

# COMPENSATION BOARD DOCKET #24/05

## November 20, 2023

### 307-24-05: SHERIFFS & REGIONAL JAILS

#### NEW BUSINESS:

#### CONSENT DOCKET

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
VARIOUS	SHERIFFS/ SUPERINTENDENTS	November 15, 2023 - Officers request to transfer accumulated Vacancy Savings to Temporary/Office Expense categories.	\$0.00	Approved per the Compensation Board's FY24 Budget Priorities and Policies. This is a one-time transfer, not in the base budget.

FIPS	Office Code	Locality Name	Request Date	To Category	Amount Available	Amount Requested
087	307	Henrico County	10/31/2023	Office Expense	\$371,329.12	\$371,329.12
175	307	Southampton County	11/1/2023	Temporary Funds	\$43,465.92	\$15,000.00
175	307	Southampton County	11/1/2023	Office Expense	\$0.00	\$28,000.00
455	307	Western Tidewater Regional Jail	11/15/2023	Temporary Funds	\$84,542.00	\$50,725.00
455	307	Western Tidewater Regional Jail	11/15/2023	Office Expense	\$0.00	\$33,817.00
460	307	Pamunkey Regional Jail	11/15/2023	Temporary Funds	\$37,950.72	\$37,950.70
480	307	New River Valley Regional Jail	11/3/2023	Office Expense	\$298,906.75	\$298,906.75
		<b>Totals</b>			<b>\$836,194.51</b>	<b>\$835,728.57</b>

## 772-24-05: COMMONWEALTH'S ATTORNEYS

### NEW BUSINESS:

LOCALITY	OFFICER	REQUEST	CONSENT DOCKET	TOTAL COST	COMPENSATION BOARD ACTION
HENRICO COUNTY	COMMONWEALTH'S ATTORNEY	October 10, 2023 Officer requests, in accordance with §15.2-1606 and 15.2-1636.14, to reimburse Henrico County for defense counsel expenses paid to S. Keith Barker, PC, Thompson McMullan, Blank & Marcus, and Butler Snow in the total amount of \$28,510.50 for legal representation of Shannon L. Taylor, Commonwealth's Attorney, et al. in the ongoing civil cases of Nickolas G. Spanos v. Shannon Taylor, et al, Case Nos. Henrico-CL21-6572, Henrico-CL22-2250, and Louisa-CL21-137.  Officer has provided letters from the Division of Risk Management stating that the Division would not provide coverage in these civil cases.		\$28,510.50	The Compensation Board approved reimbursement of \$28,235.50 for expenses incurred in accordance with §15.2-1606, Code of Virginia, based upon available documentation and court-ordered counsel.
HAMPTON CITY	COMMONWEALTH'S ATTORNEY - DRUG PROSECUTOR	November 13, 2023 Officer requests to transfer Vacancy Savings in the amount of \$14,303.66 to Office Expenses.		\$0.00	Approved per the Compensation Board's FY24 Budget Priorities and Policies. This is a one-time transfer, not in the base budget.

Office Code	FIPS	Locality Name	Request Date	From Category	To Category	Amount Available	Amount Requested
651	772	Hampton City	November 13, 2023	Vacancy Savings	Office Expense	\$14,303.66	\$14,303.66

VARIOUS	COMMONWEALTH'S ATTORNEYS	November 15, 2023 Officers request an exception to the Substitute Prosecutor expense reimbursement policy for expenses submitted more than 60 days following the conclusion of the case, or to seek reimbursement for meal expenses at the per diem rate for overnight lodging.		\$3,097.27	Approved as a one-time exception to policy, based upon the specific conditions stated by the officers.
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FIPS	Office	Locality	Prosecutor	Expense Date(s)	Defendant	Expense Cost	Exception Need Reason
730	772	Petersburg	Vincent Robertson	8/1/2022-7/18/2023	Ryan H. Allen	\$183.89	> 60days after case end
730	772	Petersburg	Vincent Robertson	7/11/2022-12/11/22	Nabranna Beasley	\$107.25	> 60days after case end
730	772	Petersburg	Vincent Robertson	7/15/2022-2/28/2023	Allen Craig Hammack	\$108.96	> 60days after case end
730	772	Petersburg	Vincent Robertson	3/24/2022-5/30/2023	Michael A. Piercy	\$353.48	> 60days after case end
730	772	Petersburg	Vincent Robertson	6/14/2021-4/10/2023	Edwin G. Woodmancy	\$277.41	> 60days after case end
810	772	Virginia Beach	Alvin J. Williams III	9/4/2023-9/8/2023	Wallace D. Hernandez Evans	\$1,023.68	>\$750 and Meal Per Diem
810	772	Virginia Beach	Caitlin Kelly	9/4/2023-9/8/2023	Wallace D. Hernandez Evans	\$1,084.60	>\$750 and Meal Per Diem
		<b>Total</b>				<b>\$3,139.27</b>	

## 772-24-05: COMMONWEALTH'S ATTORNEYS

### NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>REGULAR DOCKET</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
CAREER PROSECUTOR PROGRAM AUDIT	CAREER PROSECUTOR PROGRAM AUDIT COMMITTEE	<p>The Career Prosecutor Program Audit Committee recommends the following amendments to the audit process:</p> <ol style="list-style-type: none"> <li>1. Clarify that the three years of continuous service, or five years of experience required to be eligible as a Career Prosecutor may include time served in a Commonwealth's Attorney's office as a grant funded or locality funded Assistant Commonwealth's Attorney.</li> <li>2. Alter the audit timeline and the manner in which audit materials are provided to the Compensation Board in order to make the process less arduous for the offices that are selected to be audited. We recommend allowing 20 days from the date of notification by the Compensation Board for offices to provide the requested materials. Additionally, we recommend that offices be permitted to provide the materials electronically rather than by mail.</li> <li>3. Expand the auditees to include two categories of career prosecutors chosen for audit: <p><b>Category 1</b> to include 15 individuals who have been selected into the Career Prosecutor Program, chosen at random to undergo the currently established audit process.</p> <p><b>Category 2</b> to include every individual selected into the Career Prosecutor Program in the current calendar year, to undergo a limited review to verify documentation of the 40 additional hours of specialized training in addition to the hours required by the State Bar. An audit under Category 2 would meet the definition of "previously audited" for further Category 1 audits.</p> </li> <li>4. Clarify the time period for which the career prosecutor provides "documentation of legal education completed in the most recent 12 months..." to instead be the most recent year's completed State Bar MCLE cycle (November to October).</li> </ol>		N/A	The Compensation Board approved the changes requested by the audit committee, except that the Board approved changing the time period for providing return of requested materials from the selected office to the Compensation Board upon notification of audit from the current requirement of 7 business days to 10 business days (and not to 20 business days).

## 773-24-05: CIRCUIT COURT CLERKS

### NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>CONSENT DOCKET</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
ARLINGTON COUNTY	CIRCUIT COURT CLERK	October 30, 2023 Officer requests an exception to the 60-day reimbursement time period for the reimbursement of mileage expenses for the 2023 Lawful Employment training in the amount of \$156.19. The reimbursement was not requested earlier because the participant was unaware of the complete process to seek reimbursement of expenses.		\$156.19	Approved as a one-time exception to policy, based upon the specific circumstances indicated by the officer.

## 771-24-05: COMMISSIONERS OF THE REVENUE

NONE.

## 774-24-05: TREASURERS

### NEW BUSINESS:

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>CONSENT DOCKET</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
PORTSMOUTH CITY	TREASURER	November 1, 2023 Officer requests in accordance with 15.2-1606 and 15.2-1636.14 to reimburse the City of Portsmouth for Defense Counsel at \$4,950.00 paid to Jason A. Dunn, PLC for legal representation of Treasurer Paige D. Cherry, in the civil case of UMB Bank, N.A. v. Paige D. Cherry, Treasurer for the City of Portsmouth.  The Officer has provided a letter from the Division of Risk Management stating that the Division would not provide coverage in this civil case seeking injunctive relief and not seeking monetary relief.		\$4,950.00 (\$2,475.00 reimbursed)	The Compensation Board approved reimbursement of \$4,950 (\$2,475 reimbursed) for expenses incurred in accordance with §§15.2- 1606 and 15.2-1636.14, Code of Virginia.

## OTHER MATTERS

### NEW BUSINESS:

REGULAR DOCKET					
	<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
1.	MEETING MINUTES	COMPENSATION BOARD	Staff presents minutes for approval as follows: Docket #24/04.	N/A	Approved.
2.	COMPENSATION BOARD MEETINGS	COMPENSATION BOARD	Confirmation of upcoming Board meetings: Regular monthly meetings are scheduled for <b>Wednesday</b> , December 20, 2023 at <b>2:00 p.m.</b> and Thursday, January 25, 2024 at <b>11:30 a.m.</b> A special meeting with constitutional officer association leadership to discuss budget and legislative priorities will be held on Tuesday, January 9, 2024 at 2:00 p.m. in a virtual format.	N/A	Confirmed.
3.	NEW OFFICER TRAINING	COMPENSATION BOARD	The Compensation Board's New Officer Training is scheduled for December 13-15, 2023 at the Virginia Crossings Hotel in Glen Allen, Virginia. A total of 126 new officers have been invited to attend.	N/A	Noted.
4.	FINES AND FEES REPORT	COMPENSATION BOARD	Staff presents the FY23 Fines and Fees Report.	N/A	Approved.
5.	FY24 TECHNOLOGY TRUST FUND COLLECTIONS & BUDGETING	COMPENSATION BOARD	<p><b>Collections:</b> FY24 collections for July through October totaled \$1,795,914.75, a decrease of 12.8% compared to the same period of collections in FY23.</p> <p><b>Expenditures:</b> FY24 year-to-date Clerks' expenditures through 11/17/23, totaled \$1,195,421.42 or 13.4% of budgeted Technology Trust Funds.</p> <p><b>Projections:</b> Based on current collections to date, FY24 TTF total collections would be approximately \$5.37 million, a decrease of 2.87% compared to FY23 collections.</p>	N/A	Noted.
6.	CIRCUIT COURT CLERKS' AUDIT REPORT FINDINGS	COMPENSATION BOARD	Staff presents updates regarding status of APA audit report findings and salary increase withholdings required pursuant to Chapter 1, Item 77, paragraph H., 2023 Special Session I Acts of Assembly.	N/A	Approved withholding of December 1, 2023 2% salary increase from 10 Circuit Court Clerks with repeated audit findings pursuant to Chapter 1, Item 77, paragraph H., 2023 Special Session I Acts of Assembly. The Auditor of Public Accounts abstained from this vote.

# OTHER MATTERS

## NEW BUSINESS:

### REGULAR DOCKET

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
7. EMERGENCY MEDICAL REQUESTS	COMPENSATION BOARD	Staff presents Emergency Medical Requests for Reimbursement approval.	\$326,682.53	Approved total recommended amount of \$209,321.90, as noted in Compensation Board Action column.

Facility Name	Last Name	Final Sentencing Event	Court Order Transmit Date	Date Inmate Became EMR Eligible	Date(s) of Medical Services	EMR Eligible (based upon 61 Days after Court Transmittal)	Amount Requested	Amount Recommended for Approval	Compensation Board Action Approved/Not Approved
Patrick County Jail	Dalton	6/1/2022	12/30/2022	3/1/2023	10/17/22	N	\$53,669.73	\$0.00	Not approved – Inmate not Eligible on DOS
Patrick County Jail	Dalton	6/1/2022	12/30/2022	3/1/2023	12/28/22	N	\$63,690.90	\$0.00	Not approved – Inmate not Eligible on DOS
Patrick County Jail	Dalton	6/1/2022	12/30/2022	3/1/2023	05/02/23	Y	\$66,975.98	\$66,975.98	Approved
Patrick County Jail	Dalton	6/1/2022	12/30/2022	3/1/2023	03/18/23	Y	\$133.62	\$133.62	Approved
Patrick County Jail	Dalton	6/1/2022	12/30/2022	3/1/2023	03/01/23	Y	\$74,095.85	\$74,095.85	Approved
Patrick County Jail	Dalton	6/1/2022	12/30/2022	3/1/2023	04/04/23	Y	\$66,975.98	\$66,975.98	Approved
<b>Patrick County Jail Total</b>							<b>\$325,542.06</b>	<b>\$208,181.43</b>	
Rappahannock Reg Jail	Brown	8/7/2020	8/10/2020	10/10/2020	01/26/21	Y	(\$29.88)	(\$29.88)	Approved
Rappahannock Reg Jail	Funk	12/2/2022	12/2/2022	2/20/2023	5/24/2023	Y	\$878.86	\$878.86	Approved
Rappahannock Reg Jail	Funk	12/2/2022	12/2/2022	2/20/2023	5/24/2023	Y	\$101.79	\$101.79	Approved
Rappahannock Reg Jail	Parker	10/21/2019	1/30/2020	3/31/2020	2/2/2021	Y	\$85.12	\$85.12	Approved
Rappahannock Reg Jail	Staton	7/13/2021	1/7/2022	3/9/2022	3/29/2023	Y	\$88.86	\$88.86	Approved
Rappahannock Reg Jail	Staton	7/13/2021	1/7/2022	3/9/2022	3/16/2023	Y	\$15.72	\$15.72	Approved
<b>Rappahannock Regional Jail Total</b>							<b>\$1,140.47</b>	<b>\$1,140.47</b>	
<b>Grand Total</b>							<b>\$326,682.53</b>	<b>\$209,321.90</b>	

**CLOSED MEETING**  
**COMPENSATION BOARD DOCKET #24/05**  
**November 20, 2023**

**NO CLOSED MEETING.**

1) **MOTION FOR “CLOSED MEETING” by Chairman Jeffrey Palmore. (\_\_\_\_\_ seconded the motion).**

- ☐ Under the provisions of Section 2.2-3711.A.1, Code of Virginia, I move that the Compensation Board hold a **Closed Meeting** to discuss personnel issues—discussion of interview applicants, assignment, appointment, promotion, performance, salaries, discipline or resignation of specific officers, appointees or employees.
- ☐ Under the provisions of Section 2.2-3711.A.7, Code of Virginia, I move that the Compensation Board hold a **Closed Meeting** for consultation with legal counsel and/or briefing by staff members pertaining to actual or “probable litigation” concerning

When the closed meeting is complete, the public body must ***immediately*** reconvene in open session and take a recorded vote of its members in roll call fashion.

**MOTION BY CHAIRMAN (vacant): I move to certify that only public business exempt from the Act was discussed.**  
**(\_\_\_\_\_ seconded the motion.)**

Jeffrey Palmore, Chairman	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Craig Burns, Member	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Staci Henshaw, Member	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**AND**

**MOTION BY CHAIRMAN (vacant): I move to certify that only public business matters identified in the motion to convene the closed meeting were discussed. (\_\_\_\_\_ seconded the motion.)**

Jeffrey Palmore, Chairman	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Craig Burns, Member	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Staci Henshaw, Member	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Any member who cannot certify must state the specific details of the unauthorized discussion on the record. That record can be used as evidence in a lawsuit brought against the public body for violating the Act.**

## FOR YOUR INFORMATION NONE.

Public Body: Compensation Board  
Date: November 20, 2023  
Time: 4:30 p.m.  
Location: Compensation Board Conference Room  
Oliver Hill Building, 102 Governor Street  
Richmond, VA 23219  
Members: Jeffrey Palmore, Chairman (present)  
Craig Burns, Ex Officio member (present)  
Staci Henshaw, Ex Officio member (present)

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