

At a special called meeting of the Cumberland County Board of Supervisors held at 2:30 p.m. on the 21<sup>st</sup> day of June 2010 at the Cumberland County Administration Conference Room, Cumberland, Virginia:

Present: William F. Osl, Jr., District 1  
Timothy Kennell, Chairman, District 2  
Van H. Petty, District 3  
Elbert R. Womack, Vice-Chairman, District 4  
Robert J. Oertel, District 5  
Howard Estes, County Attorney  
Judy Ownby, County Administrator  
Jill Matthews, Assistant County Administrator  
Michael Cooper, Assistant County Administrator

Chairman Kennell called the meeting to order and established that all Board members were present.

The purpose of the meeting was to meet in closed session, however, some additional items were discussed prior to going into closed session.

#### VRS Contribution

The County Administrator informed the Board that a decision must be made prior to June 30<sup>th</sup> on the percentage of VRS contributions for employees hired on or after July 1, 2010. This is an option due to recent changes in the General Assembly and will not affect current employees. It was noted that Amelia, Buckingham, Town of Farmville, Cumberland County Schools and the CRC will contribute the total 5% of the employee portion, whereas Prince Edward County will contribute 1%.

On a motion by Mr. Osl and carried, the Board adopted the resolution to contribute the 5% employee portion of VRS contribution for employees hired on or after July 1, 2010.

#### **RESOLUTION**

#### **Authorization to Pick-up the Employee's Contribution to VRS under § 414(h) of the Internal Revenue Code for Plan 2 Employees**

**WHEREAS**, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees". The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

**WHEREAS**, the legislation allows certain employers, including the County of Cumberland, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

**WHEREAS**, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 – June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

**WHEREAS**, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

**WHEREAS**, the County of Cumberland desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and

**WHEREAS**, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that effective the first day of July, the County of Cumberland shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above; and it is further

**RESOLVED** that such contributions, although designated as member contributions, are to be made by the County of Cumberland in lieu of member contributions; and it is further

**RESOLVED** that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the County of Cumberland directly instead of having them paid to VRS.

Adopted in Cumberland, Virginia this 21<sup>st</sup> day of June, 2010.

VOTE:        Mr. Osl – aye        Mr. Kennell – aye  
                 Mr. Petty – aye     Mr. Womack – aye  
                 Mr. Oertel – aye

Wireless 9-1-1- Services Grant application due June 24<sup>th</sup>

The County Administrator informed the Board that VITA has negotiated contracts for payment of 911 wireless lines that we use in dispatch center. Due to changes, we now have the option to pay for these costs out of pocket or dip into the PSAP grant funds. The IT Director plans to use PSAP grant funds to cover the cost. The Board agreed to use grant funds for this purpose.

**CLOSED MEETING**

On a motion by Mr. Kennell and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(6) investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected re: water reservoir project; and water project.

The Board returned to regular session on a motion by Mr. Kennell.

A motion was made by Mr. Osl and adopted by the following vote:

Mr. Osl – aye  
Mr. Kennell – aye  
Mr. Petty – aye  
Mr. Womack – aye  
Mr. Oertel - aye

that the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Cumberland County has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

Other Items

Mr. Oertel informed the Board that two individuals plan to open a free clinic in the Southern end of the County, next to New Life Assembly of God. They asked to be placed on the July agenda to make a presentation to the Board of Supervisors.

The Chairman adjourned the meeting until the regular meeting on July 13, 2010.

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Chairman

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County Administrator