralph explained that the reason the Board had requested the combination of the dispatchers was to cut the cost for the County by \$112,000 by not having to hire additional personnel. She stated, in reviewing all of the options available, the question was asked, could the five dispatchers that you have, come over and join our dispatchers? We need a minimum of ten to operate so if we combined the five you have and the three the County pays for; then we would only have to hire two new dispatchers. Of course she remarked, the five you now have would continue to be under your supervision and authority. Mrs. Ralph asked the Sheriff to talk about how the five dispatchers now serve his office.

Sheriff Shands explained that for security reasons at his office after 5:00 P.M. he needed his dispatchers there physically. It would be very difficult to operate without a person at the desk. If a citizen comes in they need someone there to greet and assist them.

Captain Booth stated security after 5:00 P.M. is a problem because everyone leaves the offices and there has to be someone there physically. Captain Booth agreed that down the road it would be a good idea to have all dispatcher's in a central office, but right now it just would not work. At the present time there would be two to three problems. First, there is the security at the Sheriff's office, no public contact after 5:00 P.M. When the receptionist leaves the building and the road deputies that are assigned shift work are answering calls there is no one at that office for the security of the building. The security cameras are under the dispatcher's control for ingress and egress of the building by remote control for the lock. The office is open 24-hours a day and there has to be someone at this office 24-hours a day. We would have to pull someone from

the road and assign them to the desk or hire a receptionist or someone to maintain the security of this building due to the records and everything else that is maintained here. The dispatchers determine who is going to enter or leave the building. The State Compensation Board is funny about funding and the Sheriff has to maintain control and supervision of the dispatcher positions. The present duties that each dispatcher must be capable of administering and give at any time are just too many in number. In my opinion, it makes it impossible for any of the duties to be performed in an accurate and professional manner. They monitor and transmit five radio systems, monitor and answer NCIC and VCIN teletypes, answer and make entries into the E911 system, answer telephones and intercom and assist walk-ins to the office by directing and summoning the appropriate assistance for them. Captain Booth stated he did feel that having all ten dispatchers under one roof is a great idea and it is something the county needs to work toward. But that has to be phased in. Too many citizens are accustomed to coming here. It is going to take time to orient and educate the public to go to the 911 Center.

Mrs. Ralph asked Captain Booth to explain why the 5 dispatchers could not help with E911 calls.

Captain Booth stated the law dictates that the 5 dispatchers have to be dedicated to law enforcement only. Because the State Compensation Board funds the position they are not supposed to do the 911 calls anyway. The Sheriff has just been gracious and let the dispatchers take the E911 calls for the county. He commented that he felt the issue is, and it keeps getting overlooked, that it will never be professional or accurate until the 2 departments are physically and mentally separated. The problem we face is the dispatchers are doing so many things that they can't do anything well.

Mr. Bowman commented that it is possible to save the county taxpayers \$112,000 dollars if we combine the dispatchers under one roof. He suggested that a phone could be installed with a security camera and the door could be kept locked at the Sheriff's Office then we would not have to hire another person. Mr. Bowman stated it would not be a split second difference in the response time for whoever comes to the Sheriff's Office or the E911 Center. It would be the same time no matter where the call originates from, because now the road deputy is not at the Sheriff's Office anyway. Mr. Bowman expressed his concern for the dispatcher's safety. They shouldn't open the door for anyone to come in anyway because they don't know whom they are letting in or what they might do to them.

Captain Booth replied people are accustomed to having a person there and it would take 5 or 6 years to educate the citizens to go to the new center. If we can physically separate them, he agreed, I am in favor of it. But the only problem with that is, I see the county going in another direction other than the Sheriff's Office.

Mr. Bowman asked if he was referring to a police department, and what he thought about it.

Captain Booth replied yes. I think it is the future and it's a great idea. The citizens are demanding more and more services and the State Compensation Board will not fund those services. As you know the county already funds a good portion of all the services we provide now.

Mr. Bowman asked how many dispatchers would be needed when we go to a police department? None, Captain Booth replied; there won't be any emergency response. The only things the Sheriff will have are the jail, courtroom security, and civil process we would do away with all law enforcement and emergency responses.

Mr. Haraway commented what he hears Captain Booth saying is that he agrees with the Board; and down the road all the dispatcher's do need to be

