



County of Frederick

Paula A. Nofsinger
Director of Human Resources

(540) 665-5668
Fax: (540) 665-5669
pnofsinger@fcva.us

TO: Board of Supervisors

FROM: Paula Nofsinger, Director of Human Resources

DATE: February 10, 2014

SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, February 7, 2014, at 8:00am. Committee members present were: Supervisor Robert Hess, Supervisor Robert Wells, Supervisor Chris Collins, Citizen Member Dorrie Greene, and Citizen Member Beth Lewin. Also present were: County Attorney Rod Williams, NRADC Superintendent Jim Whitley, and DSS Representative Delsie Butts.

***** Items Requiring Action*****

1. Approval of the Employee of the Month Award.

The Committee recommends approval of Shannon Fultz as the Employee of the Month for February 2014.

*****Items Not Requiring Action*****

1. Presentation by the County Attorney, Rod Williams.

At the request of the Committee, Mr. Williams presented an overview of the objectives and responsibilities of the County Attorney's Office. The presentation also provided the Committee an understanding of his department history, comparisons to other jurisdictions, and topics of importance within his department. Presentation Attached.

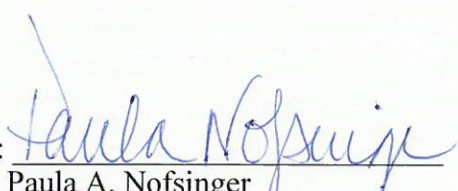
There being no further business, the meeting was adjourned.

The next HR Committee meeting is scheduled for Friday, March 7, 2014.

Respectfully Submitted,

Human Resources Committee

Robert Hess, Chairman
Robert Wells
Chris Collins
Dorrie Greene
Beth Lewin

By: 
Paula A. Nofsinger
Director of Human Resources



County of Frederick Employee of the Month Nomination Form

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the county as a whole. Outstanding service includes job performance that clearly exceeds requirements.

The Board of Supervisors must discount generalities not supported by specific examples of activities which support the nomination. Remember, there is no way to know whether specifics are missing by accident or because they do not exist. If you believe an employee has made an outstanding contribution, give specific examples of what they have done.

Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : Shannon Fultz

Department: Public Safety Communication

Nomination Submitted By: Pam Baber

Department: Public Safety Communication

Nominator's Signature: Pam Baber

Date: 01/22/2014

Reason for Nomination (please be specific, precise, and definite):

In 2013 Shannon was 100% compliant in the area of Emergency Medical Dispatch. This is not an easy achievement and she is the only communications personnel to ever do so. This means that in all her emergency medical calls that were evaluated for the year, Shannon followed the protocols exactly. She asked every question correctly and gave every appropriate instruction, including many potentially life-saving CPR and pre-arrival instructions. Her attitude and customer service is exceptional when handling emergencies as well. She truly believes in the EMD system and makes it work to help those in need. Shannon also assists in scoring medical calls for other personnel and provides feedback to help them improve. Beyond EMD she assists with training and helps to fill the work schedule when possible. Even after many years in the job she is still excited by it and can be counted on to perform effectively and professionally. Her compliance and dedication truly make a difference.

HR Section: Received: 1/22/14

Emailed to HR Committee: Feb

Employee of the Month Resolution

Awarded to:

Shannon M. Fultz

WHEREAS, the Frederick County Board of Supervisors recognizes that the County's employees are a most important resource; and,

WHEREAS, on September 9, 1992, the Board of Supervisors approved a resolution which established the Employee of the Month award and candidates for the award may be nominated by any County employee; and,

WHEREAS, the Board of Supervisors selects one employee from those nominated, based on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County; and,

WHEREAS, Shannon M. Fultz who serves the Frederick County Public Safety Communications Department was nominated for Employee of the Month; and,

WHEREAS, Shannon M. Fultz is being awarded for her achievement in being 100% compliant in Emergency Medical Dispatch. Shannon is recognized for being the only communications officer to ever do so; her compliance and dedication truly make a difference when handling emergency calls. Shannon is commended for her professionalism and dedication to her career in Dispatch.

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 26th day of February, 2014, that Shannon M. Fultz is hereby recognized as the Frederick County Employee of the Month for February 2014; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Shannon M. Fultz for her outstanding performance and dedicated service and wishes her continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Shannon M. Fultz is hereby entitled to all of the rights and privileges associated with her award.



County of Frederick, VA
Board of Supervisors

Richard C. Shickle, Chairman

County of Frederick

Employee of the Month

February 2014

Shannon M. Fultz

Dedication

Hardworking

Excellence

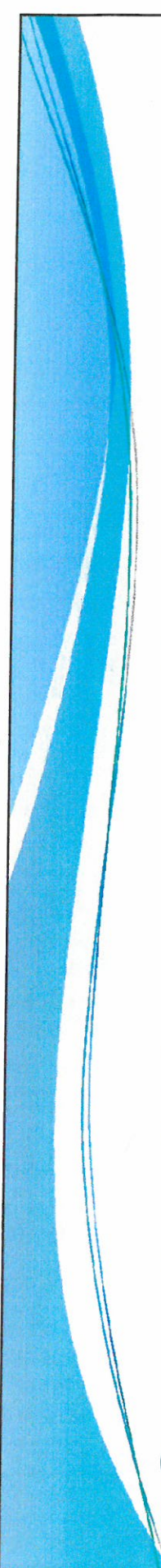
Professional

Richard C. Shickle, BOS Chairman

Frederick County Office of the County Attorney

Office Overview for
Frederick County Human Resources Committee

February 7, 2014

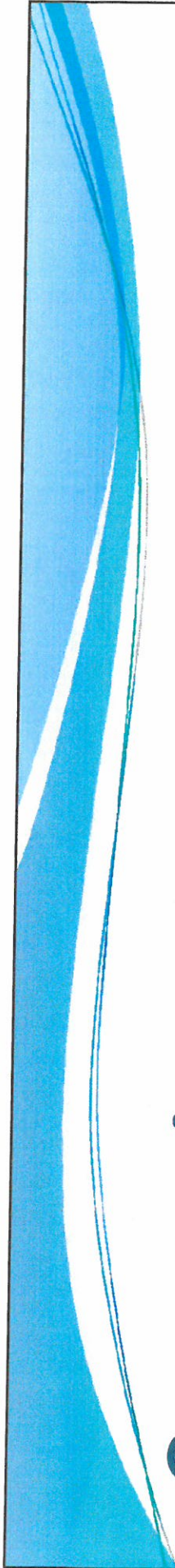


County Attorney – Role

Per the Virginia Code, a county, city, or town attorney is responsible for:

“[the] civil matters of advising the governing body and all boards, departments, agencies, officials and employees of the locality, of drafting or preparing ordinances, of defending or bringing actions in which the local government or any of its boards, departments or agencies, or officials or employees, thereof, shall be a party, and in any other manner advising or representing the local government, its boards, departments, agencies, officials and employees” Va. Code § 15.2-1542(A).

As well a county attorney may prosecute violations of the county code. Va. Code § 15.2-1542(B).



County Attorney – Role

County Attorney DOES

- Supervise the legal affairs of the County.
- Provide legal advice and opinions to the Board of Supervisors, the Planning Commission, all other County Boards and Commissions, County Departments and Agencies, and Constitutional Officers.
- Represent and defend the County in legal matters.
- Bring appropriate lawsuits on behalf of the County.
- Prosecute violations of County ordinances.
- Handle appellate litigation to which the County is a party.
- Prepare drafts of resolutions and ordinances.
- Analyze cases, statutes, regulations, and proposals which may affect the County's legal rights and obligations.

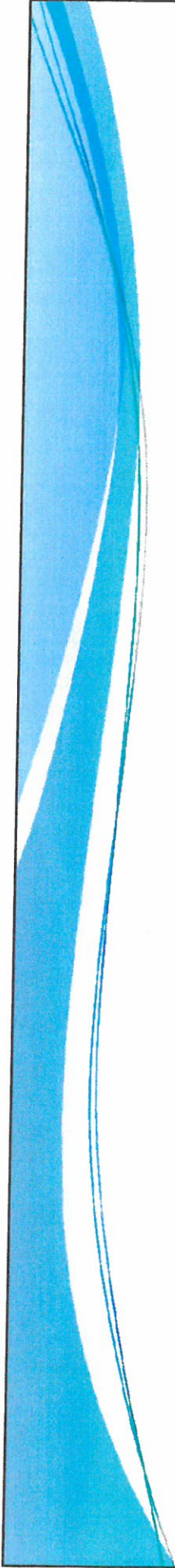
County Attorney DOES NOT

- Provide legal advice or opinions to private citizens.
- Investigate civil matters for private citizens.
- File lawsuits for private citizens in personal or private legal matters.
- Prepare wills, deeds, or other legal documents for private citizens.

County Attorney – History

- Historically, the function of a county/city/town attorney was performed by the Commonwealth's Attorney and, for localities that have not appointed an attorney, this remains the case. Va. Code § 15.2-1542(A).
- When the first county/city/town attorney was appointed in Virginia is not known, but:
 - The first reference to a Virginia county attorney in an opinion of the Virginia Supreme Court was in 1969. Kenyon Peck, Inc. v. Kennedy, 210 Va. 60 (Va. 1969). Earliest reference to a city attorney was in at least 1890. Offtendinger v. Ford, 86 Va. 917 (Va. 1890)
 - In 1975, a group of such attorneys formed the Local Government Attorneys of Virginia or "LGA". Today, LGA counts over 650 attorneys among its members. Almost all counties and cities in Virginia are represented.





County Attorney – History

- Frederick County relied on its Commonwealth's Attorney also as its County Attorney through 2007, when the Board of Supervisors authorized the creation of a separate Office of the County Attorney.
- The County hired its first County Attorney, beginning in 2008.

County Attorney & Local Government Law

The Dillon Rule

- John Forrest Dillon (1831-1914)
 - Justice, Iowa Supreme Court
 - Judge, US Court of Appeals, 8th Circuit
 - Author, Municipal Corporations (1872)
- The rule:

Local governments have only the powers that are expressly granted to them by the state legislature, those that are necessarily implied from that grant of power, and those that are essential and indispensable to the locality's existence and functioning.

- Still the rule in most states and well-established in Virginia



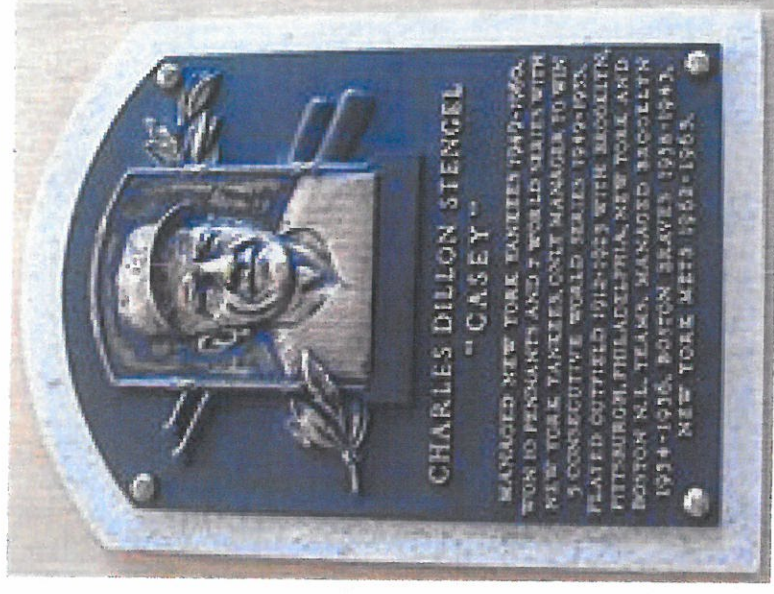
County Attorney & Local Government Law

John Forrest Dillon

- Had a sister who married John B. Jordan
- Mr. & Mrs. Jordan had a daughter, Jennie
- Jennie married Louis and they had a son, Charles
- So, who was Charles?
- Well, what was Louis' last name?

Stengel

Charles Dillon Stengel





County Attorney – Today's Office

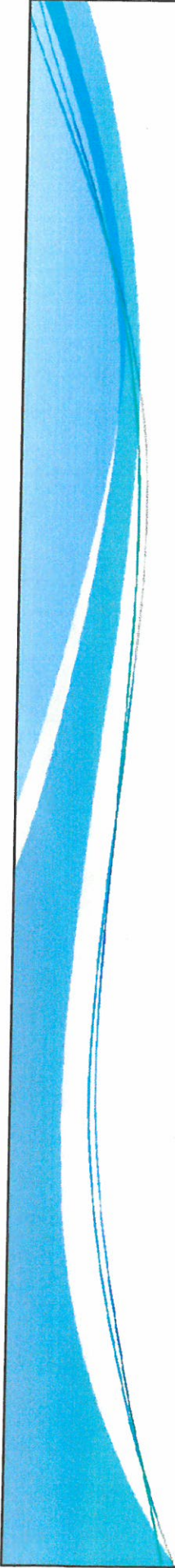
Two staff members:

County Attorney – Rod Williams

Legal Secretary – Noemy Espinal

Office is located on the third floor of the south section of the County Administration Building, adjacent to the County Administrator's Office.

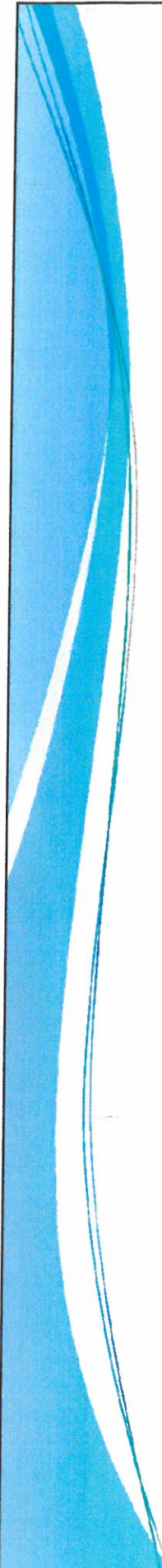
Office pages on County web site – include various law and government links.



A Little About the County Attorney

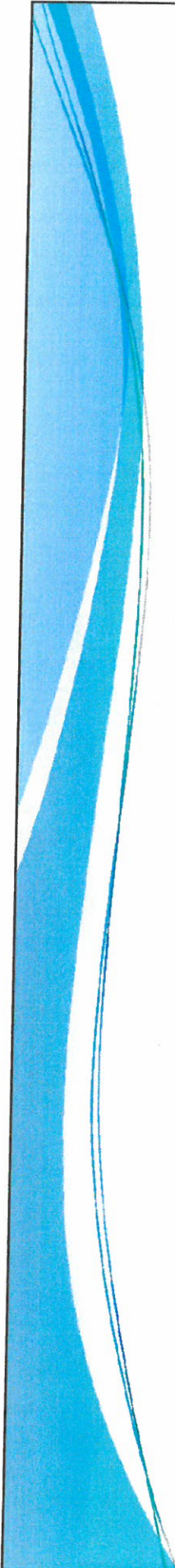
Rod Williams

- Graduate of Colgate University (undergraduate) and George Washington University (law school)
- 12 years in private practice – practice included commercial litigation, representation of creditors in bankruptcy cases, and local government work
- 8½ years in government practice
 - 2½ years – Assistant City Attorney, City of Alexandria
 - 6 years – County Attorney, Frederick County
- Member, Board of Directors, LGA



A Little About the County Attorney

- Major local government litigation accomplishments (appellate decisions or other “reported decisions”):
 - Helmick v. Town of Warrenton, 492 S.E.2d 113 (Va. 1997) – prepared briefs for Town’s successful defense of appeal in land use case.
 - Donnangelo v. Myers (4th Cir. 1999) – argued successful defense of appeal in First Amendment case against Loudoun Co. Board chair.
 - Corrections Products Co. v. City of Alexandria, 74 Va. Cir. 557 (Alexandria Cir. Ct. 2006) – obtained dismissal of bid protest.
 - Application of Elantic Telecom, Inc., 2008 Va. S.C.C. 241 – participated in successful defense against taxpayer claim for substantial assessment reductions.
 - Shenandoah Mobile Co. v. Board of Supers. of Frederick County, 83 Va. Cir. 113 (Frederick Co. Cir. Ct. 2011) – obtained affirmance of conditional use permit denial.



County Attorney – Functions

- **By percentages (Calendar Year 2013):**
 - County Admin/BOS – 25%
 - Planning – 15%
 - Treasurer – 15%
 - Work on collection matters typically results in recovery of up to 25% or more of the County Attorney Office budget
 - Commissioner of the Revenue – 5%
 - Public Works – 5%
 - All others & administrative time – 35%

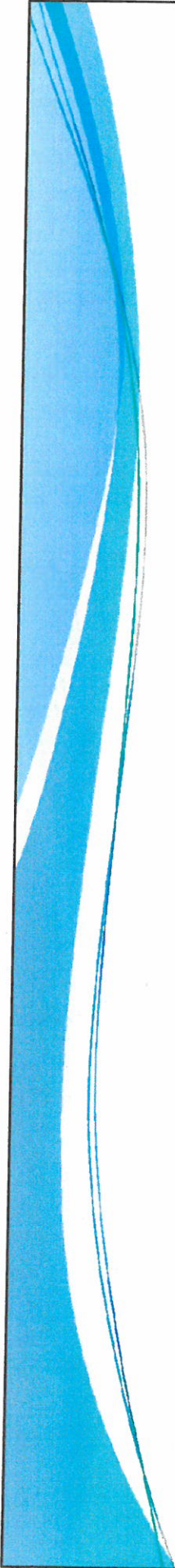


County Attorney – Functions

Litigation

pending/closed, by the numbers

	<u>FY2012</u>	<u>FY2013</u>
General litigation matters	44/25	29/19
Collection litigation matters	79/69	98/83
County Code violation matters	17/16	22/18
Total litigation matters		
pending/closed	140/110	149/120



County Attorney – Functions

- **Meetings regularly/frequently attended:**
 - Board of Supervisors – twice a month
 - Planning Commission – twice a month
 - Human Resources Committee – once a month
 - Public Safety Committee – when called
 - Board of Building Code Appeals – when called
 - Board of Zoning Appeals - when needed
 - Finance Committee – when needed
 - Public Works Committee – when needed



County Attorney – Functions

- **Major cases for the County since 2008:**
 - Lake Holiday POA validation (County intervened in support) – Frederick County Circuit Ct./Supreme Court of Virginia (2008-09)
 - Shenandoah Mobile Co. (Shentel) CUP denial – defense of court appeal – Frederick County Circuit Ct. (2009-11)
 - Stephens City annexation agreement enforcement – Frederick County Circuit Ct. (2009-11)*
 - PATH power line opposition – State Corporation Comm’n (2009-11)
 - Allegheny Power divestiture to SVEC & REC – representation of County position – State Corporation Comm’n (2009-10)
 - Verizon tax assessment challenge defense (VZ sought statewide reductions, including \$16M in Frederick County assessments) – State Corporation Comm’n (2010-11)
 - “Gap Pay” litigation defense – U.S. District Court, Western District of Virginia (2012-13)*

*Outside counsel had lead role for County

County Attorney



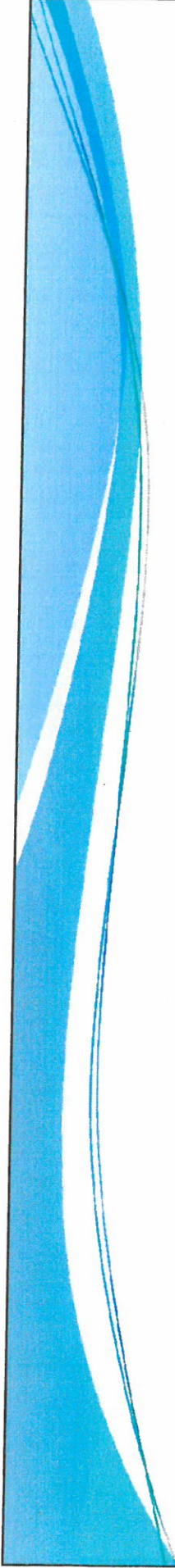
– Local Government Attorneys of Virginia, Inc. (LGA)

- Statewide bar association for county/city/town attorneys since 1975, with over 650 attorney members now
- Major functions/offerings include:
 - Semiannual conferences offering:
 - 9 hours each of continuing legal education training (Virginia State Bar requires 12 hours annually of all licensed Virginia attorneys)
 - Networking with colleagues from other localities
 - E-mail list serve – invaluable opportunity for quick exchange of information/advice
 - Handbook of Virginia Local Government Law – offering a chapter each on 28 different Virginia local gov't law subjects
 - Advancement of local government legal issues, including through amicus briefs and close work with VACO/VML (LGA has supported Frederick County in two amicus briefs)

Comparison to Other County Attorney's Offices

COUNTY (the 13 largest in Virginia)	POP. (7/1/12 est.)	OFFICE ATTYS	POP. PER ATTY	OFFICE BUDGET (FY2014)	OFFICE BUDGET PER CAP	NOTES - does office handle DSS/schools?
Fairfax	1,112,325	38	29,271	\$6,824,317	\$6.14	DSS/no Schools
Prince William	421,164	16	26,323	\$3,425,755	\$8.13	DSS/no Schools
Loudoun	333,253	12	27,771	\$2,610,976	\$7.83	DSS/no Schools
Chesterfield	322,388	8	40,299	\$1,576,300	\$4.89	DSS/no Schools
Henrico	314,881	11	28,626	\$2,154,270	\$6.84	DSS & Schools
Arlington	220,565	11	20,051	\$2,536,808	\$11.50	DSS; no longer does Schools
Stafford	132,719	4	33,180	\$1,083,930	\$8.17	No DSS/no Schools
Spotsylvania	124,526	5	24,905	\$834,348	\$6.70	No DSS/no Schools
Albemarle	101,575	5	20,315	\$1,016,955	\$10.01	DSS & Schools
Hanover	101,327	6	16,888	\$1,011,826	\$9.99	DSS & Schools
Montgomery	95,626	1	95,626	\$253,554	\$2.65	No DSS/no Schools; VT/2 big towns
Roanoke	93,256	4	23,314	\$550,776	\$5.91	DSS/no Schools
Frederick	80,118	1	80,118	\$216,275	\$2.70	No DSS/no Schools
AVERAGES			28,309		\$6.66	Avg include Fred.

Data sources: UVA Weldon Cooper Center, LGA Membership Directory, Locality websites, Inquiries to specific offices.



Comparison to Other County Attorney's Offices

- Frederick County is the 13th largest county in Virginia.
- Compared to 11 of the other 12 counties:
 - Frederick's County Attorney staffing per capita is only one-fifth to one-half that of the others.
 - Frederick's County Attorney budget per capita is only 24 to 55% that of the others.
 - Some of those county attorney offices do handle schools and DSS work, accounting for part of the budget – Frederick's does not.
- The other county – Montgomery – is an outlier: the presence of Virginia Tech and two large towns (combined population of 64,085 as part of county population) means county is not responsible for a significant part of land use planning, law enforcement, and general local government.



County Attorney – The Future

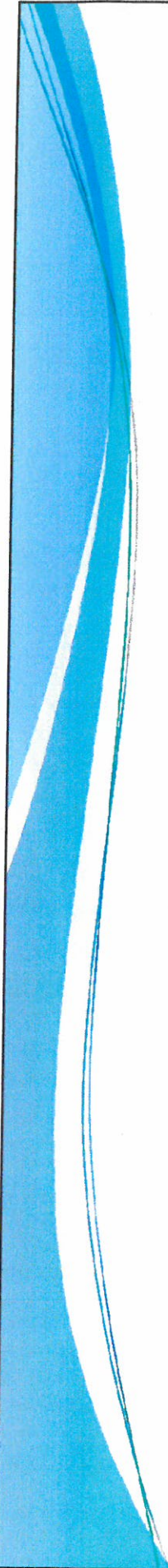
Frederick County's legal needs will continue to grow:

- As the economy continues to improve, development activity will continue to increase, with likely more rezoning reviews and more potential litigation matters.
- New stormwater management mandates from the state place a significantly increased enforcement role on the County.
- Increasingly litigious society.

County Attorney – The Future

- Overall population increase (data source: UVA Weldon Cooper Center):
 - 2012 population = 80,118
 - 2020 population = 97,192
 - 21% increase in just 8 years!





County Attorney

Questions?