

# APPALACHIAN JUVENILE COMMISSION

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July 18, 2008

The Regular Meeting of the Appalachian Juvenile Commission was held on Friday, July 18, 2008, at 12:00 Noon, at the Holiday Inn, Linden Drive, Bristol, Virginia.

Commission members present included Wayne McClelland, Chairman – Scott County; Michael Roberts – Smyth County; Alice Meade – Russell County; Donna Hutchinson – Norton; C. M. Callahan – Lee County; Patricia Green – Tazewell County; and Ernest Sprouse, proxy for Jim Heaney – Bristol;

Commission members absent were Doug Meade – Washington County; Dawn Gilbert – Wise County; James Heaney – Bristol; James Horn – Buchanan County; and Lanny Large – Dickenson County.

Staff present included Tim Dotson, Executive Director; John Ross – Director of Highlands Branch; Danny Johnson, Finance Director; Diane Wright – Director of Southwest Branch; Faye Johnson; Mary Cross; Trey Murray; Elizabeth Baines; and Richard McKinley.

Mr. McClelland called the meeting to order.

## Approval of Minutes

Donna Hutchinson moved that the Minutes of the Regular Meeting held on April 18, 2008, be approved as submitted. Alice Meade seconded the motion. All members voted in favor.

## Financial Report

Danny Johnson presented the Financial Report as of June 30, 2008. After a brief explanation of Revenue, Expenses, and Net Income, he pointed out that the results were affected positively by the receipt of additional revenue in non-commission child care days from Secure and Group Home operations and medication reimbursement from Frontier Health.

The motion was made and seconded for approval of the Financial Statement. All members voted in favor.

*"SERVING SOUTHWEST VIRGINIA"*

*Bristol, Buchanan, Dickenson, Lee, Norton, Russell, Scott, Smyth, Tazewell, Washington, Wise*

VRS Resolution

Danny Johnson reported that there is an IRS ruling that affects the Virginia Retirement System. The Commission has been paying the employee's share since 1992. However, the Commission needs to approve the Resolution stating that the Commission will continue to pay the employee's share.

Alice Meade moved that the Resolution be approved. Donna Hutchinson seconded the motion. All members voted in favor.

The Resolution is as follows:

RESOLUTION

Affirmation of Authorization to Pick-up the Employee's Contribution  
VRS for APPALACHIAN JUVENILE COMMISSION, 55904  
Under § 414(h) of the Internal Revenue Code

WHEREAS, the APPALACHIAN JUVENILE COMMISSION provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS.

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the APPALACHIAN JUVENILE COMMISSION desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after 7/18/08, the AJC shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the APPALACHIAN JUVENILE COMMISSION in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the APPALACHIAN JUVENILE COMMISSION under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; 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 pick up contributions made by the APPALACHIAN JUVENILE COMMISSION directly instead of having them paid to VRS; and it is further


RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the APPALACHIAN JUVENILE COMMISSION shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the APPALACHIAN JUVENILE COMMISSION on behalf of such employee pursuant to the foregoing resolut



Adopted in BRISTOL, Virginia this 18<sup>th</sup> day of July, 2008.

R. Wayne McClelland, Chairman

Name & Title      Printed



Authorized Signature      Title

Alice Meade moved that the Resolution be adopted. Donna Hutchinson seconded the motion. All members voted in favor.

General Report – Southwest Branch

Diane Wright reported that currently there are six girls at the Girls Home, four Post-D and two Pre-D. Outreach has eighteen in Tazewell with fourteen on Electronic Monitoring, Buchanan County has four, Dickenson County has four, Russell County has four with one on Electronic Monitoring, and thirty-six doing community service in Tazewell.

General Report – Highlands Branch

John Ross reported that since the last Commission meeting, population at the Center has continued to be low with an average of twenty youth. The Post-Dispositional Program was approved in June and certification has been received from DJJ. There have been no Post-D referrals yet.

The Certification Audit begins on Monday, July 21<sup>st</sup> and is scheduled through the 23<sup>rd</sup>.

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Girls Home Incident

Tim Dotson gave a brief description of a recent incident at the Girls Home in which a girls was left alone. The staff member was terminated and went through the Grievance Procedure. Her only option now is to file suit.

Retirees

John Ross introduced Richard McKinley and stated that he would be retiring at the end of September from his position as a Cook for six years.

Elizabeth Baines, the Nurse at the Center was also recognized for her service to the Center for twenty years. She will also be retiring at the end of September. She has served as a good role model for the staff and the youth.

Election of Officers

Tim Dotson opened the floor for nominations for Chairman. Mike Roberts nominated Wayne McClelland. Donna Hutchinson seconded the motion and moved that nominations be closed. All members voted in favor. Wayne McClelland was elected Chairman by Acclamation.

Wayne McClelland opened the floor for nominations for Vice Chairman. Donna Hutchinson nominated Alice Meade. Patricia Green seconded the motion and moved that nominations be closed. Alice Meade was elected Vice Chairman by Acclamation.

Locality Reimbursements

Tim Dotson reported that each locality has been sent a check from the Commission for reimbursement for VJCCA funds.

Next Meeting

The next regular meeting of the Commission is scheduled for October 17, 2008.

There being no further business the meeting was adjourned at approximately 1:00 P. M.



Tim Dotson, Executive Director



Wayne McClelland, Chairman