

**NEW RIVER VALLEY REGIONAL JAIL AUTHORITY**  
**June 12, 2015**  
**Held at the New River Valley Regional Jail**

**A. CALL TO ORDER:**

The meeting of the New River Valley Regional Jail Authority was called to order at 10:00 a.m. by Chairman Shannon Zeman with ten (10) members and six (6) alternates present.

<b>MEMBERS PRESENT:</b>	Giles County:	Sheriff Millirons; Mr. Chidester
	Radford City:	Mr. Young; Sheriff Armentrout
	Grayson County:	Sheriff Vaughan; Mr. Sweet
	Floyd County:	Sheriff Zeman; Mr. Turman
	Pulaski County:	Mr. Conner
	Wythe County:	Mr. Reeves

<b>ALTERNATES PRESENT:</b>	Floyd County:	Mr. Allen
	Giles County:	Mr. Martin
	Pulaski County:	Mr. McCready; Major Alderman
	Radford City:	Mr. Humphrey; Major Schumaker

<b>STAFF &amp; GUESTS PRESENT:</b>	Superintendent Gerald McPeak
	Lt. Col. Tom Lawson
	Major Marty Stallard
	Jim Cornwell—Sands, Anderson, Marks & Miller
	Robert Lyons—NRVRJ Maintenance dept.

Chairman Zeman said that the agenda needed to be amended for a closed session after the committee reports. Mr. Cornwell said that this closed session would be for Consultation with Legal Counsel to discuss pending as well as probable litigations under §2.2-3711.A.7 of the Code of Virginia.

**B. ROLL CALL:**

In Sheriff Gardner's absence, Superintendent McPeak called the roll and reported a quorum present.

**C. APPROVAL OF MAY 2015 MINUTES:**

The Minutes from the May 2015 meeting were distributed to the Board. Chairman Zeman asked if there were any additions or corrections to the Minutes.

**Motion:** Mr. Conner moved that the May 2015 Minutes be approved as presented. Sheriff Vaughan seconded the motion.

**Action:** The motion passed with 8 votes yes and 2 abstentions.

**D. OLD BUSINESS:**

None.

**E. COMMITTEE REPORTS:**

**Personnel Committee:**

Mr. McCready said that the Personnel Committee did meet this morning. He stated that they had discussed some resignations as well as some new hires. The next academy begins in August. Mr. McCready said that the group then went into closed session to discuss a personnel matter under the Code of Virginia §2.2-3711.A.1 but had nothing to report today.

**Operations Committee:**

The Operations Committee did not meet today.

**Finance Committee:**

The Finance Committee did meet today. In Ms. Cannon's absence, the Superintendent reviewed copies of the Financial Report for July 2014-May 2015 with the Authority members.

Copies of the approved budget for FY 2015-2016 in the amount of \$20,693,468 were handed out to the members. There are extra copies available for anyone that wasn't present or needs an additional copy. We received our 4<sup>th</sup> quarter LIDS payment in the amount of \$533,341 and it will be the last one for this fiscal year. We have requested to receive all of the remaining vacancy savings for this fiscal year from the comp board. When it is received, it will cover operational purposes, fuel and the 2 vans that have been ordered. One of the vans is in transit to the dealership and the other is on the lot at the manufacturer. It will be an additional 6 weeks before they are in the fleet as they will still need prep time to move the cages from the old vans to the new ones and get the radios transferred over. We have some vehicles approaching 500,000 miles and we want to get those off of the road as soon as possible.

**Motion:** Chairman Zeman said that there was a motion from the Finance Committee to recommend the Financial Report for approval. Mr. Reeves seconded the motion.

**Action:** Following roll call, the motion passed unanimously.

### **Nominating Committee:**

Sheriff Vaughan read the slate of nominees that were announced at the May Authority Meeting.

Mr. Andy McCready—Chairman  
Mr. Tim Reeves—Vice-Chairman  
Ms. Nikki Cannon—Treasurer  
Sheriff Gardner—Secretary

Chairman Zeman asked if there were any nominations from the floor for any of the four positions. Sheriff Armentrout said that he had a question. He said that two of the candidates that are nominated are actually alternate members and that he had requested a copy of the By-Laws from the Superintendent. He said that it doesn't seem like an alternate should be an officer of the regional jail board if they aren't a full member.

Chairman Zeman said that this had come up in the past and asked Mr. Cornwell to assist us with that. Mr. Cornwell said that he had reviewed the By-Laws some time ago when Ms. Cannon was appointed as Treasurer. Mr. Cornwell said that it isn't unusual for many corporations to have non-members as officers. It's more unusual for them to be Chairman than it is to be Treasurer. He found nothing in the By-Laws that requires officers to be a member of the Authority. Sheriff Armentrout said that he had sent the By-Laws up to the Radford City Attorney. She did some research and disagrees. There is nowhere in the By-Laws or state code that even mentioned where it allows or not allows. Sheriff Armentrout said so we have a jurisdiction with a different opinion from our attorney. He would like to make a motion that we have the Attorney General offer an opinion to clarify this so we don't have a slate of officers that is incorrect. Mr. Cornwell said that he would have liked to have talked with the Radford City's Attorney about it and heard her opinion. Mr. Cornwell said he had no problem getting the Attorney General's opinion on anything. He said that from Sheriff Armentrout's comments that there is no disallowance. Sheriff Armentrout said nor is it allowed that's why he thinks it needs to be clarified.

Chairman Zeman asked if there was a second. Mr. Cornwell asked if the motion was to postpone the election until we receive the Attorney General's opinion. Sheriff Armentrout said no; that we need the opinion to clarify but we open the floor to nominations and not elect people to the slate of officers in case there is a problem from the Attorney General. Mr. Cornwell asked if it was the position of the city is that non-directors cannot serve in the offices from which they are being elected, is the city's position that they shouldn't be elected. Sheriff Armentrout said correct. Because they are not entitled to a vote or discussion unless their member is absent. Mr. Cornwell asked if he wanted the election to be postponed. Sheriff Armentrout said we can't postpone it because according to the By-Laws says it has be done by July 1<sup>st</sup>. Mr. Cornwell asked what his position is if Ms. Cannon is elected as Treasurer. Sheriff Armentrout said his position was the same as his City Attorney that it is improper and although we have a precedence for it, doesn't make it right. He said it was wrong to begin with and we need to address it with the Attorney General to make sure. Mr. Cornwell said he's putting the negative into effect by saying she can't, in Sheriff Armentrout and the City Attorney's opinion, serve and therefore she should not be elected...but somebody has to be elected...so you're basically removing her from nominations. Sheriff Armentrout said his position is to have the Attorney General review the legality of an

alternate (not a full board member) serving on the slate of officers. Mr. Cornwell said that he understood that but his question was what we're going to do about the election. Sheriff Armentrout said that was the point we would address in a moment.

Chairman Zeman said that we will move forward on the Nominating Committee and now take nominations from the floor. After that, we will move forward with Sheriff Armentrout's motion to address the Attorney General.

Chairman Zeman asked for nominations from the floor for the position of Chairman.

Sheriff Millirons nominated Sheriff Mark Armentrout for Chairman.

There were no additional nominations for the offices of Vice-Chairman, Treasurer and Secretary.

Ballots were prepared and there were 11 voting members/alternates present. After the completed ballots were counted, Sheriff Armentrout had 7 votes and Mr. McCready had 4 votes.

The slate of officers for the FY 2015-2016 will be as follows:

Chairman: Sheriff Mark Armentrout  
Vice Chairman: Tim Reeves  
Treasurer: Nikki Cannon  
Secretary: Sheriff JB Gardner

Chairman Zeman asked if Sheriff Armentrout would restate his motion for the purpose of documentation.

**Motion:** Sheriff Armentrout made the motion to have the Attorney General review our By-Laws and procedures regarding having an alternate serve as an officer serve on our board of directors. Just to clarify, if an alternate is allowed or disallowed to serve as Chairman, Vice-Chairman, Secretary or Treasurer. Sheriff Millirons seconded the motion.

**Action:** Following the roll call, the motion passed with a vote of 6 yes and 5 no.

**Motion:** Mr. Chidester said that he would like to make a motion to amend the By-Laws to permit the Finance Chairman to be filled by a regular or alternate member. Mr. Sweet said that he offered an amendment to that motion to also include Secretary.

Chairman Zeman asked if that was a combined motion by the two of them.

Mr. Cornwell said that he felt the motion was out of order because according to the By-Laws, any provisions thereof may be amended by the affirmation vote of not less than 75 percent of the Directors or their alternates. Written notice of the proposed amendment(s) and its content shall have been given by mail or delivering to the members not less than five (5) days prior to the meeting at which such amendment(s) will be considered. Mr. Sweet asked if the motion could be amended to direct staff to take that action.

**Motion:** Mr. Chidester revised his original motion to give written notice prior to the next meeting to amend the By-Laws to permit the Finance Chairman (Treasurer) and Secretary to be filled by a regular or alternate member. Mr. Sweet seconded the motion.

**Action:** Following roll call, the motion passed unanimously.

Chairman asked if there was anything further prior to moving into closed session. Hearing none, he asked if there was a motion from the floor.

**Motion:** Mr. Chidester made the motion that the board go into executive closed session to consult with legal counsel. Sheriff Armentrout seconded the motion.

**Action:** Following roll call, the motion passed unanimously.

**The purpose of the closed session is:**

**Consultation with legal counsel, §2.2-3711.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).

After a lengthy discussion, the motion was made that the Authority Board come out of closed session.

**Motion:** Mr. Conner made the motion that the board come out of executive closed session. Mr. Reeves seconded the motion.

**Action:** Following roll call, the motion passed unanimously.

**Motion:** Mr. Conner made the motion to certify that the board only discussed items mentioned under Code §2.2-3711.A.7. Mr. Chidester seconded the motion.

**Action:** Following roll call, the motion passed unanimously.

**F. SUPERINTENDENT'S REPORT:**

The Superintendent reviewed his report in detail. Our state responsible inmates went down from 293 to 267 as we have been moving quite a few inmates out to DOC.

In employee activity, we have had 3 new hire officers and one maintenance officer. We also had 3 officers to resign and no one in training right now.

He reviewed all of the inmate programs and gave an update on each one. Under general comments, he reported that he had some very good news. The jail audit was conducted in April

and we had an issue with 2 particular standards. When that happens, he is required to file a Plan of Corrective Action to the DOC regarding any noted deficiencies. When doing so, he provided evidence that we had in fact done the work but didn't have the signature saying it was done. Just this week we received notice that we have been given unconditional certification which means we were given a 100% audit. So they took our evidence and shows that we are doing what we're supposed be doing and meet all the standards. Our staff worked very hard to get that and congratulations go out to them for receiving that.

Superintendent said that we probably need to start discussing some plumbing repairs that are needed in the original building. He has brought it to the attention of the Finance Committee because it there will be a financial aspect to that. He said we need to put the Design and Construction Committee back together at next month's meeting so he can present this to them. We're starting to see quite a bit of leaks in our hot water pipes. We've had this evaluated by an independent contractor and ways to move forward with the repairs that have been recommended. He added that these repairs may turn out to be costly but it was something that we're going to have to do. Chairman Zeman asked if the Superintendent would notify the members of the Design and Construction Committee. He said that yes we would put something in their board packets.

Recently we had vacancies in 3 of our Sergeant positions. One couldn't return for over a year due to an injury that she had received. Another Sergeant resigned to go back to school to become an RN. The third position was for a Transportation Sergeant. We had 19 officers to test for the positions and this was the largest group that we have ever had. He added that it was excellent to see the room sitting full of people wanting to promote themselves, excel and obtain rank here. We only had 2 out of the 19 that didn't pass the test. We interviewed 6 people for the 2 Sergeant positions and we had 3 people to test/interview for a Transportation Sergeant's position. Our pool of the people we tested will stay open for 6 months. If we have another vacancy during that time, we have 2-3 people that we feel like will be able to step up into a position and not have to go through that process again.

He also handed out copies of the Jail Cost Report that the Comp Board requires us to do each year. It has comparison number for all jails across the state for FY 2013-2014. This report lists the jail costs per inmate day from the highest to the lowest. Our jail is listed towards the end of the list with only 6 jails having a lower operating cost per inmate day.

**G. NEW BUSINESS:**

Chairman Zeman said that we have received a letter from Giles County re-appointing Mr. Chidester and Mr. Martin (alternate) as their representatives for another year.

Superintendent McPeak said that since today is our last day of having Sheriff Zeman as our Chairman that he would like to say a little something. He said he would like to personally thank Sheriff Zeman for the fine job that he has done as Chairman and also as a Board member. He has provided a lot of support for him, this group and definitely the employees here at the jail. He said that he would like to congratulate and thank him for everything he's done for us.

**H. CITIZEN'S COMMENTS:**

**I. OTHER BUSINESS OR INFORMATIONAL ITEMS:**

**J. ADJOURNMENT:**

Chairman Zeman asked if there was a motion from the floor to adjourn.

**Motion:** Mr. Conner made the motion to adjourn the meeting.  
Sheriff Millirons seconded the motion.

**Action:** The motion passed unanimously.

There being no further business to come before the Board, Chairman Zeman adjourned the meeting at 10:56 am.

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Secretary, Sheriff Gardner

