

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
October 28, 2008

The Henrico County Board of Supervisors convened a Special Meeting on Tuesday, October 28, 2008 at 4:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia. The Vice-Chairman of the Board of Supervisors called the meeting to order at 4:39 p.m.

PRESENT

The Honorable Patricia S. O'Bannon, Vice-Chairman
The Honorable James B. Donati, Jr., Varina District Supervisor
The Honorable Richard W. Glover, Brookland District Supervisor
The Honorable Frank J. Thornton, Fairfield District Supervisor
Mr. Virgil R. Hazelett, P.E., County Manager
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services
Mr. Leon T. Johnson, Deputy County Manager for Administration
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Mr. Barry R. Lawrence, Assistant to the County Manager/Clerk to the Board
Mrs. Tanya B. Harding, Deputy Clerk to the Board
Mr. C. Michael Schnurman, Legislative Liaison
Mr. Joseph P. Rapisarda, Jr., County Attorney
Ms. Karen M. Adams, Senior Assistant County Attorney
Mr. J. Thomas Tokarz, Senior Assistant County Attorney
Mrs. Tamra R. McKinney, Director of Public Relations & Media Services
Mr. Fred C. James, Media Specialist, Public Relations & Media Services
Mr. John A. Vithoulkas, Director of Finance
Mr. Paul N. Proto, Director of General Services
Mr. George H. Cauble, Jr., Director of Human Resources
Mrs. Paula G. Reid, Assistant Director of Human Resources
Ms. Rebecca Simulcik, Employment and Staffing Manager, Department of Human Resources
Mr. Gary L. Martin, CPA, CGFM, Director of Internal Audit
Ms. Sharon W. Thornton, Information Technology Auditor III, Department of Internal Audit
Col. Henry W. Stanley, Jr., Chief of Police
Mrs. Charlotte Hitchcock, Criminal Records Manager, Division of Police
Mr. Arthur D. Petrini, Director of Public Utilities
Mr. William Mawyer, Assistant Director of Public Utilities
Mr. Jarad L. Morton, Chief of Monitoring & Compliance, Department of Public Utilities
Mrs. Evelyn D. McGuire, Senior Controller, Department of Public Utilities
Mr. Edward L. Priestas, P.E., Director of Public Works
Mr. Steve Price, Assistant Director of Real Property
The Honorable Michael L. Wade, Sheriff
Mr. Warren Wakeland, Government Affairs Director, Home Builders Association of Richmond

Mr. Rob Bradham, Senior Vice President for Business Development & Government Affairs,
Greater Richmond Chamber of Commerce

Ms. Debbie Jackson, Program Manager, Greater Richmond Chamber of Commerce/Henrico
Business Council

Ms. Melodie N. Martin, Staff Writer, *Richmond Times-Dispatch*

ABSENT

The Honorable David A. Kaechele, Chairman

Mr. Hazelett referred to the three items on the special meeting agenda. He noted that the regular meeting agenda was extremely short and that the regular meeting should end by 8:15 p.m.

Draft 2009 Legislative Program

Mr. Hazelett remarked that the County's Legislative Program was shorter than had been the case in previous years and would be presented to the County's legislative delegation the following week. Mr. Schnurman narrated a Power Point presentation on the Draft 2009 Legislative Program (see enclosed copy of draft program and Power Point slide). He advised that the only two legislative requests contained in the program pertained to the 75th Anniversary of the Division of Police and the Allocation of State Administered Funds to Localities. Mr. Schnurman identified the Central Virginia Transportation Authority proposal and the budget relationship between the State and local government as two additional items that could be discussed with the County's legislative delegation at the dinner meeting scheduled for November 5, 2008. Mr. Hazelett noted that the full impact of State budget cuts on localities is uncertain at this time and that there is not much the County can do with the Legislative Program in view of the economy, State revenue situation, and November elections.

Mrs. O'Bannon commented that members of the General Assembly do not get the same background information on budget and financial issues that the Board receives from its Director of Finance and that the Nov. 5 dinner meeting was the Board's opportunity to have staff share some of this information and respond to questions. Mr. Thornton expressed concerns that Virginia does not have an equitable

approach to bring people back into the mainstream of society after they have served prison time as felons. Mr. Donati and Mr. Thornton discussed the Governor's current role and responsibilities with respect to this issue. Mr. Hazelett and Mr. Schnurman responded to questions from members of the Board regarding whether State legislation is required to return voting rights to convicted felons. Mr. Schnurman clarified that clemency is currently an executive function but that he understands Senator Yvonne Miller will be introducing legislation during the 2009 General Assembly Session to share this authority with the Legislature. He agreed to keep Mr. Thornton updated on this issue.

Mr. Glover stated he thought the Board needed to have additional discussions about the Central Virginia Transportation Authority proposal prior to having staff present information on it at the November 5 legislative dinner. Mr. Hazelett agreed with Mr. Glover that citizens would question why an authority is being proposed without a revenue source. There was some discussion by Mr. Donati and Mr. Hazelett as to whether the issue of an authority would go away without the County having to take a position. Mr. Glover expressed concerns that County staff had not provided the Board with sufficient information as to why the Board should or should not support a regional transportation authority. Mrs. O'Bannon questioned why transportation funds for the region could not be raised through the existing Richmond Metropolitan Authority rather than through a new authority and remarked that she had been told by members of the County's General Assembly delegation that legislation to establish a new transportation authority would not be approved. Mr. Hazelett said the question is whether the General Assembly will do what it needs to do to generate funds for its road system or whether it will pass this responsibility along to the localities.

There was discussion between Mr. Glover and Mr. Hazelett pertaining to staff's position on the authority proposal and the need for the Board to articulate a position at the legislative dinner. Upon questioning by Mr. Glover, Mr. Hazelett stated that he did not believe the General Assembly *should form an authority that would impose new taxes at the local level to fund transportation.* Mr. Glover remarked that Mrs. O'Bannon had done a very good job of representing the Board's concerns about an authority at the previous Richmond Regional Planning District Commission (RRDPC) meeting. Mrs. O'Bannon explained her concerns about a lack of detail in the authority proposal that was presented to RRPDC. Mr. Hazelett observed that each of the participating localities had been evasive on the issue of an authority because of a reluctance to say no. Mr. Thornton agreed that the Board needed to articulate a position to its General Assembly delegation. After further discussion between Mr. Glover and Mr. Hazelett on the level of information and insight provided by staff to the Board on this issue, Mr. Glover stated that he was personally saying no to the authority proposal. Mrs. O'Bannon commented that Delegate Frank Hall and Senator John Watkins were responsible for thrusting the transportation authority legislation on the localities without any prior discussion and had intimidated RRPDC into developing a proposal. She said that the money is not there in this economy to fund a transportation authority. Mr. Hazelett suggested that the County's Legislative Program could state that Henrico County is not in favor of a transportation authority.

In response to a question from Mr. Donati, Mr. Priestas updated the Board on the status of Chapter 527 traffic impact study reviews and regulations and how these are being used by the Virginia Department of Transportation. In response to questions from Mrs. O'Bannon, Mr. Drumwright noted that the State continues to increase mandates on localities at the same time

State funding is being cut for State mandated programs. Mr. Donati suggested that these reductions be discussed with the County's legislative delegation at the November 5 dinner. There was discussion between Mrs. O'Bannon and Mr. Hazelett relating to the propriety of making localities responsible for determining how State funding reductions should be applied to local programs.

Mr. Glover agreed with Mrs. O'Bannon that State legislators do not receive the same level of financial and budget information that the Henrico Board does. Mr. Schnurman pointed out that, unlike the Governor, the General Assembly does not have its own revenue projection agency. Mr. Vithoulkas noted that the County was entering a very serious budget process and pointed to the importance of showing the State that the County is not an island. Mr. Hazelett assured the Board that staff would have a presentation ready for the County's legislative delegation and remarked that the General Assembly is as eager as the Board to understand the economy and budget.

In response to questions from Mr. Donati and Mrs. O'Bannon, Mr. Schnurman provided further explanation of the item in the legislative program requesting the General Assembly to recognize and commend the Division of Police for 75 years of excellent service to its citizens. Mr. Glover commented that Mr. Schnurman had done a nice job in preparing his presentation.

Proposed Ordinance Amendments
Pertaining to Industrial Pretreatment
and Strong Waste, and the Public
Utilities Customer Information System

Mr. Hazelett recognized Mr. Petrini, who narrated a Power Point presentation that contained an explanation of proposed Code changes to industrial pretreatment and the customer information system (see enclosed copy). The first portion of Mr. Petrini's presentation addressed draft revisions to Chapter 23, Water and Sewer, of the County Code regarding the Industrial Pretreatment Program and Strong Wastes. Mr. Petrini noted that the Industrial Pretreatment Program is a federally

mandated program administered by the Virginia Department of Environmental Quality (DEQ) and is required in Section I.D of the County's wastewater discharge permit. He identified the objectives of the program and at Mr. Hazelett's request elaborated on what DEQ wants the County to do and how it would be done. Mr. Petrini then reviewed the need for revising the County Code.

Mr. Glover questioned whether the proposed revisions would impose a financial burden on industry and the types of conditions that would cause an industry to be in violation of the County Code. Mr. Morton identified 16 companies that are permitted industrial users and noted that staff was unaware of any violations. Mr. Petrini clarified that an industry could violate the Code by not complying with the pretreatment measures and adding water to the sewer system. In response to questions from Mr. Donati, Mr. Petrini stated that the County rather than DEQ has the responsibility for testing the sewer system for Code violations. Mr. Glover commented that the County's industrial base has been reduced over the years and that he would like to know what percentage of the County's revenue base is currently produced by industries versus ten years ago. He also questioned whether government has been forcing American industries to move to China because of expensive requirements and regulations. Mr. Hazelett indicated that staff could get the data requested by Mr. Glover.

Mr. Petrini continued his presentation by noting that the proposed revisions to the County Code would require DEQ approval. Mr. Morton clarified for Mrs. O'Bannon who would have this responsibility at DEQ. Mr. Petrini responded to a question from Mr. Donati pertaining to land application of biosolids.

Mr. Petrini moved on to the second portion of his presentation, which addressed draft revisions to Chapter 23, Water and Sewer, of the Code

Code regarding the new Customer Information System (CIS). This system will replace the 33-year old customer service and billing software known as PUBS. He described the system and reviewed the need for revising the County Code.

Mrs. McGuire clarified for Mr. Glover the previous rental charge placed on County fire hydrants and Mr. Petrini clarified for Mr. Glover the definition of underground leak. Mr. Donati expressed concern that charging the \$35.00 reconnection fee to have water service turned off and on could be a burden for someone who is struggling financially. Mr. Petrini pointed out that his staff works with customers who may have difficulty paying the reconnection fee up front. Mr. Glover asked how much revenue the County would expect from the reconnection fee and what would be the cost of collecting this revenue. Mr. Petrini responded that he would get that information for Mr. Glover. He and Mr. Hazelett pointed out that the County is obligated to treat all customers the same in charging fees for disconnecting and reconnecting service. Mr. Petrini reiterated for Mr. Donati that his department works with any citizens who have difficulty paying these fees at the time of service. He clarified for Mrs. O'Bannon the County's minimum charges for water and sewer service for each billing cycle (\$9.80 for water and \$19.70 for sewer). Mr. Petrini responded to a question from Mr. Donati relating to how staff handles customer requests for shut offs during emergencies.

Hearing no further questions, Mr. Hazelett concluded the presentation on this matter by advising that the proposed ordinance amendments would be introduced at the Board's November 12, 2008 regular meeting for public hearing and adoption at the December 9, 2008 regular meeting.

The Board recessed for dinner at 5:56 p.m. and reconvened at 6:03 p.m.

Proposed Ordinance Pertaining to

Mr. Hazelett recognized Mr. Cauble, who in

Criminal History Records Checks

turn introduced Mrs. Simulcik, Mrs. Roach, Mrs. Hitchcock, and Col. Stanley. Mr. Cauble noted that these individuals, along with Mr. Martin, had been instrumental in working on the proposed ordinance dealing with establishing a policy of obtaining Criminal History Record Checks for new hires as a condition of employment. Staff was recommending an April 1, 2009 effective date for the ordinance should it be approved by the Board. This future date would ensure that all that needs to be done will be done so the County would be in compliance with provisions of the ordinance such as the purchase and testing of equipment and development of detailed procedures.

Mr. Cauble referred to two handouts that had been placed before the Board, the proposed draft ordinance written by the County Attorney's Office and a packet meant to provide answers to most of the questions pertaining to this proposed draft ordinance (see enclosed copies). He explained that the County's current system is limited to criminal history records in Virginia (VCIN) and accomplished only with names and descriptive information rather than fingerprinting. Under the proposed ordinance, fingerprints will be used to ensure positive identification reduces the chances of mistakes based on names. Also, checks will be expanded to all conditionally offered employment in authorized positions, including hourly safety-sensitive positions. Mr. Cauble pointed out that Chesterfield, Hanover and Fairfax Counties as well as the Cities of Richmond and Virginia Beach all use this Federal Bureau of Investigation (FBI) method of fingerprinting with new hires as does Henrico County Public Schools.

Mr. Glover wanted to know at what point in the hiring process the fingerprint check would be run. Mr. Cauble replied that any employment offers made to applicants would be contingent upon the applicants completing and passing criminal background and fingerprint testing. All

persons conditionally offered employment by the Department of Human Resources would submit to fingerprinting and provide personal descriptive information. This information would then be transmitted electronically to the Central Criminal Records Exchange (CCRE) at the State Police Department for transmission to the FBI for obtaining criminal history records information. The report would then come back to the County Manager or to the Director of Human Resources.

Mr. Hazelett and Chief Stanley clarified for Mr. Donati that the County does not have direct access to the State Police records system because those records are linked to the FBI. In response to another question from Mr. Donati, Chief Stanley pointed out that the State Police does not have access to the County's records system. Mr. Cauble and Mrs. Simulcik provided a few examples to Mrs. O'Bannon of employees with criminal records who might be hired by the County assuming that they were honest in listing this information on their applications. Mr. Cauble alerted the Board to a typographical error in question 14 of one of the handouts. He clarified that the estimated cost to implement the new program would be \$35,000 for the first year, including the cost of CCRE/FBI records checks and scanning equipment. Mr. Hazelett advised the Board that the Division of Police believes it can implement the new process with existing staff but that a new Public Safety Technician position may be requested in the future if the economy improves. In response to questions and concerns raised by Mr. Glover, Mr. Hazelett explained the CCRE/FBI charge of \$37.00 for each records check. Mr. Cauble agreed to investigate the cost of outsourcing this service to a private firm but predicted that it will be higher than what is charged by the State Police. Mr. Cauble explained for Mrs. O'Bannon how Henrico County Public Schools handles background checks for prospective employees of the school system by referring to questions and answers 8, 9, and 10 in one of the

handouts.

Mr. Cauble noted that the proposed ordinance would be placed on the Board's November 12, 2008 regular meeting agenda for introduction if the Board wished to go forward. The public hearing on the ordinance would be scheduled for December 9, 2008. He concluded his presentation by reiterating the need for the ordinance and a new records check system. Mr. Cauble remarked that the current system does not give staff very good information and that the new system can be easily sold to County citizens.

In response to a question from Mrs. O'Bannon, Mr. Cauble confirmed that the County has encountered cases where it was later discovered that an employee lied on his or her application. He pointed out that such cases are cause for immediate termination of employment. Mr. Cauble responded to a question from Mr. Thornton regarding the level of data maintained by the County under the current records check system versus what would be kept under the new system. Mr. Hazelett stated that what was being proposed was not aimed at deterring persons from applying for County jobs but would be a safeguard against someone the County or the community would not want holding a County position.

Mr. Hazelett referred again to the evening's short regular meeting agenda and advised that one of the real property papers listed for public hearing would need to be deferred because of an advertising error.

There being no further business, the meeting was adjourned at 6:29 p.m.


Chairman, Henrico County Board of Supervisors