

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
December 10, 2013**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, December 10, 2013, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

David A. Kaechele, Chairman, Three Chopt District
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District
Richard W. Glover, Brookland District
Tyrone E. Nelson, Varina District

Member of the Board Absent:

Frank J. Thornton, Fairfield District

Other Officials Present:

John A. Vithoukas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Carlos V. Talley, Chief Deputy Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Joseph P. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Timothy A. Foster, Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

Mr. Kaechele called the meeting to order at 7:02 p.m. and wished everyone a Merry Christmas.

Mr. Kaechele led recitation of the Pledge of Allegiance and a moment of silent prayer.

Mr. Kaechele informed the public that Mr. Thornton was recovering from surgery and unable to be present but doing well.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, the Board approved the minutes of the November 26, 2013, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

Absent: Thornton

MANAGER'S COMMENTS

Mr. Vithoulkas recognized the Henrico County Government Christmas Mother Program Chair, Lisa H. Orlosky of the Department of Information Technology, and her Co-Chair, Tanya B. Harding of the County Manager's Office. Mrs. Orlosky cited examples of how County employees have gone above and beyond in their fundraising efforts during the Christmas Mother campaign and noted that the bikes, toys, blankets, clothing, and food donations on display in the Board Room represented just a small portion of the items donated. With Mrs. Harding's assistance and on behalf of the County's employees, Mrs. Orlosky presented a ceremonial check in the amount of \$12,500 to Harriet Long, the 2013 Henrico Christmas Mother. Mrs. Long pointed to the special wants, needs, and ambitions of 1,544 families who shop at the Christmas Mother warehouse, a group that includes 658 senior and disabled adults and the parents and guardians of 2,686 children. She also noted the 126 families with needs beyond the warehouse who are being sponsored by community groups, families, businesses, and churches. Mrs. Long thanked the County for embracing the Christmas Mother program and acknowledged the many components that are vital to its success, including the use of the warehouse, the help of County employees in distribution, the moms and dads in County offices who challenge their fellow employees to give, the over 25 tons of food from the County's schools, the 800 citizen volunteers, and the leadership of Mrs. Orlosky and Mrs. Harding. She concluded by reading a letter from one of the program's grateful recipients that summarizes why the program continues to do what it does.

Mr. Vithoulkas acknowledged the presence of Scott Turner, the outgoing Executive Director of the Richmond Strikers Soccer Club; Mr. Turner's wife, Kasey; Strikers Board of Directors members Bob Nicholas and Karen Mier; and the incoming Strikers Executive Director, Jay Howell.

BOARD OF SUPERVISORS' COMMENTS

Mr. Kaechele extended thanks and appreciation to Mr. Turner on behalf of the Board and noted major steps taken by the Richmond Strikers under Mr. Turner's leadership to cement their place on the national youth soccer stage. Mr. Turner is stepping down after serving at the helm of one of the premier youth organizations in the United States. Striker's tournaments brought in more than \$15 million in visitor spending to the Henrico area in 2013 alone and the Strikers currently serve over 3,000 boys and girls. Mr. Turner shared a letter from a teenage immigrant from Cameroon, who plays for a Strikers academy team, thanking the Strikers for their contribution towards his Green Card. He estimated that 50,000 young people have come through the Strikers system since 1976 and pointed to the Strikers' outstanding partnership with the County.

Mr. Glover mentioned that 22,000 hotel and motel room nights are booked in this metropolitan area for the annual Richmond Strikers Jefferson Cup tournament.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Ted Strong from the *Richmond Times-Dispatch*.

APPOINTMENTS

227-13 Resolution – Appointment of Members – Board of The Shops at White Oak Village Community Development Authority.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

228-13 Virginia Home for Boys & Girls: Request to conditionally rezone from R-6C General Residence District (Conditional) to B-3C Business District (Conditional) Parcel 759-757-9050 containing 5.338 acres located on the north and south lines of Homeview Drive approximately 975' north of its intersection with W. Broad Street (U.S. Route 250).
REZ2013-
00018
Brookland

Jean Moore, Assistant Director of Planning, responded to a question from Mr. Glover.

Jim Theobald, the applicant's representative, presented the case on behalf of the applicant. He narrated a slide presentation on the Virginia Home for Boys' and Girls' proposed conversion of existing parking lots on Homeview Drive to a vehicle storage lot for nearby automobile dealerships. Mr. Theobald reviewed aerial photographs of the site depicting how it is buffered from adjoining properties, explained a graphic highlighting the proposed placement and elevation of an ornamental fence with masonry piers, and summarized the applicant's proffered conditions for this proposed use and the rezoning request. Mr. Theobald confirmed for Mr. Glover that the proffered conditions provide that the storage lot will only be used to store new cars.

No one from the public spoke in opposition to this item.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. Uses. The only uses permitted on the Property shall be (i) automobile storage lot for fully operative new or used cars, not to include recreational vehicles and/or commercial trucks, on that portion of the Property constructed as a parking lot as of the date

hereof; and (ii) charitable institutions for human care such as the Virginia Home for Boys and Girls and uses accessory or incidental thereto. Automobile sales shall not be conducted on the Property.

2. **Parking Lot Lighting.** Any new parking lot lighting poles shall not exceed twenty (20) feet in height above grade level including fixtures. All parking lot lighting fixtures shall be of low intensity and shall have concealed light sources positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Direct embedded light poles and standards shall be prohibited.
3. **Hours of Operation/Days of Delivery.** Vehicle deliveries for any automobile storage lot shall be limited to Monday through Saturday between 8:00 a.m. and 6:00 p.m.
4. **Fencing/Wall.** Existing masonry walls and fences shall remain or be replaced if they are in need of repair. For any automobile storage lot, additional aluminum, wrought-iron appearing fencing with brick columns shall be provided in general conformance with the plan dated August 21, 2013, prepared by Higgins & Gerstenmaier entitled "Virginia Home for Boys and Girls" "Homeview Drive Parking Lots", attached hereto (see case file).
5. **Buffer.** A fifty (50) foot wide undisturbed buffer area along the northernmost property line of the Property adjacent to Traditional Manor shall continue to be provided.
6. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

Absent: Thornton

229-13
PUP2013-
00013
Brookland

Zoës Kitchen: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outdoor dining for a proposed restaurant (Zoës Kitchen) on part of Parcel 773-736-2198 located approximately 1,020' south of the intersection of W. Broad Street (U.S. Route 250) and Willow Lawn Drive.

Mr. Glover responded to a question from Mr. Kaechele.

No one from the public spoke in opposition to this item.

On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. There shall be no use of outdoor speakers.
2. The operator shall not permit food preparation outside the enclosed building.
3. The wall/fence enclosing the outdoor dining areas shall be limited in height to 48 inches.
4. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining areas.
5. Access to the outdoor dining areas shall be available only through the interior of the restaurant, except during an emergency when patio fence exit gates may be utilized.
6. This permit shall apply only to Zoe's Kitchen, is non-transferrable, and shall not apply to any other business in The Shops at Willow Lawn shopping center.
7. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
8. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.
9. The outdoor dining areas shall be constructed in general conformance with the layouts and images depicted in Exhibits A - E (see case file).
10. Televisions and other video display devices shall not be allowed in the outdoor dining areas.
11. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations resulting from this

review.

12. If a fire pit or other outdoor heating element is proposed at a future time, an administrative plan with the details of the fire pit design shall be submitted for review and Director of Planning approval.
13. Improvements made to enclose the dumpster area on the western side of the building shall be of a durable, low-maintenance material compatible with the remainder of the building.
14. The outdoor dining area shall be an accessory use to the indoor restaurant and shall not operate as a stand-alone service.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

Absent: Thornton

230-13
PUP2013-
00014
Brookland

Travinia Italian Kitchen: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outdoor dining for a proposed restaurant (Travinia Italian Kitchen) on part of Parcel 773-736-2198 located approximately 1050' south of the intersection of W. Broad Street (U.S. Route 250) and Willow Lawn Drive.

No one from the public spoke in opposition to this item.

Mr. Glover commented on the need for another restaurant at Willow Lawn.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. There shall be no use of outdoor speakers.
2. The operator shall not permit food preparation outside the enclosed building.
3. The wall/fence enclosing the outdoor dining areas shall be limited in height to 37 inches.
4. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate

only the outdoor dining areas.

5. Access to the outdoor dining areas shall be available only through the interior of the restaurant, except during an emergency when patio fence exit gates may be utilized.
6. This permit shall apply only to Travinia Italian Kitchen, is non-transferrable, and shall not apply to any other business in The Shops at Willow Lawn shopping center.
7. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
8. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.
9. The outdoor dining areas shall be constructed in general conformance with the layouts and images depicted in Exhibits A - E (see case file).
10. Televisions and other video display devices shall not be allowed in the outdoor dining areas.
11. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations resulting from this review.
12. Prior to the installation of a fire pit or outdoor heating element, an administrative plan with the details of the fire pit design shall be submitted for review and Director of Planning approval.
13. Any gas heaters or other outdoor heating devices shall be affixed to the ground or other surface on which they are based.
14. The outdoor dining area shall be an accessory use to the indoor restaurant and shall not operate as a stand-alone service.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

Absent: Thornton

231-13
REZ2013-
00019
Fairfield

Womack Properties III, LLC: Request to amend proffered conditions accepted with Rezoning Case C-23C-98 on Parcel 784-766-3463 located on the north line of Francis Road approximately 320' east of Brook Road (U.S. Route 1).

Jim Strauss, Principal Planner, responded to questions from Mrs. O'Bannon.

Mr. Vithoukas confirmed for Mr. Kaechele that Mr. Thornton recommended approval of this item.

No one from the public spoke in opposition to the item.

On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Use Prohibitions.** Funeral homes or undertaking establishments shall be prohibited. There shall be no parking decks on the Property.
2. **Architecture; Building Height.** Any new building constructed on the Property shall be residential in character. No building on the Property shall exceed thirty (30) feet in height above the finished grade of the building at the front of the building, exclusive of architectural design features permitted in Section 24-95(a)(1) of the Henrico County Zoning Ordinance.
3. **Vehicular Drive Restrictions.** Unless otherwise specifically approved at the time of Plan of Development there shall be no more than one (1) vehicular access point from the Property to Bundle of Joy Lane and no direct vehicular access point from the Property to Francis Road.
4. **Exterior Materials.** The exposed portions of each exterior wall surface (front, rear and sides) of each building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such buildings in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, glass, E.I.F.S., stone, stone veneer, split face block, cementitious, composite-type siding, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development.

5. **Rooftop Screening.** Any rooftop mounted equipment shall be screened from public view at ground level at the perimeter of the Property.
6. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Light fixtures, other than low intensity decorative ornamental fixtures such as gas style lamps, shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business operations each day. At no time shall the parking lot lighting exceed one-half (1/2) foot-candle at the right-of-way line of Francis Road. Lighting shall be directed to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited.
7. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical junction boxes and meters shall be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development and/or subdivision review.
8. **Outside Speakers.** Outside speakers shall be prohibited.
9. **Detached Signage.** Any detached signs shall be monolithic style signs, the base of which shall be landscaped. All such signage shall be six (6) feet or less in height.
10. **Trash and Recycling Receptacle Areas.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the office buildings at ground level at the Property line as approved at the time of Plan of Development. The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. The number of refuse containers shall be adequate for the development

as determined at the time of Plan of Development. Convenience cans shall be within or part of a decorative container. No trash pickup shall occur before 7:00 a.m. or after 7:00 p.m. Monday through Friday or before 9:00 a.m. or after 7:00 p.m. on Saturdays. No trash pickup shall occur on Sundays.

11. **Parking Lot Cleaning.** No parking lot cleaning shall occur before 7:00 a.m. or after 7:00 p.m. Monday through Friday or before 9:00 a.m. or after 7:00 p.m. on Saturdays. No parking lot cleaning shall occur on Sundays.
12. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
13. **Landscaped Buffer.** A landscaped and/or natural buffer area shall be provided adjacent to Francis Road which shall consist of an unbroken strip or open space a minimum of fifteen (15) feet wide and planted with (i) four (4) large deciduous or evergreen trees with an ultimate height of fifty (50) feet or greater plus (ii) two (2) small evergreen or deciduous trees with an ultimate height of twenty (20) feet or greater and (iii) twenty-five (25) shrubs for every one hundred (100) linear feet or portion thereof.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

Absent: Thornton

232-13
REZ2013-
00020
Fairfield

Cedar Grove 5, LLC: Request to conditionally rezone from A-1 Agricultural District and R-3C One-Family Residence District (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 778-760-0791 and 778-760-5566 containing 15.84 acres located on the east line of Cedar Grove Way at its intersection with Old Hungary Road.

Andy Condlin, the applicant's representative, responded to a question from Mr. Kaechele.

No one from the public spoke in opposition to this item.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered

conditions:

1. **Concept Plan.** If approved by the County, the lots and roads will be platted generally as shown on the "CONCEPTUAL LOT AND ROAD PLAN FOR CEDAR GROVE SECTION 5 34 LOTS" dated October 22, 2013 ("Conceptual Plan") attached hereto as Exhibit A (see case file).
2. **Density.** There shall be no more than 34 residential building lots platted on the Property.
3. **Finished Floor Area.** All two-story dwellings shall have a minimum finished floor area of at least 1,800 square feet. All one and one half-story dwellings shall have a minimum finished floor area of at least 1,500 square feet. All one-story dwellings shall have a minimum finished floor area of at least 1,400 square feet. The 34 homes to be constructed on the Property shall contain the following minimum square feet of finished floor area:
 - a. at least 14 dwellings shall have at least 2,000 square feet of finished floor area; and in addition,
 - b. at least 10 dwellings shall have at least 1,800 square feet of finished floor area; and in addition
 - c. at least 10 dwellings shall have at least 1,400 square feet of finished floor area.

Upon the request of the Director of Planning, the applicant shall provide the County with the necessary calculations that illustrate that the homes constructed are in compliance with this proffer.

4. **Foundations and Chimneys.** The main body of the dwellings shall not be constructed on a slab, provided that basements, garages and patios may be constructed on a slab. The exterior portions of all residential dwelling foundations below the first floor level which are visible above grade shall be constructed of brick or stone. Any homes with a fireplace, other than direct vent gas fireplaces or appliances, shall have chimneys constructed on a foundation and faced with brick or stone. Garages constructed on a slab shall have a brick or stone foundation surrounding such garage a minimum height of 2 courses of brick.
5. **Garages.** At least 17 of the homes shall be constructed with at least a one (1) car garage, attached or detached, which can accommodate a car parked inside. Each garage shall have a minimum interior dimension clear space at the time of construction of eleven (11) feet wide by eighteen (18) feet deep. Any attached

front loading garage shall be recessed beyond the front line of the home a minimum of 2 feet. Doors to any front loading garages shall have various design elements, such as windows, hardware, material articulation and other features. No two homes adjoining each other side by side shall have identical design elements on their front loading garage doors.

6. **Cantilevering.** All features of a home, including fireplace enclosures, box and bay windows, stand-alone closets and similar features, shall be constructed on a foundation. This proffer shall not apply to features constructed on the second floor rear elevation of a home that are at least 12 feet in width, or as may otherwise be approved by the Director of Planning.
7. **Exterior Material.** The siding on the dwellings shall be constructed of brick, stone, concrete board or vinyl with a minimum thickness of .044 inches.
8. **Steps, stoops and porches.** Except for country porches, steps to the main front entrance of homes and front stoops shall be brick or stone. Country porches with piers on the front elevation of the home shall have piers constructed of brick or stone to match the foundation of the home.
9. **Association Restrictions.** The lots on the Property shall be incorporated into the existing Cedar Grove subdivision as evidenced by the appropriate notation on the record plat for such lots and be subjected to the requirements set forth in the Declaration of Covenants, Conditions and Restrictions for Cedar Grove Subdivision recorded in Deed Book 2910, Page 2226 (as amended) in the Clerk's Office of the Circuit Court in the County of Henrico, Virginia (including any amendment to include the lots on the Property). The owners of the lots recorded on the Property shall become dues-paying members of the existing Cedar Grove Homeowner's Association, Inc. (the "Association") and shall enjoy the same rights and have the same obligations as on the current lot owners in Cedar Grove.
10. **Lot Landscaping.** Each lot shall contain the following landscaped features prior to the final certificate of occupancy issued by the County for a dwelling on such lot: (a) the area adjacent to the foundation of the front elevation of each home shall be screened by landscaping generally equivalent to the landscaping shown on the pictures attached hereto as Exhibit B (see case file); and (b) at least 1 tree measuring at least 2" in diameter shall be located in the front yard and in addition at least 1 tree measuring at

least 2" in diameter shall be located in the front or side yard.

11. **Driveways.** Any driveway on a lot shall be constructed of a hard surface material consisting of cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
12. **Utilities.** All proposed utilities, except for junction boxes, meters, pedestals, transformers, transmission mains, similar elements, and existing overhead utility lines, shall be placed underground, unless technical or environmental reasons require otherwise or unless not otherwise approved by the applicable utility company.
13. **Access Limitations.** There shall be no vehicular access from a lot on the Property to Hungary Road, Old Hungary Road, Tweed Road, or across the Existing 10' Planting Strip along Cedar Grove Way.
14. **Curb and Gutter.** Roll-faced curb and gutter of a standard width of 3 feet shall be provided for the interior roads within the development, subject to approval by the Director of Public Works.
15. **BMPs.** If any BMP is required on the Property, such BMP shall be landscaped as an amenity and maintained by the Association, and if such BMP is wet, it shall be aerated.
16. **Vacation of Old Hungary Road Right-of-Way.** Within 60 days after the Board of Supervisors has granted approval of the rezoning of the Property, Applicant shall file an application with the County to vacate the portion of the Old Hungary Road (30' R/W) right-of-way that lies between the Property and the Tax Map Parcel 778-760-7623 as shown in the Conceptual Plan. If the County grants the vacation request, the land within said right-of-way shall be deeded to the Association as Common Area.
17. **Residual Parcel of Tax Map Parcel 778-760-0791.** Within 60 days after the Board of Supervisors has granted approval of the rezoning of the Property, Applicant shall deed the 0.003 acre parcel of land labeled "Residual Parcel" in the Conceptual Plan to the Association as Common Area.
18. **C-1C Zoning.** Within 60 days after recordation date of the plat for the last lot on the Property, Applicant shall file an application with the County to rezone to the C-1C zoning classification all of the Common Area within the entire Cedar Grove subdivision, including the vacated portion of the Old Hungary Road right-of-

way and the Residual Parcel.

19. **Existing Asphalt Driveway from Hungary Road through Tax Map Parcel 778-760-7623.** Within 60 days after the roads on the Property have been paved, Applicant shall terminate the use of, and remove the asphalt within, the Existing Asphalt Driveway shown in the Conceptual Plan. Applicant shall plant grass in any disturbed area within said 60-day period.
20. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earth moving equipment, shall be between 7:00 AM and 7:00 PM Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Hours shall be posted in both English and Spanish during construction.
21. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or part, shall not affect the validity or enforceability of any other proffer or the unaffected portion of a proffer.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

Absent: Thornton

233-13
REZ2013-
00017
Three Chopt

James Roe, Jr.: Request to conditionally rezone from O-1 Office District to B-1C Business District (Conditional) Parcel 760-754-8754 containing .749 acres located on the west line of Skipwith Road approximately 540' south of its intersection with W. Broad Street (U.S. Route 250).

Mr. Strauss responded to questions from Mr. Kaechele.

No one from the public spoke in opposition to this item.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Use Restrictions.** Principal uses permitted on the property shall be limited to principal uses permitted in the O-1 zoning district and barbershops and beauty shops, which may include such appearance

enhancing activities such as hair and nail care and services customarily offered at a barbershop or beauty shop. Any barbershops and/or beauty shop shall be operated by a licensed beautician.

2. **Architectural Treatment.** The exterior appearance of the building shall be substantially similar in architectural character and materials. No alterations shall be made to the existing building to substantially alter its appearance unless otherwise approved at the time of Plan of Development.
3. **Hours of Operation.** Hours of operation shall be limited to Monday through Friday from 8:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 6:00 p.m. There shall be no hours of operation on Sunday.
4. **Signage.** The existing detached sign on the site shall serve as the only signage for the site. There shall be no additional signage permitted on the building.
5. **Access.** There shall be only one (1) means of vehicular ingress and egress to and from Skipwith Road.
6. **Parking Lot Lighting.** Unless otherwise approved at the time of Plan of Development, parking lot lighting standards shall not exceed fifteen (15) feet in height above grade level. All parking lot lighting fixtures shall be of low intensity and shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Light fixtures shall be of the type that conceals the direct source of light (such as "shoe box" type fixtures). Exterior lighting shall be reduced to security levels after hours of operation.
7. **HVAC.** Unless otherwise approved at the time of Plan of Development, heating and air conditioning equipment shall be screened from public view at ground level at the Property lines.
8. **Building Height.** No building constructed on the Property shall exceed two (2) stories or thirty (30) feet in height.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson

Absent: Thornton

PUBLIC HEARINGS - OTHER ITEMS

234-13 Resolution - Amendments to the FY 2013-14 Annual Fiscal Plan to Reappropriate Unencumbered Funds for Continuing Grant Programs from FY 2012-13.

Brandon Hinton, Management and Budget Division Director, responded to a question from Mr. Kaechele.

No one from the public spoke in opposition to this item.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item - see attached resolution.

235-13 Resolution - Amendments to the FY 2013-14 Annual Fiscal Plan: December, 2013.

Mr. Hinton, Mr. Vithoukas, and Fire Chief Tony McDowell responded to questions from the Board regarding several of the proposed amendments.

No one from the public spoke in opposition to this item.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item - see attached resolution.

236-13 Resolution - POD2013-00288 - Approval of a Plan of Development for Varina Area Library - Varina District.

Kevin Wilhite, County Planner, provided background information on the subject site and narrated a slide presentation that offered a brief overview of the project. During his presentation, Mr. Wilhite shared a map depicting zoning classifications in the vicinity of the 21.9-acre library site; an aerial photograph of the subject site; a site plan highlighting vehicular and pedestrian/bicycle access to the site and proposed site improvements, including landscaping and parking; and exterior perspective views of the proposed 42,333-square-foot building. He also reviewed the proposed construction schedule for the facility, which is scheduled to open on March 1, 2016.

No one from the public spoke in opposition to this item.

The project's architect, Chuck Wray of BCWH, elaborated on the library's interior design and space usage in response to a question from Mr. Nelson. Steve Yob, Director of Public Works, confirmed for Mr. Nelson that the Virginia Department of Transportation is conducting a

comprehensive study of Route 5 along the corridor where the library will be sited in light of recent accidents. John Neal, Director of General Services, responded to questions from Mr. Nelson concerning the status of the County's process for disposing of a house currently located on the site.

On motion of Mr. Nelson, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.

237-13

Resolution – Signatory Authority – Deed of Conveyance – County Property Adjacent to Lot 6, Block G, Section D, Robinwood Subdivision – Varina District.

No one from the public spoke in opposition to this item.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

238-13

Resolution - Award of Construction Contract - Replacement of Cooling Tower at Henrico Regional Jail East - Barhamsville, VA.

Mr. Neal and Mr. Glover responded to a question from Mr. Kaechele.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

239-13

Resolution – Amendment and Restatement of the County of Henrico Flexible Benefits Plan.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.

At the suggestion of Mr. Vithoukas, Mr. Kaechele announced that Agenda Item No. 240-13 was being moved to the end of the agenda to allow public comments from someone who wanted to speak on the item.

241-13

Resolution – Changing the Name of the Historic Preservation Advisory Committee and the Terms of Office of its Voting Members.

Mr. Vithoukas noted that based on his conversations with the members

Board relating to this item he had for the Board's consideration a substitute resolution that differed from the original paper in only one way, by removing the references to changing the name of this committee.

On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board approved the substitution of resolution 241A-13 for 241-13.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 241A-13 – see attached substitute resolution.

242-13 Resolution – Signatory Authority – Award of Stream Mitigation Purchase Contracts – Cobbs Creek Reservoir Project.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

243-13 Resolution – Signatory Authority – Stream Mitigation Purchas and Sale Agreement – Virginia Department of Forestry – Cobbs Creek Reservoir Project.

On motion of Mr. Nelson, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.

244-13 Resolution - Opposition to Amendment of Central Virginia Waste Management Plan for Landfill Expansion by The East End Landfill, LLC.

Andrea Wortzel, representing The East End Landfill (TEEL), addressed the Board on this item. Ms. Wortzel stated that proposed amendments to the Central Virginia Waste Management Authority (CVWMA) Plan to allow expansion of landfill operations by TEEL are consistent with a Conditional Use Permit approved by the Board of Zoning Appeals in June 2013. She asked that the Board of Supervisors not enact a resolution that is in direct conflict with a previous decision by the County's Board of Zoning Appeals. Ms. Wortzel also requested that the Board of Supervisors consider deferring action on this resolution so that accurate and complete information may be provided on the landfill.

Mr. Nelson joined Mr. Kaechele in thanking Ms. Wortzel for her comments. He noted that he understood her position and was fully aware of TEEL's concerns. Mr. Nelson further noted that there is a difference of opinion on how TEEL's expansion would impact the community.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

Resolution – Award of Contract – Consulting Services – Radio Communications System.

Doug Middleton, Chief of Police, recognized two members of the Selection Committee for this contract who were present in support of this resolution, Rich Troshak from Chesterfield County and Lieutenant Tom Nolan from the City of Richmond. He responded to questions from Mrs. O'Bannon and Mr. Kaechele.

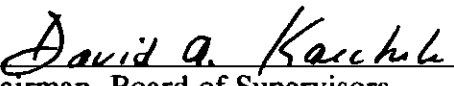
Mr. Vithoukas recognized Dominique Arcuri, a Vice President with RCC Consultants, who addressed the Board on this item. Mr. Arcuri conveyed his company's objections to the award of this contract to Altaris Technology Partners. He narrated a slide presentation highlighting these objections, which were based on pricing, the needs assessment, and project experience. Mr. Arcuri requested that the Board delay award of the contract to Altaris Technology Partners pending an investigation of the issues raised by his company and reissue the Request for Proposals (RFP) following this review with the pertinent information and stipulations concerning qualified proposers.

Mr. Kaechele advised that the Board had reviewed these issues in a work session and also reviewed a letter from the company's Chief Executive Officer that the Board received in November. Mr. Arcuri submitted a document with additional information that summarized his company's concerns.

Chief Middleton confirmed for Mr. Glover that it was a unanimous decision of the four participating local jurisdictions to recommend award of this contract to Altaris Technology Partners. Mr. Glover expressed his support for the recommendation made by the County's technical experts in this matter while at the same time acknowledging his respect for the position expressed by Mr. Arcuri on behalf of his company.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

There being no further business, the meeting was adjourned at 8:46 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
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Agenda Item No. 227-13

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Members - Board of The Shops at White Oak Village
Community Development Authority

For Clerk's Use Only:

DEC 10 2013

Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) O'Bannon
(2)

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> absent

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints Reese W. Hailer and Reginald W. "Bill" Nelson to the Board of The Shops at White Oak Village Community Development Authority for four-year terms expiring December 12, 2017, or thereafter, when their successors shall have been appointed and qualified.

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:

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Agenda Title RESOLUTION - Amendments to the FY 2013-14 Annual Fiscal Plan to Reappropriate Unencumbered Funds for Continuing Grant Programs and Trust Obligations from FY 2012-13

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION		
DEC 10 2013	Moved by (1) <u>O'Bannon</u>	Seconded by (1) <u>Nelson</u>	
Date _____	(2) _____	(2) _____	
<input checked="" type="checkbox"/> Approved			Glover, R. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER
<input type="checkbox"/> Denied			Kaechele, D. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER
<input type="checkbox"/> Amended			Nelson, T. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER
<input type="checkbox"/> Deferred to _____			O'Bannon, P. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER
			Thornton, F. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OTHER <u>absent</u>
APPROVED			

WHEREAS, the Board of Supervisors held an advertised public hearing on December 10, 2013, to consider proposed amendments to the Annual Fiscal Plan for fiscal year 2013-14; and,

WHEREAS, those citizens who appeared and wished to speak, were heard.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Annual Fiscal Plan for fiscal year 2013-14 is amended to reappropriate unencumbered funds for continuing grant programs and trust obligations from fiscal year 2012-13 in the amounts and for the purposes indicated which are to be accounted for in fiscal year 2013-14.

By Agency Head <u>Erin N. White</u>	By County Manager <u>[Signature]</u>
Routing: Yellow to: _____	Certified: A Copy Tests: _____
Copy to: _____	Clerk, Board of Supervisors Date: _____

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0000 00000 Funding of \$886,424 associated with the Teacher Incentive Fund grant (TIF) is to be reappropriated in FY2013-14 to continue this program.

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50401	– <u>Assistant Superintendent for Finance</u>	5,500,000
0000 00000	The fiscal year 2013-14 Approved Annual Fiscal Plan includes the planned reappropriation of unexpended General Fund appropriation for Education from fiscal year 2012-13 into fiscal year 2013-14; and the appropriation of unappropriated Federal and State revenues received for Education purposes in the fiscal year 2012-13, totaling \$5,500,000 in all.	
	Total Fund 0102 - General Fund - School Board	<hr/> \$ 6,386,424
	Total GENERAL FUND	<hr/> \$ 7,188,722

FUND 1102 – SPECIAL REVENUE FUND - State and Federal Grants - County

Department 05 – Commonwealth's Attorney

05001	– Commonwealth's Attorney	\$ 20,592
	This State funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14. These funds will be used for office supplies and travel expenses to support the program.	

Department 07 - Juvenile/Domestic Relations District Court

07002	– Juvenile Probation	
0000 05489	– <u>CY2013 - JABG - Probation</u>	\$ 17,630
	This Federal, State, and County funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue providing the Multisystemic Therapy (MST) services for serious and/or chronic youthful offenders, provided by existing staff at Henrico Mental Health facilities.	

07003	– Juvenile Detention Home	
0000 05009	– <u>U.S.D.A. Grant Detention Home</u>	6,533
	This Federal funded program allows reimbursement of expenditures beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue support of the Henrico County Juvenile Detention Home. This grant program is funded for an additional \$24,376, in fiscal year 2013-14.	
	Total Juvenile/Domestic Relations District Court	<hr/> \$ 24,163

Department 12 - Police

12013	– Communications	
0000 00849	– <u>Wireless E-911</u>	\$ 320,710
	This State funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14. The Wireless E-911 effort is funded for an additional \$1,042,499 in fiscal year 2013-14. This funding will be used to purchase necessary one-time capital items needed for Communications.	

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- 12035 - Metro Aviation
- 1823 00000 - Metro Aviation Special Operating and Capital 78,907
This State funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this program to purchase items needed for the Metro Aviation Unit.
- 12800 - Grams
- 0000 00000 - Dog Food Donations 12
This donation funded program extends beyond fiscal year 2012-13. This amount represents corporate and private citizen donations received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to purchase dog food for the Animal Shelter.
- 0000 00063 - Police Grant Reserve 1,196
During the past fourteen fiscal years, unused County matching funds from completed State and Federal grants have been moved to this reserve account. Funds in this account are to be used to cover anticipated County match requirements for future grants. The unused balance in this account as of June 30, 2013, is to be reappropriated in fiscal year 2013-14, to be used for that same purpose.
- 0000 00110 - P.E.A.K. Program 4,314
This donation funded program extends beyond fiscal year 2012-13. This amount represents donations received from the private sector and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue the Parents, Educators, and Kids (P.E.A.K.) Program (formerly know as D.A.R.E).
- 0000 00173 - Bulletproof Vest 253
This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program.
- 0000 05113 - Domestic Violence Cell Phone Recycling 573
This donation funded program extends beyond fiscal year 2012-13. This amount represents donations received from the private sector and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue initiatives to combat domestic violence.

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0000 05418	- <u>Justice Assistance Grant 12</u>	11,816
	This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program. These funds are to be used for training for the Crime Analysis & Strategic Evaluation (CASE) Unit.	
0000 05482	- <u>DMV13 - Alcohol Enforcement</u>	70,318
	This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program. These funds are to be used for overtime and FICA related to alcohol enforcement activities.	
0000 05483	- <u>DMV13 - Seat Belt Enforcement</u>	2,440
	This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program. These funds are to be used for overtime and FICA related to occupant protection enforcement activities.	
0000 06622	- <u>Justice Assistance Grant 11</u>	578
	This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program. These funds are to be used to purchase equipment for the Division's Training unit.	
	Total Police	<hr/> \$ 491,117
Department 13 - Fire		
13113	- Emergency Planning & Safety	
0000 01074	- <u>Richmond MSA Shelter Enhancement</u>	\$ 300
	This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this program. Funds will be used for the Central Virginia Urban Area Security Initiative project to enhance emergency shelter capabilities at Elko Middle School.	
0000 05134	- <u>Radiological Preparedness and Response Program</u>	770
	To reappropriate funding received from the Radiological Preparedness and Response Program administered through the Virginia Department of Emergency Management on behalf of Dominion Virginia Power. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this program.	

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- 0000 05492 - FY2012 CERT (Community Emergency Response Team) 8,370
This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program. These funds will be used for classroom instruction, CERT personnel training, program training materials and equipment, and advertisement of the program.
- 0000 05493 - FY12 VDEM SHSP Grant 24,500
This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program. Funds will be used to purchase equipment to support the ability to mitigate hazardous material incidents within the Henrico VDEM regional area.
- 0000 05497 - Heritage Fund Grant 1,508
To reappropriate funding received from the Fireman's Fund Insurance Company Heritage Program Grant. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program.
- 0000 05498 - PUPTH Grant 65,006
This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program. Funds will be used for start-up costs related to the Pre-hospital Use of Plasma for Traumatic Hemorrhage (PUPTH) grant.
- 13116 - Fire Marshal's Office
- 0000 00833 - Fire Prevention Donations 7,770
This donation funded program extends beyond fiscal year 2012-13. This amount represents donations received from the private sector and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue to be used for supplies and materials needed by the Fire Marshal's Office for Community Outreach programs.
- 13150 - Field Operations
- 0000 05092 - Eyes for Fire 89
This donation funded program extends beyond fiscal year 2012-13. This amount represents donations received from the private sector and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue to be used for training materials for Fire Prevention Services.

Total Fire

\$ 108,313

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Department 22 - Social Services

22104 - CSA - Mandated Services

1302 05457 - FY2012-13 CSA \$ 3,296,010

This State and County funded program allows reimbursement of expenditures beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue these Comprehensive Services Act (CSA) programs. This program is funded for an additional \$8,106,276 in fiscal year 2013-14.

22508 - Title IV E - Revenue Maximization

1302 00029 - Title IV E - Revenue Maximization 31,716

This County funded program allows reimbursement of expenditures beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue support for Human Services programs.

Total Social Services \$ 3,327,726

Department 28 - Public Works

28007 - Environmental

0000 06749 - DCR - Local Stormwater Program Development \$ 16,050

This State funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program. These funds are to be used for a consultant to ensure the County is conforming with the Storm Water Management regulations.

Department 30 - Economic Development

30001 - Economic Development

0902 06764 - Governor's Opportunity Award - FAREVA \$ 650,000

0903 06764 - County Match - Governor's Opportunity Award - FAREVA 650,000

State and County funds appropriated, but not expended as of June 30, 2013, are to be reappropriated in fiscal year 2013-14, to assist FAREVA in funding necessary technological improvements to the former Pfizer plant.

Total Economic Development \$ 1,300,000

Department 36 - Community Corrections Program

36002 - CCP Pre Trial

0000 05450 - FY2012-13 CCP Pre Trial \$ 75,961

This State and local (fee) funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program.

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36003	- CCP Post Trial		
0000 05452	- <u>FY2012-13 CCP Post Trial</u>	\$	77,720
	This State and local (fee) funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program.		
36004	- Community Corrections Program - Drug Court		
0000 05439	- <u>Drug Court Enhancement Grant - 2012</u>		14,750
	This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program.		
0000 05451	- <u>FY2012-13 Drug Court</u>		36,994
	The Drug Court program is supported by State funds, fees, and local funds. This funding was appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14. The Drug Court Program is funded in fiscal year 2013-14 for an additional \$423,375, from State and local sources.		
0000 05495	- <u>Drug Court Enhancement Grant - 2013</u>		44,741
	This Federal funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this grant funded program.		
	Total Community Corrections Program	\$	250,166
Department 38 - Community Revitalization			
38001	- Community Revitalization		
0000 05442	- <u>Brook Road Improvements</u>	\$	4,089
	This donation funded program extends beyond fiscal year 2012-13. This amount represents a donation received from the private sector and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14. These funds will continue to be used for implementing enhancements in the Brook Road corridor.		
38003	- CDBG		
0000 05405	- <u>FY2011-12 CDBG ElderHomes Emergency and Minor Repairs</u>	\$	2,285
0000 05410	- <u>FY2011-12 CDBG Highland Springs Community Center</u>		153
0000 05433	- <u>Lakeside Avenue Gateway Enhancements</u>		3,301
0000 05459	- <u>FY2012-13 CDBG Administration</u>		98,409
0000 05460	- <u>FY2012-13 CDBG Commercial Assistance Program</u>		112,489
0000 05461	- <u>FY2012-13 CDBG Connect Program</u>		61,430
0000 05462	- <u>FY2012-13 CDBG HOMES Emergency & Minor Repairs</u>		120,112
0000 05463	- <u>FY2012-13 CDBG HOMES Homeowner Rehabilitation</u>		141,000
0000 05464	- <u>FY2012-13 CDBG Highland Springs Community Center</u>		54,899

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0000 05465	- <u>FY2012-13 CDBG Home Inc. Downpayment Assistance</u>	13,750
0000 05466	- <u>FY2012-13 CDBG Ramps</u>	23,761
0000 05467	- <u>FY2012-13 CDBG Southside CDC Downpayment Assistance</u>	62,083
0000 05468	- <u>FY2012-13 CDBG Southside CDC Emergency & Minor Repairs</u>	89,253
0000 05469	- <u>FY2012-13 CDBG Enterprise Zone-Design Assistance</u>	23,491
0000 05470	- <u>FY2012-13 CDBG Enterprise Zone-Façade Grants</u>	125,019
0000 06747	- <u>FY2012-13 Offsite EZ Improvement Grants</u>	30,000
Sub-Total CDBG		\$ 961,435

38004	- HOME	
0000 05383	- <u>2010-2011 Southside Community Development Corp CHDO</u>	\$ 104,168
0000 05393	- <u>FY2010-2011 Elderhomes Corporation Downpayment Assistance</u>	23,601
0000 05409	- <u>FY2011-12 HOME CHDO Activities</u>	85,554
0000 05471	- <u>FY2012-13 HOME Administration</u>	18,013
0000 05472	- <u>FY2012-13 HOME HOMES Homeowner Rehabilitation</u>	251,400
0000 05473	- <u>FY2012-13 HOME HOME Inc. Downpayment Assistance</u>	48,400
0000 05474	- <u>FY2012-13 HOME Richmond Affordable Housing CHDO</u>	100,000
0000 05475	- <u>FY2012-13 HOME Southside CDC Downpayment Assistance</u>	27,650
Sub-Total HOME		\$ 658,786

These Federal funded programs extend beyond fiscal year 2012-13. These amounts represent funds appropriated but not expended as of June 30, 2013, and are to be reappropriated in fiscal year 2013-14, to continue these Housing and Urban Development (HUD) programs. HUD funded CDBG and HOME programs/projects totaling \$2,179,649 in fiscal year 2013-14. Funding for the CDBG and HOME program is allocated on a federal fiscal year basis which is different than the local fiscal year.

Total CDBG and HOME	\$ 1,620,221
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38005	- Local Business Assistance	
0000 05158	- <u>Local Business Assistance</u>	\$ 139,378

This program extends beyond fiscal year 2012-13. This amount represents funding appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14 to fund assistance for local businesses in the Henrico Enterprise Zone Program.

Total Community Revitalization	\$ 1,763,688
Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$ 7,301,815

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FUND 1108 - SPECIAL REVENUE FUND - Capital Region Workforce Partnership

Department 27 - Capital Region Workforce Partnership

27004	- Workforce Partnership	
0000 05424	- <u>WIA Youth - FY2012-13 (In School)</u>	\$ 9,349
0000 05425	- <u>WIA Youth - FY2012-13 (Out of School)</u>	213,339
0000 05426	- <u>WIA Aduh - FY2012-13</u>	152,939
0000 05427	- <u>WIA DW - FY2012-13</u>	380,348
0000 05428	- <u>WIA Administration - FY2012-13</u>	302,197
0000 05429	- <u>Non Federal 2012-13</u>	262,439
0000 05479	- <u>Workforce Innovation Fund</u>	528,808

These Federal and otherwise funded programs extend beyond fiscal year 2012-13. These amounts represent: (a) Federal funds received; (b) Henrico County contributions; (c) locally generated revenue; (d) contributions from other localities in the consortium; and (e) revenue received from other sources, that have been appropriated in fiscal year 2012-13, but not expended as of June 30, 2013, and are to be reappropriated in fiscal year 2013-14, to continue these programs. Funding for the Capital Region Workforce Partnership (CRWP) program is allocated on a federal fiscal year basis which is different than the local fiscal year. The CRWP is funded for an additional \$5,957,328, in fiscal year 2013-14.

Total Fund 1108 - Special Revenue Fund - CRWP	\$ 1,849,419
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FUND 1110 - SPECIAL REVENUE FUND - Mental Health and Developmental Services

Department 26 - Mental Health and Developmental Services

26102	- Adult Recovery Services	
1500 00000	- <u>Services Coordination</u>	\$ 2,000

Henrico Area Mental Health and Developmental Services Board has received one-time State funds to support employment for consumers with mental health issues. These unexpended funds are to be reappropriated in fiscal year 2013-14 to continue this program.

26102	- Adult Recovery Services	
1503 00000	- <u>MH Federal Block Grant: PACT: SMI</u>	9,097
1505 00000	- <u>MH Federal Block Grant: PACT</u>	22,489

Federal grant funding appropriated in fiscal year 2012-13, the grant program extends beyond June 30, 2013. These unexpended funds are to be reappropriated in fiscal year 2013-14, to continue mental health services to adults with serious mental illness.

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26102	- Adult Recovery Services	
1510 00000	- <u>Mental Health Law Reform</u>	53,877
26110	- Brief Adult Services	
1512 00000	- <u>Mental Health Law Reform Brief Adult Services</u>	20,727
This State funded program extends beyond fiscal year 2012-13. This amount represents revenue received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue the Mental Health Law Reform Program. These funds will be used to provide case management for individuals in need of mental health treatment and to provide mandatory outpatient treatment and attendance at involuntary commitment hearings per recent mental health law reforms.		
26102	- Adult Recovery Services	
1533 00000	- <u>Jail Diversion</u>	19,695
This State funded program extends beyond fiscal year 2012-13. This amount represents revenue received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue the Mental Health Jail Diversion Program. These funds will be used to divert individuals with mental illness from jails or provide aftercare programs for individuals with mental illness who have been released from jail.		
26103	- Youth and Family	
1553 00000	- <u>Specialized Family Services - MH Federal Block Grant: SED</u>	5,172
Federal grant funding appropriated in fiscal year 2012-13, the grant program extends beyond June 30, 2013. These unexpended funds are to be reappropriated in fiscal year 2013-14, to continue mental health services to children and youth with serious emotional disturbances.		
26105	- Providence Forge Outpatient Center	
1587 05456	- <u>FY13 Fast Prevention Henrico Grant</u>	1,230
1587 05458	- <u>FY13 Fast Prevention CC/NK Grant</u>	766
Federal grant funding appropriated in fiscal year 2012-13, the grant program extends beyond June 30, 2013. These unexpended funds are to be reappropriated in fiscal year 2013-14, to continue the Families and Schools Together (FAST) project, which is designed to increase self-esteem and improve school performance through supporting the family unit for at-risk children in Charles City County and at Laburnum Elementary School.		

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26106	- Emergency Services	
1564 00000	- <u>Public Safety - CIT Training</u>	20,000
1674 00000	- <u>MH State CIT Drop Off Site</u>	20,000
1675 00000	- <u>State CIT Mentoring Funds</u>	35,000
<p>Henrico Area Mental Health and Developmental Services Board has received one-time State funds to be used for CIT mentoring, to support a statewide CIT conference and to expand hours at the Crisis Receiving Center for one year. These unexpended funds are requested to be re-appropriated in fiscal year 2013-14 to be used for the same purpose.</p>		
1594 00000	- <u>Acute Care Project</u>	75,451
<p>This State funded program, the funds are distributed by the Richmond Behavioral Health Authority, allows reimbursement of expenditures beyond fiscal year 2012-13. This amount represents revenue received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14 to cover costs incurred in the fourth quarter of fiscal year 2012-13, for inpatient acute care for consumers with mental illness.</p>		
1595 00000	- <u>State Crisis Intervention Funds</u>	46,072
<p>The funds from this State funded program are distributed by the Richmond Behavioral Health Authority, extends beyond June 30, 2013. These unexpended funds are to be reappropriated in fiscal year 2013-14, to continue the crisis stabilization program. These funds will provide non-hospital alternatives for persons experiencing mental health crises.</p>		
1674 00000	- <u>MH State CIT Drop Off Site</u>	99,802
<p>State grant funding appropriated in fiscal year 2012-13, the grant program extends beyond June 30, 2013. These funds, appropriated but not expended as of June 30, 2013, are to be reappropriated in fiscal year 2013-14, to operate a Crisis Receiving Center at Henrico Doctor's Hospital Parham Road campus.</p>		
26107	- Substance Abuse	
1600 00000	- <u>SARPOS</u>	24,641
<p>State grant funding appropriated in fiscal year 2012-13, the grant program extends beyond June 30, 2013. These funds, appropriated but not expended as of June 30, 2013, are to be reappropriated in fiscal year 2013-14, to continue the State Substance Abuse Grant for Residential Purchase of Services.</p>		

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26108	- Medical Services	
1506 00000	- <u>State Pharmacy Funds</u>	438,212
	State grant funding appropriated in fiscal year 2012-13, the grant program extends beyond June 30, 2013. These funds, appropriated but not expended as of June 30, 2013, are to be reappropriated in fiscal year 2013-14, to purchase medications for eligible consumers with mental illness and provide services in support of consumers obtaining medications due to the closing of the state community resource pharmacy as part of state budget reductions. The allocation replaced the disbursement of medication by the State operated community resource pharmacy that is now allocated directly to MH/DS for medications for consumers.	
9553 00000	- <u>Medical Services - Meaningful Use</u>	148,750
	Henrico Area Mental Health and Developmental Services has received Medicaid Electronic Health Record Incentive Program Funds. The revenue was received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue to meet Electronic Health Record Meaningful Use requirements.	
26110	- Short Term Outpatient Services	
1688 00000	- <u>Virginia Healthcare Foundation</u>	17,663
	State gram funding appropriated in fiscal year 2012-13, the grant program extends beyond June 30, 2013. These funds, appropriated but not expended as of June 30, 2013, are to be reappropriated in fiscal year 2013-14, to continue to provide a clinician position, at the Crossover Clinic. This will improve access for uninsured clients to mental health services and access to primary medical care for persons with a mental illness.	
26201	- Community Support Services Director	
0000 00000	- <u>Community Support Services Director</u>	636
	Henrico Area Mental Health and Developmental Services Board has received one-time State Guardianship funds to pay legal fees associated with appointing guardians for consumers. These unexpended funds are to be reappropriated in fiscal year 2013-14 to continue this program.	

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26202	- Children/Adolescent Services	
1622 00000	- <u>Parent Infant Program - Part C</u> Henrico Area Mental Health and Developmental Services has received Medicaid and insurance revenue generated by positions entirely funded by Federal and State Part C grant funds. The revenue was received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue the early intervention program.	103,414
1622 05455	- <u>FY2013 Part C Grant</u> A State grant for the Early Intervention Part C program, extends beyond fiscal year 2012-13. This amount represents revenue received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue the early intervention program.	73,212
26204	- Community and Residential Resources Team	
1632 00000	- <u>Services Coordination</u> Henrico Area Mental Health and Developmental Services Board has received one-time State funds for start-up needs for a consumer discharged from Southside Virginia Training Center. These unexpended funds are to be reappropriated in fiscal year 2013-14 to be used for the same purpose.	1,000
1633 05390	- <u>FY2012 OBRA Grant</u> This State funded program extends beyond fiscal year 2012-13. This amount represents revenue received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue the Omnibus Budget Reconciliation Act (OBRA) Nursing Home Program.	9,787
1633 05454	- <u>FY13 OBRA Grant</u> This State funded program extends beyond fiscal year 2012-13. This amount represents revenue received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue the Omnibus Budget Reconciliation Act (OBRA) Nursing Home Program.	12,315
26205	- Day Support	
1665 00000	- <u>Sheltered Employment Venture Capital</u> This operation serving persons with intellectual disabilities is organized to be self-supporting, being funded from contract revenue. Revenue received and appropriated in fiscal year 2012-13, exceeded requirements as of June 30, 2013. This balance is to be reappropriated in fiscal year 2013-14, to continue operations and represents a life-to-date balance.	279,907

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26303	- Program Support	
1698 00000	- <u>Residential Properties</u>	64,851
	Local funds from group homes rent collections were appropriated in fiscal year 2012-13 for repairs to Henrico County group homes. This amount represents revenue received and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to be used for that same purpose.	
26305	- Information Services	
1680 00000	- <u>Service Coordination</u>	38,373
	Henrico Area Mental Health and Developmental Services Board has received one-time State ID Waiver Start Up funds to be used to create a data bridge between the software for client records and the new electronic ID Waiver System. These unexpended funds are requested to be re-appropriated in fiscal year 2013-14 to be used for the same purpose.	
26307	- Financial Management	
1685 00000	- <u>Retained Earnings</u>	472,601
	Beginning in fiscal year 1993-94, the State began to allow localities to retain any unspent on-going State funds, as of the end of the previous fiscal year. These funds, not expended as of June 30, 2013, are to be reappropriated in fiscal year 2013-14, to be used for one-time expenditures. These funds will be used for computer hardware and software programs.	
1686 00000	- <u>Board Contributions</u>	19,144
	This donation funded program extends beyond fiscal year 2012-13. This amount represents donations received from the private sector and appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue uses as determined by the Henrico Area & Developmental Services Board (CSB) and/or the donors.	
Total Fund 1110 Special Revenue Fund - MHDS Services		\$ 2,135,884
FUND 1113 - SPECIAL REVENUE FUND - Forfeitures - Commonwealth's Attorney - State Department 05 - Commonwealth's Attorney		
05001	- Commonwealth's Attorney	
0000 00000	- <u>Forfeitures - Commonwealth's Attorney - State</u>	\$ 408,297
	This State "special funds" funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to be used for law enforcement projects as determined and approved by the County Manager or his designee.	

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FUND 1114 - SPECIAL REVENUE FUND - Forfeitures - Police - State

Department 12 - Police

12850 - Asset Forfeiture

0000 00000 - Forfeitures - Police - State \$ 211,601

This State "special funds" funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to be used for law enforcement projects as determined and approved by the County Manager or his designee.

Fund 1116 - SPECIAL REVENUE FUND - Forfeitures - Police - Treasury - Federal

Department 12 - Police

12850 - Asset Forfeiture

0000 00000 - Forfeitures - Police - Treasury - Federal \$ 74,570

This Federal "special funds" funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to be used for law enforcement projects as determined and approved by the County Manager or his designee.

Fund 1117 - SPECIAL REVENUE FUND - Forfeitures - Police - Justice - Federal

Department 12 - Police

12850 - Asset Forfeiture

0000 00000 - Forfeitures - Police - Justice - Federal \$ 617,929

This Federal "special funds" funded program extends beyond fiscal year 2012-13. This amount represents revenue appropriated but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to be used for law enforcement projects as determined and approved by the County Manager or his designee.

Total Special Revenue Fund - General Government \$ 12,599,515

FUND 1101 - SPECIAL REVENUE FUND - School Cafeteria

Department 50 - Education

50341 - National School Lunch Program

0000 00000 - This Federal School program, extends beyond fiscal year 2012-13. This amount represent revenue appropriated, but not expended as of June 30, 2013, and is to be reappropriated in fiscal year 2013-14, to continue this same program. \$ 450,000

FUND 1109 - SPECIAL REVENUE FUND - State & Federal Grants - Schools

Department 50 - Education

50101 - Elementary School Education

0000 01208 - Early Reading Intervention \$ 140,984

0000 01340 - Federal Class Size/Title II 2011/12 1,250

0000 01341 - Federal Class Size/Title II 2012/13 25,697

0000 01374 - Head Start Program Yr 17 (2012/13) 565,838

0000 01549 - Title I-D 2012/13 33,217

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0000 01612	- <u>Title I-A 2011/12</u>	260,925
0000 01613	- <u>Title I-A 2012-13</u>	5,514,695
0000 01670	- <u>Title III (ESL) 2012-13</u>	22,823
0000 02700	- <u>Miscellaneous School Grants (Local)</u>	8,525
0000 03552	- <u>Misc State Grant - Project Child Hands</u>	3,050
50121	- High School Education	
0000 01231	- <u>SOL Algebra Readiness Grant</u>	354,284
0000 02019	- <u>Misc Federal Grant - Foreign Language Assistance</u>	11,210
0000 02700	- <u>Miscellaneous School Grants (Local)</u>	2,725
0000 03501	- <u>Miscellaneous State - Project Graduation</u>	937
0000 03557	- <u>Misc. State Grant - College Readiness Center</u>	145,233
50131	- Career and Technical Education	
0000 01461	- <u>Perkins Act III 2012-13</u>	13,979
50133	- General Adult Education	
0000 02716	- <u>Misc Local Grant - Jail East and Jail West Education Program</u>	41,563
0000 03544	- <u>Misc State Grant - GED Waiting List/Expanded GED</u>	1,799
0000 03556	- <u>Trade Adjustment Assistance (TAA) GED Program</u>	5,433
50134	- Non-Traditional Programs	
0000 01216	- <u>Individual Student Alternative Education Plan</u>	4,031
50140	- Exceptional Education	
0000 01491	- <u>Pre-School 2012-13</u>	154,592
0000 01732	- <u>Title VI-B 2012-13</u>	9,281,765
50151	- Technology	
0000 01204	- <u>Computer Insurance Coverage</u>	1,576,815
0000 01581	- <u>Technology State 2012-13</u>	1,766,000
0000 03555	- <u>Technology State - Supplement</u>	15,161
50153	- Staff Development	
0000 01220	- <u>Mentor Teacher Program</u>	102,573
0000 01786	- <u>Teacher Incentive Fund FY2011</u>	12,623
0000 01787	- <u>Teacher Incentive Fund FY2012</u>	1,383,407
0000 01788	- <u>Teacher Incentive Fund FY2013</u>	2,406,196
50154	- Summer School	
0000 01236	- <u>Summer School</u>	965,729
50155	- Juvenile Detention Home	
0000 01279	- <u>Juvenile Detention Home Title 1-D</u>	13,816
0000 01521	- <u>Juvenile Detention Home 2012-13</u>	52,900

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50201	- Assistant Superintendent for Administrative Services	
0000 01206	- <u>Distance Learning/Japanese TV</u>	8,807
50212	- Records Management	
0000 01401	- <u>Homeless Assistance 2012-13</u>	8,709
50401	- Assistant Superintendent for Finance	
0000 01212	- <u>Grants Administration</u>	1,511,857
0000 02001	- <u>Miscellaneous Federal - CTE Resource Center Contract - MOD-1</u>	51
0000 02004	- <u>Misc Federal Grant - Staff Dev - Intensive Assistance</u>	2,000
0000 02700	- <u>Miscellaneous School Grants - Local</u>	10,442
0000 02725	- <u>Henrico Education Foundation Grants</u>	6,273
0000 03500	- <u>Miscellaneous School Grants - State</u>	20,393
0000 03501	- <u>Miscellaneous State - Project Graduation</u>	218,652
0000 03502	- <u>Miscellaneous Federal - CTE Center</u>	516
0000 03503	- <u>Miscellaneous State - HSHS C</u>	4,901
0000 03504	- <u>Miscellaneous State - CTE Center</u>	330,381
0000 03507	- <u>Miscellaneous State - Jobs for VA Graduates</u>	2,350
0000 03514	- <u>Miscellaneous State Grant - Henrico HS - CAPER</u>	425
0000 03515	- <u>Miscellaneous State Grant - Deep Run HS - CAPER</u>	750
0000 03517	- <u>Miscellaneous State Grant - Godwin HS - CAPER</u>	1,560
0000 03518	- <u>Miscellaneous State Grant - Career and Tech Education - CAPER</u>	77,569
0000 03524	- <u>DMAS Health Services Program</u>	218,669
0000 03545	- <u>Misc State Grant - MS Teacher Corps - Fairfield and Wilder</u>	26,185
0000 03554	- <u>Misc State Grant - EPIPEN Grant</u>	6,423
0000 05043	- <u>Student Transcript Grant</u>	640

These Federal, State, and otherwise funded School programs/grants, extend beyond fiscal year 2012-13. These amounts represent revenue appropriated, but not expended as of June 30, 2013, and are to be reappropriated in fiscal year 2013-14, to continue these same programs. School grants are funded for an additional \$41,533,051, in fiscal year 2013-14.

Total Fund 1109 - Special Revenue Fund-State/Fed Grants-Schools	\$ 27,347,328
Total Special Revenue Fund - Schools	\$ 27,797,328
Total SPECIAL REVENUE FUND	\$ 40,396,843

FUND 5201 - BELMONT PARK GOLF COURSE - Operating

23401	- <u>Golf Course</u>	
0000 00000	To reappropriate funding of \$33,433 for the remaining costs associated with the roof replacement for the pro shop and the snack bar facility. The Department budgeted a total of \$38,383 for this project and \$4,950 is currently encumbered.	\$ 33,433

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0000 01036 - Hurricane Irene

50,000

To reappropriate funding of \$50,000 for the estimated cost of stream restoration due to the damages to the stream adjacent to Belmont Golf Course as a result of Hurricane Irene. The Golf Course staff has been working with the County's Emergency Manager and the Virginia Department of Emergency Management (VDEM) to get an approved plan. This project was not completed by year end and the funds need to be reappropriated into FY2013-14.

Total Fund 5201 - Belmont Park Golf Course - Operating
TOTAL REAPPROPRIATIONS

\$	83,433
\$	47,668,998

COMMENTS: The Director of Finance recommends approval of this Board paper and the County Manager concurs.

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Agenda Title **RESOLUTION - Amendments to the FY 2013-14 Annual Fiscal Plan: December, 2013**

<p>For Clerk's Use Only:</p> <p>DEC 10 2013</p> <p>Date _____</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Nelson</u> Seconded by (1) <u>O'Bannon</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table style="width: 100%;"><tr><td style="text-align: right;">YES NO OTHER</td><td></td></tr><tr><td style="text-align: right;">Glover, R.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr><tr><td style="text-align: right;">Kacchale, D.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr><tr><td style="text-align: right;">Nelson, T.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr><tr><td style="text-align: right;">O'Bannon, P.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr><tr><td style="text-align: right;">Thornton, F.</td><td style="text-align: center;"><input type="checkbox"/> <u>absent</u></td></tr></table>	YES NO OTHER		Glover, R.	<input checked="" type="checkbox"/>	Kacchale, D.	<input checked="" type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	Thornton, F.	<input type="checkbox"/> <u>absent</u>
YES NO OTHER														
Glover, R.	<input checked="" type="checkbox"/>													
Kacchale, D.	<input checked="" type="checkbox"/>													
Nelson, T.	<input checked="" type="checkbox"/>													
O'Bannon, P.	<input checked="" type="checkbox"/>													
Thornton, F.	<input type="checkbox"/> <u>absent</u>													

WHEREAS, the Board of Supervisors held an advertised public hearing on December 10, 2013, to consider proposed amendments to the Annual Fiscal Plan for fiscal year 2013-14; and,

WHEREAS, those citizens who appeared and wished to speak, were heard.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Annual Fiscal Plan for fiscal year 2013-14 is amended and that such funds are appropriated for expenditure in the amounts and for the purposes indicated.

OPERATING FUNDS



FUND 0101 - GENERAL FUND - General Operating Fund

Department - 12 - Police

12023	- <u>Training</u>	\$ 21,462
0000 00000	Appropriate funds collected for Criminal Justice Training Academies, pursuant to the Code of Virginia, §9.1-106, during fiscal year 2012-13 greater than the amount budgeted. The County has been collecting these funds since FY2003-04. These funds will be used for costs associated with training within the Division of Police.	

Department - 13 - Fire

13112	- <u>Technology</u>	\$ 50,000
13115	- <u>Logistics</u>	62,000
0000 00000	To appropriate funding received from the Virginia Department of Fire Programs for the FY2013 State Fire Program Aid to Localities. This funding will be used to purchase personal protective equipment for the firefighters as well as an online tracking and training module.	

<p>By Agency Head <u></u></p> <p>Routing: _____</p> <p>Yellow to: _____</p> <p>Copy to: _____</p>	<p>By County Manager <u></u></p> <p>Certified: _____</p> <p>A Copy Teste: _____</p> <p style="text-align: right;">Clerk, Board of Supervisors</p> <p>Date: _____</p>
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13113	-- Emergency Planning and Safety	
0000 06827	-- <u>Local Emergency Management Performance Grant</u>	67,504
	To appropriate funding awarded from the 2013 Emergency Management Performance Grant (EMPG) from the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) as managed by the Virginia Department of Emergency Management. This grant requires an in-kind local match of \$67,504 which will be fulfilled by Henrico County's Emergency Management Coordinator and Emergency Preparedness Management Specialist salary and benefits.	
13122	-- <u>Operations - EMS</u>	58,150
0000 00000	The Four-For-Life funding from the Commonwealth of Virginia, Department of Health, Office of Emergency Medical Services was received in fiscal year 2012-13 but not appropriated. The total appropriation for this program in fiscal year 2013-14 will be \$275,775 after this addition. This funding is allotted for the training of volunteer or salaried emergency medical service personnel as well as equipment and supplies needed for the Volunteer Rescue Squads.	
	Total Fire	\$ 237,654
Department - 22 - Social Services		
22011	-- Joint Administration	
1301 00000	-- <u>Administration</u>	\$ 28,118
	The Commonwealth of Virginia, Department of Social Services, will provide the County of Henrico, an additional \$7,888 of State (34.5%) and \$15,872 of Federal (50.0%) funds for the FUEL/Crisis Program in fiscal year 2013-14. This amendment provides funding for temporary labor for this program. The required 15.5% County match, \$4,358, will come from the fund balance in the General Fund, and is included in this \$28,118 amount. The total appropriation for this program in fiscal year 2013-14, will be \$82,648, after this addition.	
1301 00000	-- <u>Administration</u>	29,173
	The Commonwealth of Virginia, Department of Social Services, will provide the County of Henrico, an additional \$8,184 of State (34.5%) and \$16,466 of Federal (50.0%) funds for the SNAP Program in fiscal year 2013-14. This amendment provides funding for program training expenses. The required 15.5% County match, \$4,523, will come from the fund balance in the General Fund, and is included in this \$29,173 amount.	

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22031	- TANF Hard to Serve	
1301 00000	- <u>Administration</u>	139,892
1302 00000	- <u>Purchase of Services</u>	682,585
<p>The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico, \$822,477, in additional Federal funding for fiscal year 2013-14, to continue providing employment services for the Hard-to-Serve Temporary Assistance for Needy Families (TANF) recipients. Of this total, \$139,892 has been designated for administration and \$682,585 is allotted for the purchase of services. No County matching funds are required.</p>		
22301	- VIEW Program	
1302 00000	- <u>Purchase of Services</u>	500,000
<p>The Commonwealth of Virginia, Department of Social Services, will reimburse the County of Henrico, an additional \$172,500 of State (34.5%) and \$250,000 of Federal (50%) funds for the Virginia Initiative for Employment not Welfare (VIEW) Program in fiscal year 2012-13. The required 15.5% County match (\$77,500) will come from the fund balance in the General Fund, and is included in this \$500,000 amount. The total appropriation for this program in fiscal year 2013-14 will be \$1,219,298 after this addition.</p>		
22503	- Adoption Subsidy	
1302 00000	- <u>Purchase of Services</u>	558,290
<p>To increase the County allocation to the estimated level of need for state and federally mandated Title IV-E Adoption Program expenditures. This program is funded with \$279,145 of State and \$279,145 of Federal funds. The total appropriation for this program in fiscal year 2013-14 will be \$777,816 after this addition. No County matching funds are required.</p>		
22504	- Special Needs Adoption	
1302 00000	- <u>Purchase of Services</u>	669,130
<p>The Commonwealth of Virginia, Department of Social Services, will reimburse the County of Henrico, an additional \$669,130, of State funds for the mandated Special Needs Adoption Program expenditures. The total appropriation for this program in fiscal year 2013-14, will be \$790,645 after this addition. The Special Needs Adoption Program is funded with 100% State funds and no local matching funds are required.</p>		

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22604	- Auxiliary Grants Aged	
1302 00000	- <u>Purchase of Services</u>	75,000
	The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico, an additional \$60,000, in State funding for fiscal year 2013-14, to fund State and Federal mandated auxiliary grant expenditures for the aged. The County's required 20% match, \$15,000, will come from the fund balance in the General Fund and is included in the \$75,000 total.	
22605	- Auxiliary Grants Blind	
1302 00000	- <u>Purchase of Services</u>	19,000
	The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico, an additional \$15,200, in State funding for fiscal year 2013-14, to fund State and Federal mandated auxiliary grant expenditures for the blind. The County's required 20% match, \$3,800, will come from the fund balance in the General Fund and is included in the \$19,000 total.	
22606	- Auxiliary Grants Disabled	
1302 00000	- <u>Purchase of Services</u>	232,093
	The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico, an additional \$185,674, in State funding for fiscal year 2013-14, to fund State and Federal mandated auxiliary grant expenditures for the disabled. The County's required 20% match, \$46,419, will come from the fund balance in the General Fund and is included in the \$232,093 total.	
22609	- Refugee Program	
1302 00000	- <u>Purchase of Services</u>	33,500
	The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico an additional \$33,500, in Federal funding for fiscal year 2013-14, to fund State and Federal mandated Refugee Program expenditures. No local match is required.	
	Total Social Services	<hr/> \$ 2,966,781
Department - 24 - Public Health		
24001	- Public Health	\$ 36,275
0000 00000	- To appropriate funding to cover Henrico's 45% share of the increased funds provided to Henrico's Public Health department by the State in the current fiscal year. This funding will come from the fund balance of the General Fund.	

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Department - 28 - Public Works

28002	- Road Maintenance	\$ 10,444,603
0000 00000	- To appropriate additional State Gas Tax allocation to cover operating costs associated with road maintenance. The 2013 General Assembly approved an update to the payment for Henrico County to \$12,529 per lane mile from the most recent figure of \$9,593 per lane mile in FY2012-13. These funds will be utilized to improve the maintenance and replacement of roads, culverts, and bridges.	
Total Fund 0101 - General Fund - General Operating Fund		<u>\$ 13,706,775</u>

FUND 1102 - SPECIAL REVENUE FUND - State and Federal Grants - County

Department 02 - Public Library

02001	- Public Services	
0000 05165	- <u>Library Donations</u>	\$ 874
To appropriate donations that have been received from various patrons to purchase library books and other materials.		

Department 07 - Juvenile/Domestic Relations District Court

07003	- Juvenile Detention Home	
0000 05009	- <u>USDA Grant - Detention Home</u>	\$ 911
To appropriate additional Federal revenue received from the United States Department of Agriculture for food supplies for Henrico's Juvenile Detention Home.		
07004	- VJCCCA - Probation	
2406 06780	<u>FY2013-14 - VJCCCA</u>	3,712
To appropriate additional local revenue generated from court ordered program payments and electronic monitor restitution fees. Funds will be used for various VJCCCA programs.		
07004	- VJCCCA - Probation	
2406 06780	<u>FY2013-14 - VJCCCA</u>	42,168
07005	- VJCCCA - Detention	
2451 06780	- <u>FY2013-14 - VJCCCA</u>	18,371
To appropriate additional State revenue received from the Virginia Department of Juvenile Justice for the VJCCCA Probation and Detention programs.		
Total Juvenile/Domestic Relations District Court		<u>\$ 65,162</u>

COUNTY OF HENRICO, VIRGINIA
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Department 12 - Police

12035 - Metro Aviation

1823 00000 - Special Operating and Capital \$ 16,515

The Commonwealth of Virginia reimburses Henrico County's Metro Aviation Unit for State extraditions using the unit's airplane. Additional revenue received from the State in fiscal year 2012-13, but not appropriated for expendimre, will be used for operating and capital needs of the Metro Aviation Unit. In addition, \$78,907 of funding previously appropriated for these purposes but unspent as of June 30, 2013 are included in the reappropriation section of this document.

12800 - Grants

0000 00173 - Bulletproof Vest 1,020

Additional funds have been approved for reimbursement to the County of Henrico from the United States Department of Justice, Office of Justice Programs, under the Bulletproof Vest Partnership Program, in the amount of \$1,020. No County matching funds are required.

0000 05198 - Spay and Neuter Foundation 1,342

The Commonwealth of Virginia, Department of Taxation, has awarded the County of Henrico, \$1,342, which was designated by Henrico citizens who voluntarily donated funds to the Spay and Neuter Foundation on their Virginia tax return. Once these funds are appropriated, the Division of Police will donate them to the local SPCA to support sterilization programs of dogs and cats.

0000 06822 - Justice Assistance Grant 14 62,038

To appropriate funding received from the Department of Justice, Bureau of Justice Assistance. These federal funds will be used to purchase equipment necessary for the support of Police operations. No County matching funds are required.

0000 06823 - PSAP Education Program 2,000

To appropriate State funding received from the Virginia Wireless E-911 Services Board for the Division of Police's Emergency Communications Center. Funds will be used to reimburse two Emergency Communications Center personnel who are scheduled to attend two required regional conferences.

0000 06825 - Target Donation 1,500

To appropriate a donation received from Target to purchase crime prevention brochures.

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0000 06834	- <u>DMV14 - Speed</u>	40,907
	To appropriate funding of \$38,000 from the Virginia Department of Motor Vehicles for overtime related to speed saturation patrols. These federal funds are pass-through from the National Highway Traffic Administration and are being administered by the Commonwealth. The County's funding for the FICA associated with the overtime, \$2,907, will come from the fund balance in the General Fund and is included in the \$40,907 total.	
0000 06835	- <u>DMV14 - OP</u>	12,273
	To appropriate funding of \$11,400 from the Virginia Department of Motor Vehicles for overtime related to occupant protection saturation patrols. These federal funds are pass-through from the National Highway Traffic Administration and are being administered by the Commonwealth. The County's funding for the FICA associated with the overtime, \$873, will come from the fund balance in the General Fund and is included in the \$12,273 total.	
0000 06836	- <u>DMV14 - DUI</u>	195,702
	To appropriate funding of \$181,856 from the Virginia Department of Motor Vehicles for overtime and equipment related to alcohol enforcement activities. These federal funds are pass-through from the National Highway Traffic Administration and are being administered by the Commonwealth. The County's funding for the FICA associated with the overtime, \$13,846, will come from the fund balance in the General Fund and is included in the \$195,702 total.	
	Total Police	<hr/> \$ 333,297
Department 13 - Fire		
13113	- Emergency Planning and Safety	
0000 05498	- <u>PUPTH Grant</u>	\$ 188,353
	To appropriate funding of \$188,353 for FY2014 received from Virginia Commonwealth University (VCU) for personnel, supplies, and equipment related to the Pre-hospital Use of Plasma for Traumatic Hemorrhage (PUPTH) grant. This grant will be used for a clinical trial evaluating the use of blood plasma in the pre-hospital EMS setting. This trial is being funded by the U.S. Army Medical Research and Materiel Command and the primary recipient of the grant funding is VCU; Henrico County is a sub-recipient. Total funding of \$432,863 will be provided over the three-year time period for this grant on a reimbursable basis. No County matching funds are required.	

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- 13116 – Fire Marshall's Office
- 0000 00833 – Fire Prevention - Donations 1,327
- Donations have been received from the private sector for use by the Division of Fire. These funds are to be used for the maintenance of the Division's Kids Safety House as well as smoke detectors, and additional training materials for Fire Prevention Services.
- 13150 – Field Operations
- 0000 05092 – Eyes for Fire Program 2,110
- To appropriate donations received by the Division of Fire for the division's work in the community. The donations are for the Eyes for Fire program and the funds will be used towards the purchase of a thermal imaging camera and supplies for the thermal imaging camera specialty shop repair operation. The thermal imaging cameras assist greatly in locating victims in fire situations and also enhance the safety of firefighters.
- 13800 – Grants
- 0000 06828 – FY2013 Port Security Grant (PSGP) 320,000
- To appropriate funding of \$320,000 received from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) for the FY2013 Port Security Grant Program (PSGP). Funds will be used towards the purchase of an emergency response vessel capable of providing firefighting, hazardous materials response, and dive operations.
- 0000 06832 – Assistance Firefighters' Grant - Wildland Jackets 102,500
- To appropriate funding of \$82,000 received from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) for the FY2012 Assistance to Firefighters grant. The County's required 20% match, \$20,500, will come from the fund balance in the General Fund and is included in the \$102,500 total. Funds will be used to purchase fire resistant wildland jackets for Division personnel.
- 0000 06855 – 2013 CBRNE HazMat 29,000
- To appropriate funding of \$29,000 received from the Virginia Department of Emergency Management (VDEM), State Homeland Security Program for the 2013 Enhance CBRNE HazMat grant. These federal funds are pass-through from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) and are being administered by the Commonwealth. This grant would replace the Division's current inventory of floating containment boom, which is used to contain hazardous material spills on waterways. No local match is required.

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0000 06857	- <u>FY2014 HMEP Grant</u>	26,000
To appropriate funding of \$26,000 received from the Virginia Department of Emergency Management for the FY2014 Hazardous Materials Emergency Preparedness grant. These federal funds are pass-through from the U.S. Department of Transportation and are being administered by the Commonwealth. These funds would be used to provide for a hazardous material commodity flow smdy update. In addition, this grant would provide funding for the printing of brochures for compliance with Tier 2 reporting efforts. The grant requires an in-kind local match of \$5,200 or 20%, which would be satisfied by in-kind contributions from the County.		
0000 06858	- <u>2013 State Homeland Security Grant - CERT</u>	13,000
To appropriate funding of \$13,000 received from the Virginia Department of Emergency Management for the 2013 State Homeland Security Program Grant. These federal funds are pass-through from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) and are being administered by the Commonwealth. This grant seeks to provide resources for the existing Henrico County Citizens Corp Program, which would fund the replacement of the CERT trailer, continuing education for CERT 2 and Medical Reserve Corps (MRC), and outreach material to support citizens engagement and involvement in countywide preparedness efforts. No local match is required.		
Total Fire		\$ 682,290
Department 22 - Social Services		
22509	- Safe and Stable Families	
1302 06788	- <u>FY2013-14 CSA</u>	\$ 129,999
The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico, Policy and Management Team (CPMT) for the Comprehensive Services Act (CSA) Safe and Stable Family Program, an additional \$97,499 of Federal (75.0%) and \$12,350 of State (9.5%) funding for fiscal year 2013-14. The County's required 15.5% match of \$20,150 will come from the fund balance in the General Fund via an interfund transfer to the Special Revenue Fund.		
Department 23 - Recreation and Parks		
23101	- Director	
0421 00000	- <u>Henrico Community Band</u>	\$ 50
To appropriate a donation from Our Lady of Hope Health Center to support the Henrico Community Band.		
0476 05154	- <u>Recreation Donations - Brookland Youth Baseball/Softball</u>	900
To appropriate a donation received from Shoney's of Richmond for the Brookland District Awards Celebration.		

**COUNTY OF HENRICO, VIRGINIA
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23222	- Special Programs - Cultural Arts		
0000 00956	- <u>Local Government Challenge Grant</u>		5,000
	The Virginia Commission of the Arts has awarded the County of Henrico, a Local Government Challenge grant of \$5,000. Funds are to be used to enhance existing programs and signature events associated with the Cultural Arts Center at Glen Allen. No County matching funds are required.		
	Total Recreation and Parks	\$	5,950

Department 36 - Community Corrections

36002	- CCP - Pretrial		
0000 06781	- <u>FY2013-14 CCP Pretrial</u>	\$	57,751
36003	- CCP - Post Trial		
0000 06782	- <u>FY2013-14 CCP Post Trial</u>		22,754
	To appropriate additional State revenue received from the Virginia Department of Criminal Justice Services for the Community Corrections Program. These funds would allow for an additional Complement III Case Management Technician position, allow for the regrading of four existing positions, and provide funding for additional staff training.		
	Total Community Corrections	\$	80,505
	Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$	1,298,077

FUND 1103 - SPECIAL REVENUE FUND - Solid Waste

Department 31 - Public Utilities

31604	- Litter Control		
1002 06824	- <u>Chesapeake Bay License Plate State Grant</u>	\$	5,000
	To appropriate a grant received from the Chesapeake Bay Restoration Fund Advisory Committee for the Keep Henrico Beautiful program.		

FUND 1108 - SPECIAL REVENUE FUND - Capital Region Workforce Partnership

Department 27 - Capital Region Workforce Partnership

27004	- Workforce Partnership		
0000 05427	- <u>WIA DW - FY2012-13</u>	\$	88,566
0000 06770	- <u>WIA Youth FY2013-14 (In-School)</u>		48,406
0000 06772	- <u>WIA Adult FY2013-14</u>		96,248
	The Virginia Community College System has awarded an additional \$233,220 in federal Workforce Investment Act funding to the Capital Region Workforce Partnership's Dislocated Worker program.		
	Total Fund 1108 - Special Revenue Fund-CRWP	\$	233,220

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Total Fund 1110 Special Revenue Fund - MH and DS	\$ 532,442
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FUND 1112 - SPECIAL REVENUE FUND - White Oak - CDA

Department 30 - Economic Development

30003 - White Oak - CDA

0000 00000 - White Oak - CDA \$ 3,806,000

To enable Henrico County to meet its obligations established under the Memorandum of Understanding between the County and The Shops at White Oak Village Community Development Authority (CDA), dated September 1, 2007. Under this agreement, revenues generated at the Shops at White Oak Village are projected to meet and/or exceed debt service and administrative requirements. Real Estate, Personal Property, Local Sales, and Business and Professional License revenue received as a result of improvements at the Shops at White Oak Village site are to continue to be deposited in Special Revenue Fund accounts and disbursed to the Economic Development Authority, as per the Memorandum of Understanding referenced above.

FUND 1114 - SPECIAL REVENUE FUND - Forfeitures Police State

Department 12 - Police

12850 - Asset Forfeiture

0000 00000 - Forfeitures - Police - State \$ 101,336

Law enforcement special funds which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be used by Police for law enforcement projects as determined and approved by the County Manager or his designee.

FUND 1116 - SPECIAL REVENUE FUND - Forfeitures Police Treasury Federal

Department 12 - Police

12850 - Asset Forfeiture

0000 00000 - Forfeitures - Police - Treasury - Federal \$ 11,754

Law enforcement special funds, which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be used by Police for law enforcement projects as determined and approved by the County Manager or his designee.

0000 06860 - VA CIT Conference FY14 Grant Award 256,349

To appropriate law enforcement special funds to be utilized for training purposes. These federal funds are pass-through from the Virginia Office of the Attorney General (from the Abbott Laboratories Settlement of October 2012 which was a federal medical fraud case).

Total Fund 1116 Special Revenue Fund - Forfeitures Police \$ 268,103

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FUND 1117 – SPECIAL REVENUE FUND - Forfeitures Police Justice Federal

Department 12 – Police

12850 – Asset Forfeiture

0000 00000 – Forfeitures - Police - Justice - Federal \$ 1,234

Law enforcement special funds which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be used by Police for law enforcement projects as determined and approved by the County Manager or his designee.

FUND 1120 – Reynolds Crossing CDA

Department 30 - Economic Development

30004 – Reynolds Crossing CDA

0000 00000 – This funding is necessary to enable Henrico County to meet the obligations \$ 912,000

established under the Memorandum of Understanding between the County and Reynolds Crossing, November 1, 2006 (as amended September 1, 2007). Under this agreement special assessments generated will be used to meet debt service requirements of the Community Development Authority (CDA). Revenue received will meet the debt service and administrative requirements that arise, and will be deposited in a Special Revenue Fund and disbursed to the CDA, as per the Memorandum of Understanding referenced above.

Total SPECIAL REVENUE FUND

\$ 7,157,412

FUND 6301 - RISK MANAGEMENT FUND

Department 11 - Human Resources

11003 – Risk Management

0000 00000 Funds are required to support anticipated expenses for the Workers' Compensation and Property/Liability programs for the fiscal year ending June 30, 2014. This appropriation is an estimate of what will be required for the balance of the fiscal year. Funds are to come from the Self-Insurance Reserve in the General Fund, via an interfund transfer to the Internal Service Fund. \$ 9,282,438

FUND 8103 – TRUST AND AGENCY FUND - Long-Term Disability Benefit

Department 11 - Human Resources

11010 – Long-Term Disability

0000 00000 To establish a budget account in fiscal year 2013-14, for long-term disability claims, in the Trust and Agency Fund. This action, first initiated in fiscal year 2002-03, is in response to auditing comments regarding the accounting treatment of long-term disability claims and payments. Funds are to come from: (a) employee contributions, \$45,000; (b) County contributions, \$318,000; and (c) long-term disabilities reserve (LTD), \$150,000. \$ 513,000

Total OPERATING FUNDS

\$ 30,659,625

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CAPITAL FUNDS

FUND 2101 - CAPITAL PROJECTS FUND - General Capital Projects

Department 28 - Public Works

28004 - Construction

0000 06398 - Automatic Traffic Management System 1,255,286

To appropriate additional State VDOT Congestion Mitigation & Air Quality Funds for County-wide Automated Traffic Management System. This system will be initially designed to control approximately 120 existing signalized intersections with the capability to expand to 300 signalized intersections. No County match is required.

0000 06815 - Gaskins Park & Ride - VDOT Revenue Sharing 55,250

To appropriate funding from the State Department of Transportation to resurface and restripe the pavement at the Gaskins Road Park and Ride facilities. VDOT will reimburse up to 50% of project costs up to their match under their Revenue Sharing Program.

0000 06816 - Shady Grove Sidewalks-VDOT Revenue Sharing 69,000

To appropriate funding from the State Department of Transportation to construct 800 feet of sidewalk on Shady Grove Road and Old Nuckols Road. VDOT will reimburse up to 50% of project costs up to their match under their Revenue Sharing Program.

Total Public Works	\$ 1,379,536
Total Capital Projects Fund - General Capital Projects	\$ 1,379,536

FUND 2111 - CAPITAL PROJECTS FUND - Capital Initiatives Fund

Department 26 - Mental Health and Mental Retardation

26301 - Executive Director

0000 06508 - CONNECT Program - Summer Youth Employment \$ 30,000

To provide funds for summer youth employment services performed by the CONNECT program. This program partners with local businesses to give Henrico youth opportunities to learn fundamental job skills. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Department 50 - Education

50331 - Construction and Maintenance

0000 06694 - Wilder Middle School - Athletic Facility Enhancements \$ 30,000

This amendment will appropriate funding of \$30,000 for the Wilder Middle School athletic facility improvements. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Capital Projects Fund - Capital Initiatives	\$ 60,000
Total CAPITAL PROJECTS FUND	\$ 1,439,536

**COUNTY OF HENRICO, VIRGINIA
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FUND 5102 - Water and Sewer Construction Fund

Department 31 - Public Utilities

31201 - Accounting

1001 00735 - Water Reclamation Facility \$ 278,421

The Virginia Department of Environmental Quality (DEQ) under the Water Quality Improvement Program has awarded a grant equal to thirty-five percent of the cost of design and installation of Nutrient Removal Technology at the Water Reclamation Facility. This amendment reflects the final reimbursement from the DEQ and brings the total reimbursement to \$8,402,732.

TOTAL CAPITAL FUNDS

Total Amendments/Appropriations

\$ 1,717,957

\$ 32,377,582

COMMENTS: The Director of Finance recommends approval of this Board paper and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
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MINUTE

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Agenda Title: RESOLUTION — POD2013-00288 — Approval of Plan of Development for Varina Area Library —
Varina District

For Clerk's Use

Only:
DEC 10 2013

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Glover

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ ☐ ☐
Kaechele, D. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☐ ☐ absent

WHEREAS, Sections 24-11(b) and 24-106 of the Henrico County Code require the submission of applications for plans of development for public facilities to the Board of Supervisors; and,

WHEREAS, an application has been submitted for approval of POD2013-00288, a plan of development to construct a two-story, 42,333 square foot public library with parking and related site improvements as well as a future 16,000 square foot building addition with additional parking; and,

WHEREAS, the 21.9-acre site is located at the southwest corner of the intersection of New Market Road (State Route 5) and Pocahontas Parkway (State Route 895) on parcel 807-692-8758; is zoned A-1, Agricultural District; and is located in the Varina District; and,

WHEREAS, the County Administration, including the Department of General Services, the Department of Planning, the Department of Public Works, the Department of Public Utilities, the Division of Fire, the Division of Police, and the Department of Building Construction and Inspections, as well as the Virginia Department of Transportation have reviewed the application, and the Administration recommends approval, subject to the staff recommendations and the staff plan dated December 10, 2013; and,

WHEREAS, on December 10, 2013, the Board of Supervisors held a public hearing to receive comments on the application for approval.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors hereby approves the application, subject to the following conditions:

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:

**COUNTY OF HENRICO, VIRGINIA
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MINUTE**

Agenda Item No. 236-13

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Agenda Title: **RESOLUTION — POD2013-00288 — Approval of Plan of Development for Varina Area Library
— Varina District**

1. The Director of Public Utilities shall approve the construction plans for public water and sewer prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least 24 hours prior to the start of any County water or sewer construction.
2. The parking lot shall be subject to the requirements of Section 24-98 of the Henrico County Code.
3. The parking spaces shall be marked on the pavement surface with four-inch wide white painted traffic lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall be yellow.
4. Sufficient, effective usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
5. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
6. The plan of development shall be revised as annotated on the staff plan dated December 10, 2013, which shall be as much a part of this approval as if its details were fully described herein. Eight sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning that all comments have been addressed, 21 sets of final plans for signature shall be submitted to the Department of Planning for approval signatures.
7. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
8. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.
9. All ground cover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.
10. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
11. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
12. The site including the parking areas shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with scheduled regular pickups and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan review and approval.
13. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
14. Traffic control signs shall be provided as indicated on the Planning staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

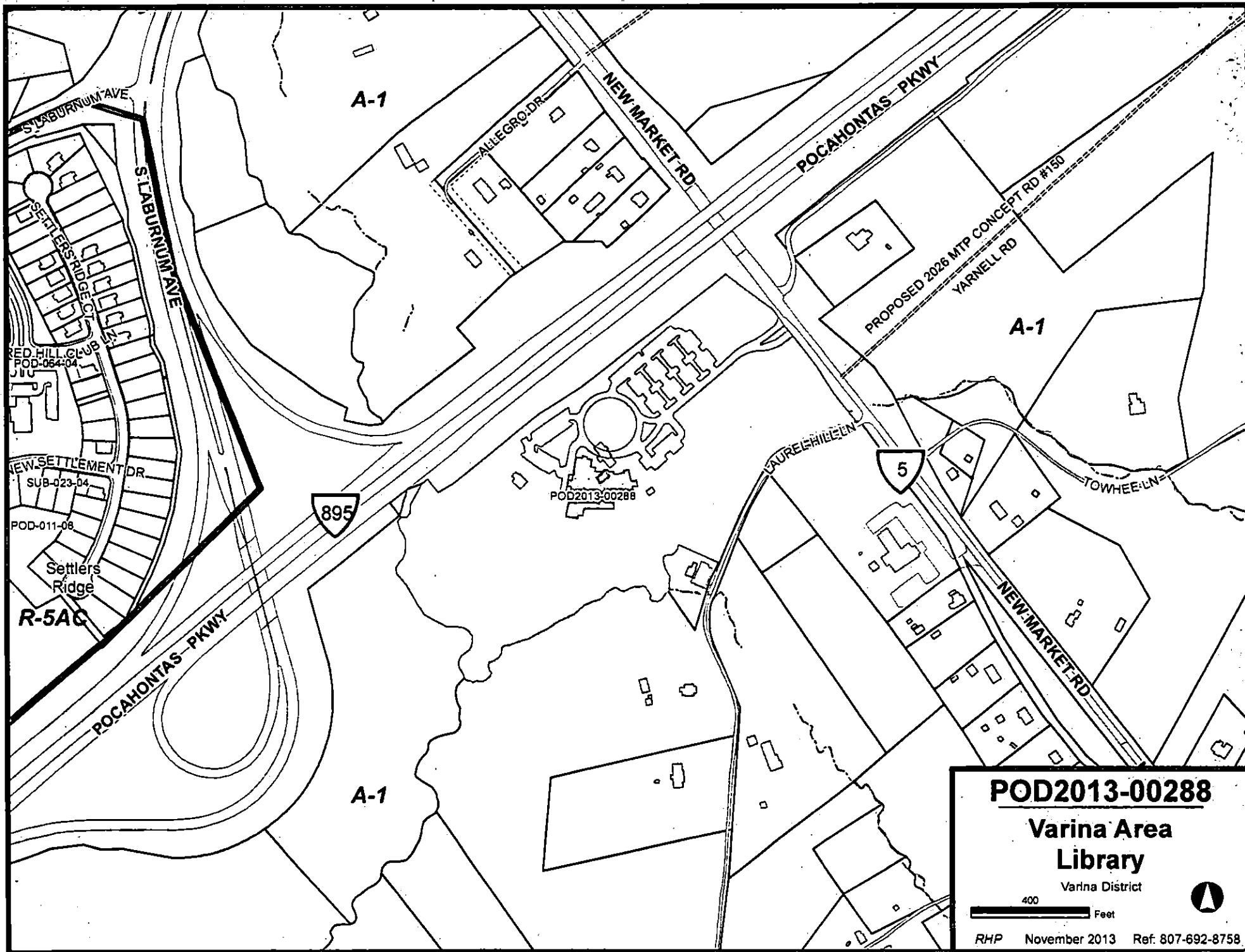
Agenda Item No. 236-13

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Agenda Title: **RESOLUTION — POD2013-00288** — Approval of Plan of Development for Varina Area Library
— Varina District

15. The assigned property number shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses.
16. The contractor shall have a set of plans approved by the Director of Public Works, Director of Public Utilities, and the County Manager available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County inspectors.
17. The property shall be developed generally as shown on the plan filed with the case, and no major changes or additions to the layout shall be made without the approval of the Board of Supervisors.
18. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the engineer or land surveyor who prepared the POD plan shall furnish a statement to the effect that all construction, including water and sewer, is in conformance with the regulations and requirements of the POD.
19. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
20. Insurance Service Offices (ISO) calculations should be included on the final construction plans for approval by the Department of Public Utilities prior to issuance of a building permit.
21. Any necessary offsite drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
22. Deviations from County standards for pavement, curb, or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
23. Vehicles shall be parked only in approved and constructed parking spaces.
24. The construction shall be properly coordinated to ensure that safe access, circulation, and adequate parking is provided for the facility. A plan to indicate the phasing of improvements and the handling of traffic (construction and employees) shall be submitted to the Department of Planning prior to the issuance of a building permit.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.
26. The entrances and drainage facilities on New Market Road (State Route 5) shall be approved by the Virginia Department of Transportation and the County.
27. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.

COMMENTS: The Director of Planning has reviewed the plans submitted by Vanasse Hangen Brustlin, Inc. and BCWH and recommends approval, and the County Manager concurs.



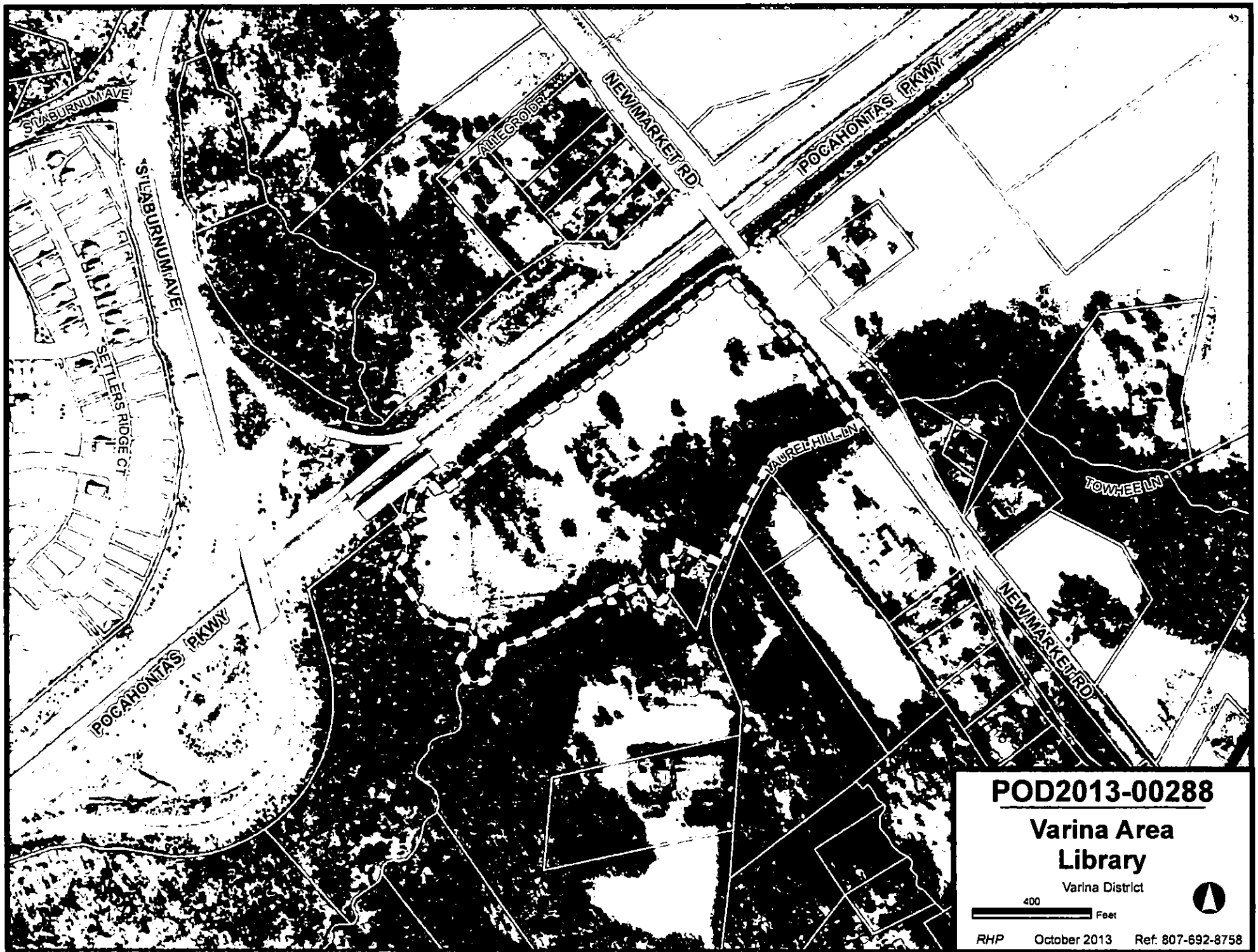
POD2013-00288

**Varina Area
Library**

Varina District

400 Feet

RHP November 2013 Ref: 807-692-8758



POD2013-00288

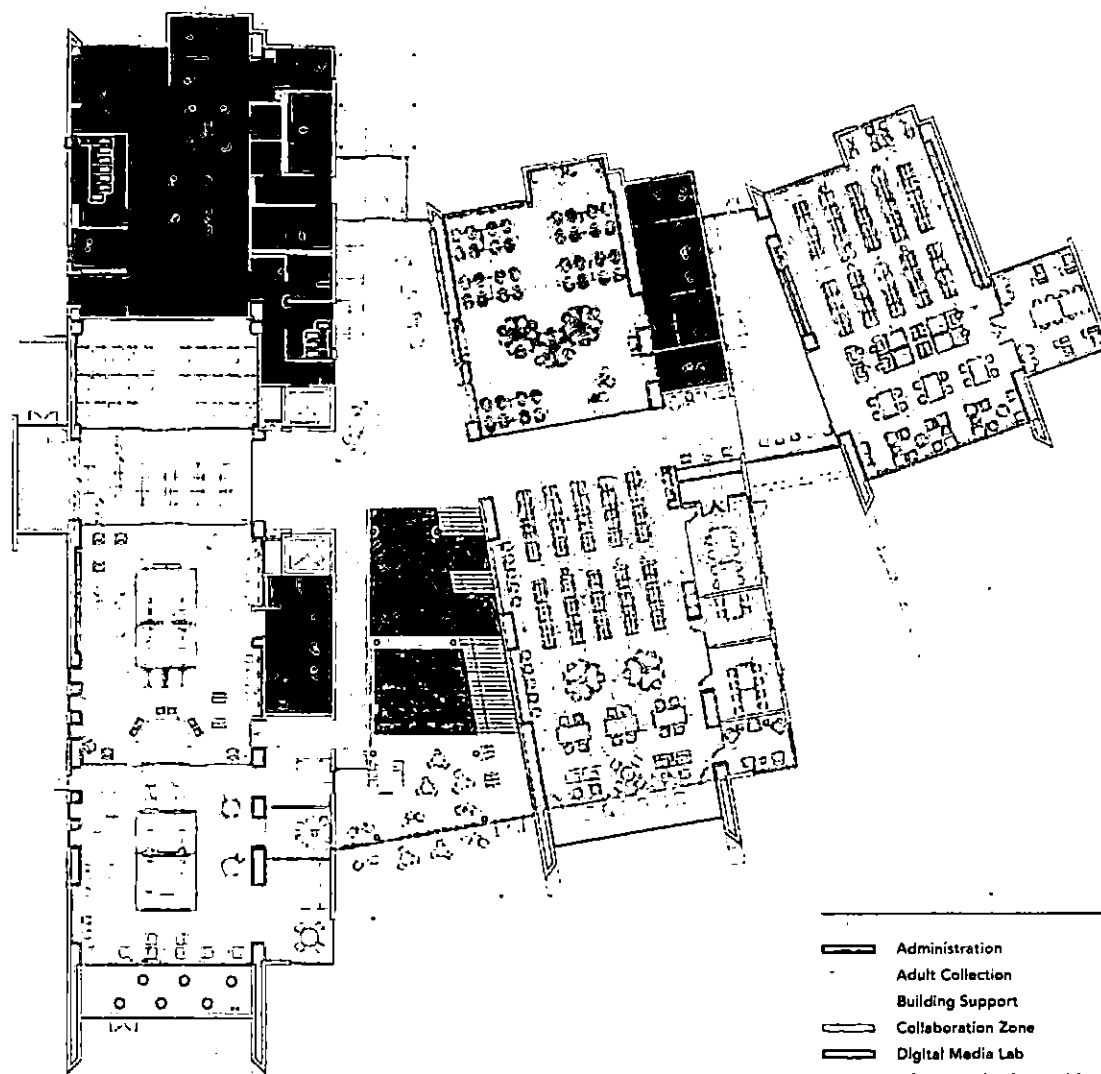
**Varina Area
Library**

Varina District

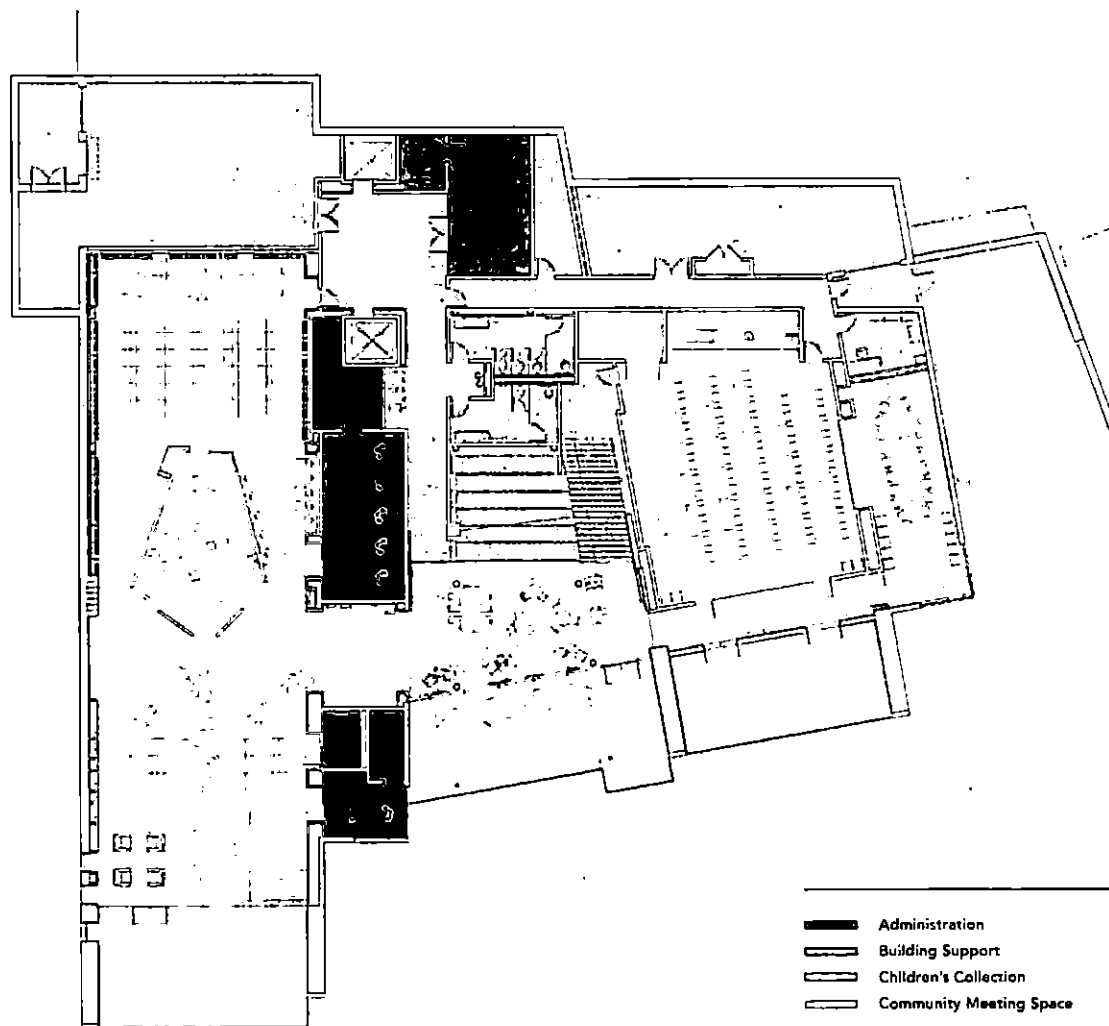
400 Feet



RHP October 2013 Ref: 807-692-8758



- | | |
|----------------------------------|---------------------|
| Administration | Outdoor Balcony |
| Adult Collection | Periodicals |
| Building Support | Teen Collection |
| Collaboration Zone | The Reading Landing |
| Digital Media Lab | Welcome Zone |
| Information/ Reference/ Services | |

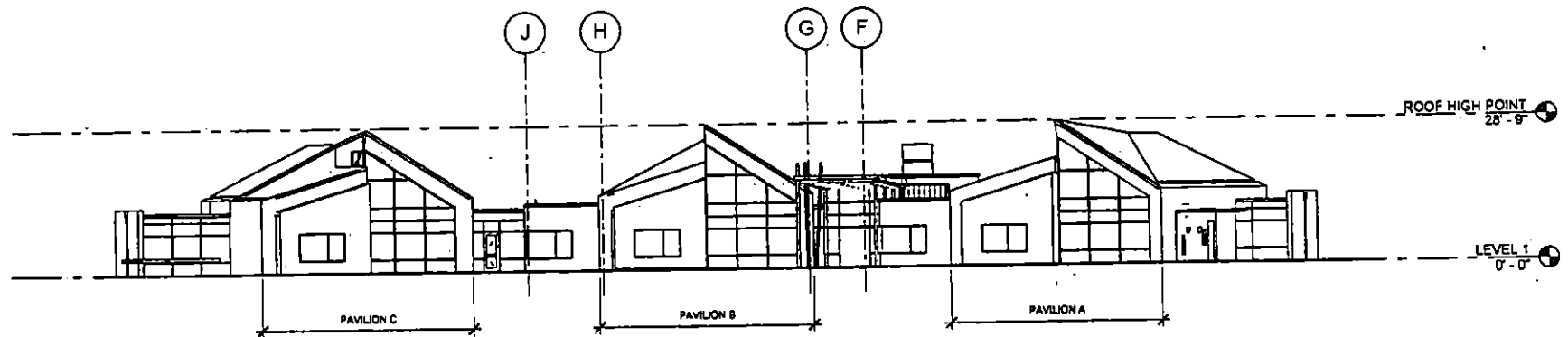


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| Administration | Digital Capture Lab |
| Building Support | Internet Café |
| Children's Collection | Outdoor Terrace |
| Community Meeting Space | |

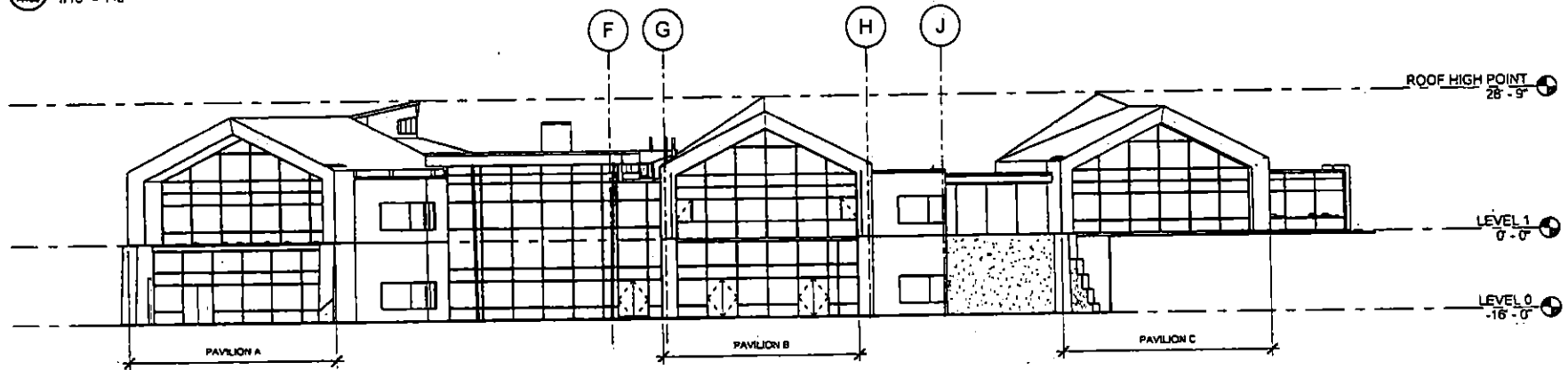


VARINA AREA LIBRARY
LOWER LEVEL PLAN

November 15, 2013



1 NORTH ELEVATION OVERALL
1/16" = 1'-0"

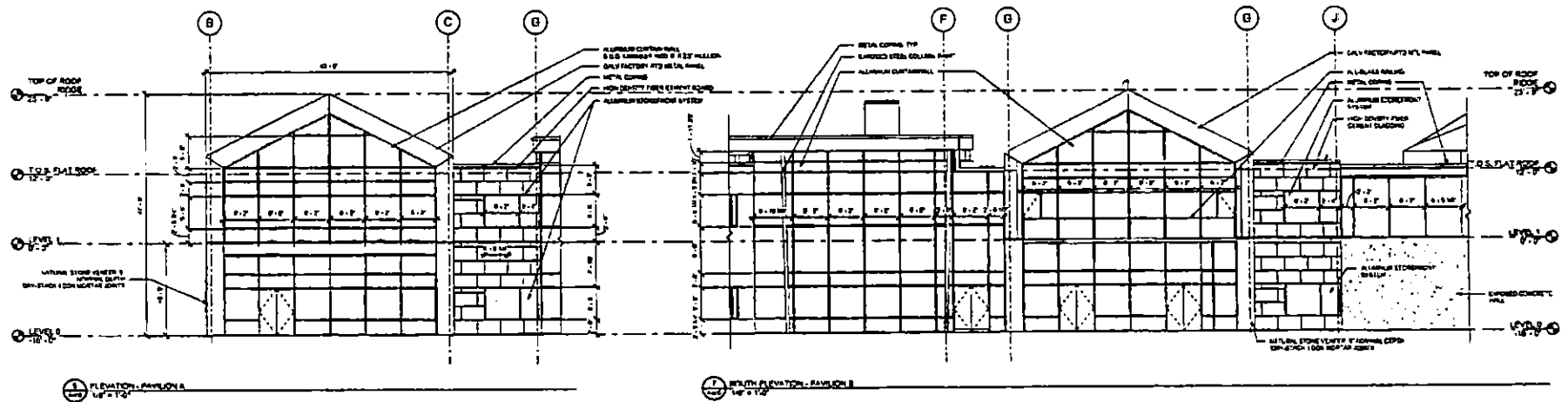
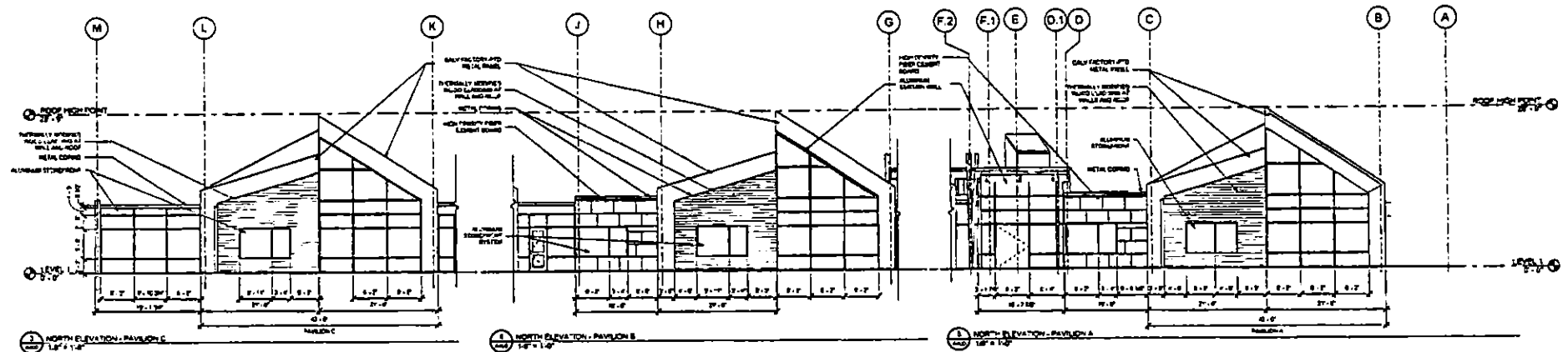


2 SOUTH ELEVATION OVERALL
1/16" = 1'-0"



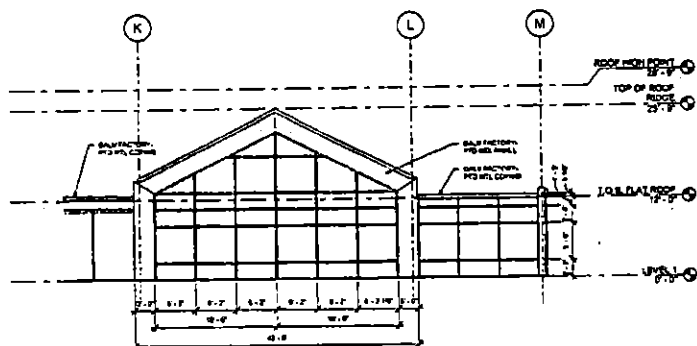
VARINA AREA LIBRARY
EXTERIOR ELEVATIONS

REVISED 12.2011

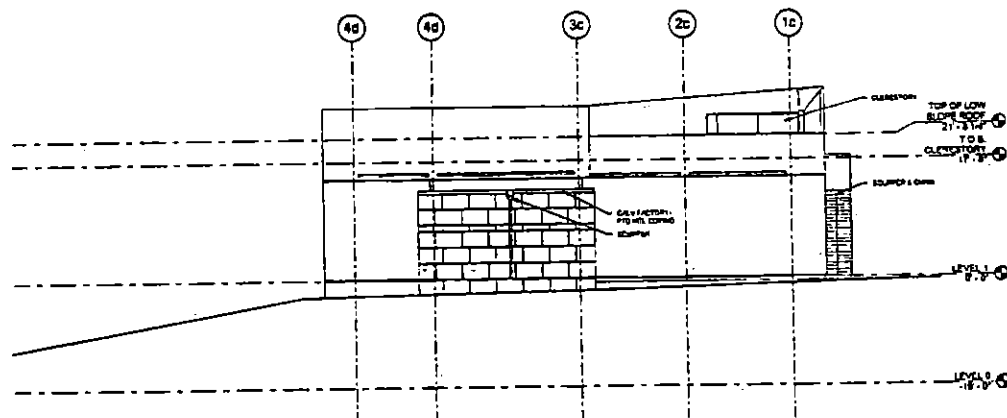


VARINA AREA LIBRARY EXTENSION ELEVATIONS

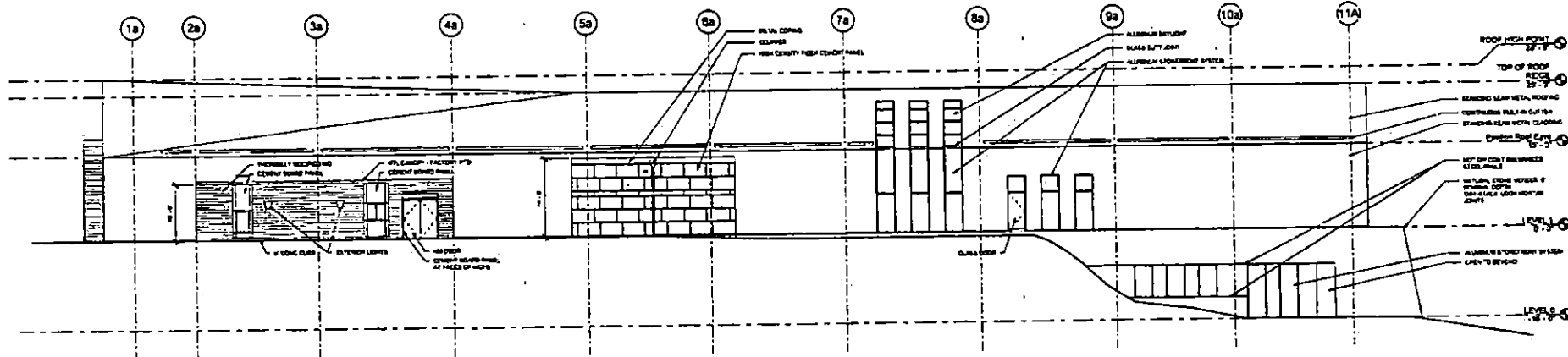
3/20/2014



1 SOUTH ELEVATION - PAVILION C
1/8" = 1'-0"



2 EAST ELEVATION - PAVILION C
1/8" = 1'-0"

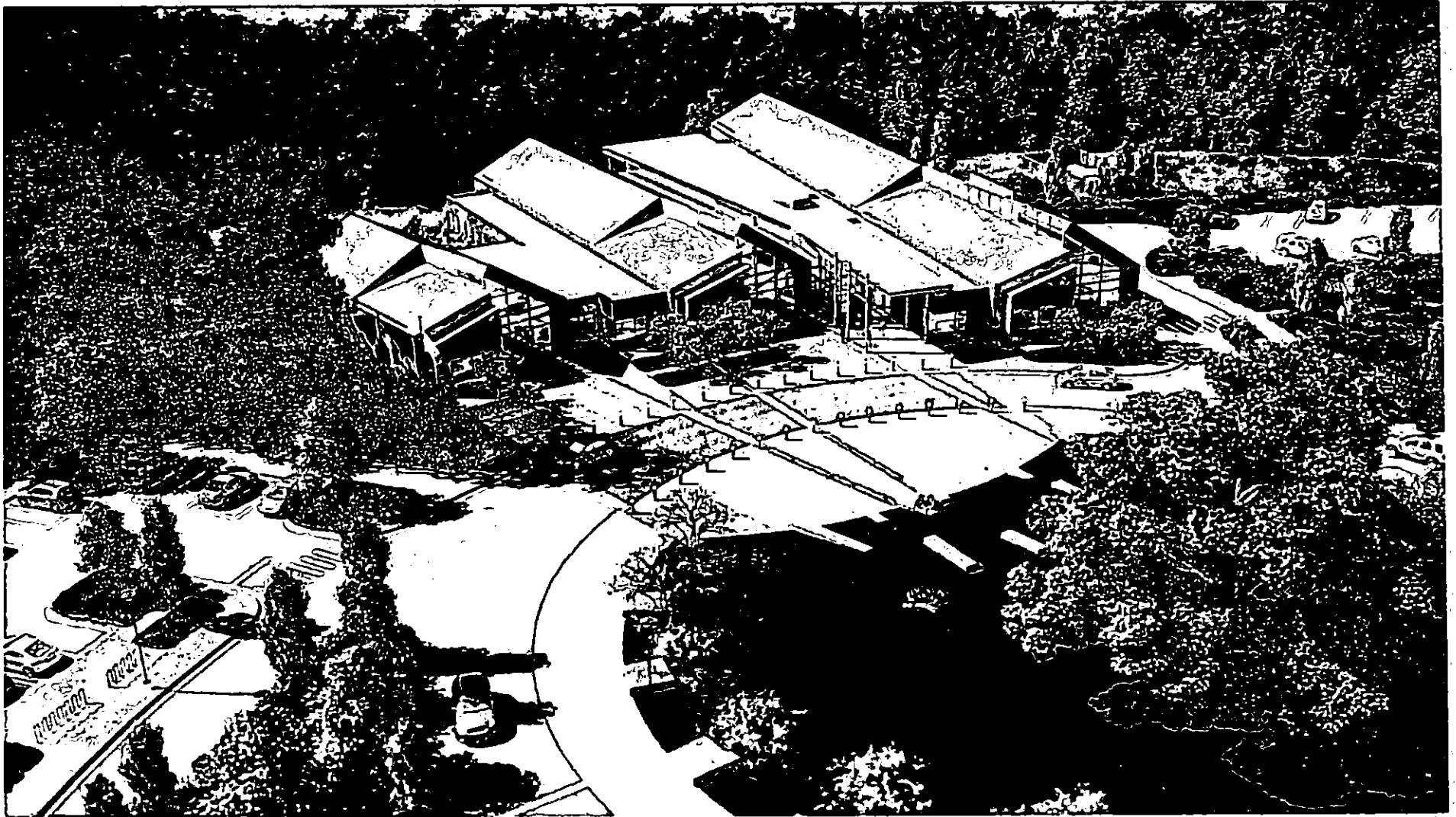


3 WEST ELEVATION - PAVILION A
1/8" = 1'-0"



VARINA AREA LIBRARY
EXTERIOR ELEVATIONS

NOVEMBER 18, 2013

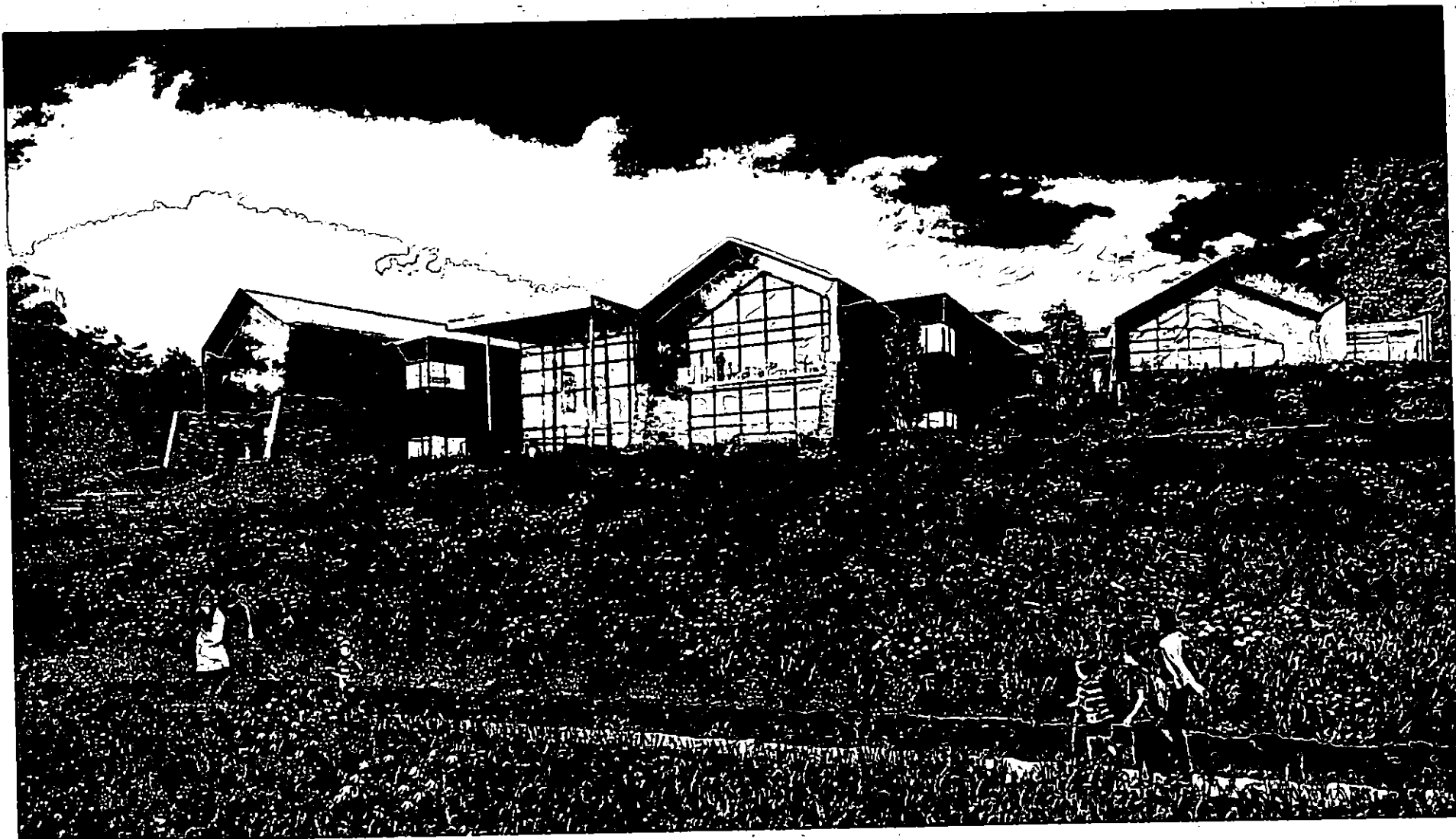


AERIAL VIEW



VARINA AREA LIBRARY
EXTERIOR PERSPECTIVE VIEW

NOVEMBER 15, 2013



REAR VIEW



VARINA AREA LIBRARY
EXTERIOR PERSPECTIVE VIEW

November 14, 2011



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 237-13

Page No. 1 of 1

Agenda Title:

RESOLUTION – Signatory Authority – Deed of Conveyance – County
Property Adjacent to Lot 6, Block G, Section D, Robinwood Subdivision –
Varina District

For Clerk's Use Only:

DEC 10 2013

Date: _____

(☒) Approved

() Denied

() Amended

() Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) O'Bannon
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ _____

Kuechefe, D. ☒ _____

Nelson, T. ☒ _____

O'Bannon, P. ☒ _____

Thornton, F. _____ absent

WHEREAS, in 1968, the County acquired a parcel including 0.05 acres of land (the "Property") along the eastern line of Lot 6, Block G, Section D of Robinwood Subdivision shown as Parcel "C" on a plat recorded in the Henrico Circuit Court Clerk's Office in Plat Book 104, page 229; and,

WHEREAS, Mark and Susan Chandler, adjoining owners of Lot 6, have requested the County convey the Property to them for \$1,000; and,

WHEREAS, there is no public need for the Property; and,

WHEREAS, this resolution was advertised pursuant to Va. Code § 15.2-1813, and a public hearing was held on December 10, 2013, pursuant to Va. Code § 15.2-1800.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman and Clerk are authorized to execute a deed, in a form approved by the County Attorney, conveying the Property shown on the "Compiled Plat of Six Parcels of Land Adjacent to Robinwood Subdivision," attached hereto as Exhibit A, to Mark and Susan Chandler for \$1,000.

Comments: The Directors of Public Works and Real Property recommend approval of this Board paper; the County Manager concurs.

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

Real Property

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Copy to:

Date:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 238-13

Page No. 1 of 2

Agenda Title: Resolution — Award of Construction Contract — Replacement of Cooling Tower at Henrico Regional Jail East — Barhamsville, VA

For Clerk's Use Only:

Date: **DEC 10 2013**

- (☒) Approved
() Denied
() Amended
() Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Glover Seconded by (1) O'Bannon
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ _____
Kaechele, D. ☒ _____
Nelson, T. ☒ _____
O'Bannon, P. ☒ _____
Thornton, F. _____ Absent

WHEREAS, the County received eight bids on November 12, 2013 in response to IFB# 13-9484-10JK and Addendum No. 1 for the replacement of the cooling tower at Henrico Regional Jail East, as follows:

<u>Bidder</u>	<u>Total Bid Amount</u>
Bay Side Contracting, Inc. Newport News, VA	\$ 265,000.00
Chamberlain Mechanical Service, Inc. Mechanicsville, VA	\$ 300,450.00
Valley Boiler & Mechanical, Inc. Roanoke, VA	\$ 304,800.00
R. S. Harrigan & Company, Inc. Richmond, VA	\$ 311,640.00
Waco, Inc. Sandston, VA	\$ 315,761.00
Warwick Plumbing & Heating Corp. Richmond, VA	\$ 318,000.00
Southern Air, Inc. Lynchburg, VA	\$ 330,875.00
Tate Engineering Systems, Inc. Richmond, VA	\$ 366,000.00

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **238-13**
Page no. 2 of 2

Agenda Title: Resolution — Award of Construction Contract — Replacement of Cooling Tower at Henrico Regional Jail East — Barhamsville, VA

WHEREAS, the project includes the addition of two variable frequency drives in the main mechanical room, local controls on the tower, and any necessary piping changes and additional work; and,

WHEREAS, after review and evaluation of all bids received, it was determined that Bay Side Contracting, Inc. is the lowest responsive and responsible bidder with a bid of \$265,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that:

1. A contract to furnish all labor, materials, supplies, equipment, and services necessary for replacement of the cooling tower at Henrico Regional Jail East is awarded to Bay Side Contracting, Inc., the lowest responsive and responsible bidder, in the amount of \$265,000.00, pursuant to IFB# 13-9484-10JK, Addendum No.1, and the bid submitted by Bay Side Contracting, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comments: Funding to support the contract is available within the General Services project budget. The Director of General Services and Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 239-13

Page No. 1 of 2

Agenda Title: RESOLUTION – Amendment and Restatement of The County of Henrico Flexible Benefits Plan

For Clerk Use Only
DEC 10 2013

Date: _____

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Glover
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ _____

Raechele, D. ☒ _____

Nelson, T. ☒ _____

O'Bannon, P. ☒ _____

Thornton, F. _____ absent

WHEREAS, the County of Henrico, Virginia (the "County") previously established a flexible benefits or "cafeteria" plan under Section 125 of the Internal Revenue Code (the "Code") known as "The County of Henrico Flexible Benefits Plan" (the "Plan"); and,

WHEREAS, the Plan has been amended from time to time to reflect changes in the regulations implementing Section 125 of the Code; and,

WHEREAS, the Plan was last amended effective January 1, 2011; and,

WHEREAS, the Internal Revenue Service (the "IRS") recently issued Notice 2013-71 modifying the "use-or-lose" rule for an employee's health flexible spending account ("FSA") to allow up to \$500 of unused amounts remaining at the end of a plan year in the employee's health FSA to be paid or reimbursed to plan participants for qualified medical expenses incurred during the following plan year, as long as the plan does not also incorporate a grace period rule; and,

WHEREAS, the Plan does not include a grace period rule; and,

WHEREAS, the Board of Supervisors desires to amend the Plan to reflect the modification of the "use-or-lose" rule by the IRS.

NOW, THEREFORE, BE IT RESOLVED by the Board that it hereby amends and restates the Plan in its entirety in the form presented to this meeting, effective immediately.

By Agency Head

Paul S. Reid

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **239-13**

Page No. 2 of 2

Agenda Title: **RESOLUTION – Amendment and Restatement of The County of Henrico
Flexible Benefits Plan**

BE IT FURTHER RESOLVED that the County Manager is authorized and directed to execute the amended and restated Plan on behalf of the Board, and to take any further action as he may deem necessary and appropriate to implement the amended and restated Plan in a manner consistent with this Resolution.

Comments: The Director of Human resources recommends approval of this Board paper: the County Manager concurs.

**COUNTY OF HENRICO, VIRGINIA
FLEXIBLE BENEFIT PLAN**

As Restated Effective December 10, 2013

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COUNTY OF HENRICO, VIRGINIA FLEXIBLE BENEFIT PLAN

INTRODUCTION

The County of Henrico, Virginia (the "County") adopted effective January 1, 1986, the County of Henrico, Virginia Flexible Benefit Plan (the "Plan") to recognize the contribution made to the County by its Employees. Its purpose was and is to reward them by providing benefits for those Employees who qualify under this Plan and their Dependents. The concept of this Plan is to allow Employees to choose among different types of benefits based on their own particular goals, desires and needs.

This Plan is intended to qualify as a "cafeteria plan" under Section 125 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations issued thereunder.

The Health Flexible Spending Account ("Health FSA") component of this Plan is intended to qualify as a "self-insured medical reimbursement plan" under Code Section 105, and the Medical Care Expenses reimbursed under that component are intended to be eligible for exclusion from participating Employees' gross income under Code Section 105(b). The Dependent Care Flexible Spending Account ("Dependent Care FSA") component of this Plan is intended to meet the requirements of Code Section 129.

Although the terms of each are incorporated into this document, the Dependent Care FSA and the Health FSA components are intended by the County to be separate plans for purposes of administration and all reporting and nondiscrimination requirements imposed by Code Sections 105 and 129. Furthermore, the Health FSA component is a separate plan for purposes of applicable provisions of PHSA, HIPAA and COBRA.

This amended and restated plan is adopted effective December 10, 2013.

ARTICLE I DEFINITIONS

1.1 "Administrator" means the individual(s) or organization(s) appointed by the County (as defined in Section 1.6) to carry out the administration of the Plan. The County shall be empowered to appoint and remove the Administrator from time to time as it deems necessary for the proper administration of the Plan. In the event an Administrator has not been appointed, or resigns from a prior appointment, the County shall be deemed to be the Administrator.

1.2 "Benefit" or "Benefit Options" means any of the optional benefit choices available to a Participant as outlined in Section 4.1.

1.3 "Cafeteria Plan Benefit Dollars" means the amount available to Participants to purchase Benefit Options as provided under Section 4.1. Each dollar contributed to this Plan shall be converted into one Cafeteria Plan Benefit Dollar.

1.4 "Code" means the Internal Revenue Code of 1986, as amended or replaced from time to time.

1.5 "Compensation" means the amounts received by the Participant from the County during a Plan Year.

1.6 "County" means the County of Henrico General Government and Public Schools and their governing bodies, the Board of Supervisors of Henrico County, Virginia and the County School Board of Henrico County, Virginia.

1.7 "Dependent" means a Participant's Spouse, or a Participant's child(ren) who meets the definition of Code Section 152, and any other person meeting the definition of Code Section 152 who is eligible to receive benefits hereunder in accordance with the enrollment materials. Notwithstanding the above, for purposes of any Benefit hereunder that is also a health plan as described in Code Section 105, whether a Participant's child(ren) or any other person (excluding a Spouse) meets the definition of Code Section 152 shall be determined without regard to Section 152(b)(1) (generally having to do with the inability of a person claimed as a dependent, to claim others as the person's dependent, i.e., a dependent cannot have dependents), Section 152(b)(2) (generally having to do with joint returns by spouses), and Section 152(d)(1)(B) (generally having to do with gross income limitations for a qualifying relative), in accordance with the Working Families Tax Relief Act of 2004. For purposes of any dependent care expenses, Dependent shall have the meaning as defined in Code Section 152, except that in the case of such a Dependent who is a qualifying relative, or in the case of a Spouse, such Dependent or Spouse must be physically or mentally incapable of caring for himself or herself, and such Dependent or Spouse must have the same principal place of abode as the taxpayer (i.e., the Participant) for more than one-half of the taxable year. Further, in the event that the Code is amended, such as a regulatory guidance related to the Patient Protection and Affordable Care Act as amended by the Health Care and Education Reconciliation Act ("PPACA"), or for any other purpose, the definition of Dependent herein shall automatically be amended along with such Code amendment, without additional action to this Plan, to conform to such Code amendment.

1.8 "Effective Date" means January 1, 1986, the date the Plan was originally effective. The effective date of this restatement is December 10, 2013.

1.9 "Election Period" means the period immediately preceding the beginning of each Plan Year established by the Administrator, such period to be applied on a uniform and nondiscriminatory basis for all Employees and Participants. However, an Employee's initial Election Period shall be determined pursuant to Section 5.1.

1.10 "Eligible Employee" means any Employee who is classified by the County as a permanent full-time employee or a permanent part-time employee. This definition shall include members of the Board of Supervisors of Henrico County and members of the County School Board of Henrico County to the extent permitted by law.

1.11 "Employee" means an individual who the County classifies as an employee and who is on the County's W-2 payroll, but does not include any leased employee (including but not limited to those individuals defined as leased employees in Code Section 414(n) or an individual classified by the County as an independent contractor, temporary employee, or casual employee for the period during which such individual is so classified, whether or not any such individual is on the County's W-2 payroll or is determined by the IRS or others to be an employee of the County.

The term "Employee" does include "former Employees" for the limited purpose of allowing continued eligibility for benefits under the Plan for the remainder of the Plan Year in which an Employee ceases to be employed by the County, but only to the extent specifically provided elsewhere in this Plan.

1.12 "Insurance Contract" means any contract issued by an Insurer underwriting a Benefit.

1.13 "Insurer" means any insurance company that underwrites a Benefit under this Plan or, with respect to any self-funded Benefits, the County.

1.14 "Key Employee" means an Employee described in Code Section 416(i)(1) and the Treasury regulations thereunder.

1.15 "Participant" means any Eligible Employee who elects to become a Participant pursuant to Section 2.3 and has not for any reason become ineligible to participate further in the Plan.

1.16 "Plan" means this instrument, including all amendments thereto.

1.17 "Plan Year" means a 12-month period beginning January 1 and ending December 31. The Plan Year shall be the coverage period for the Benefits provided for under this Plan. In the event a Participant commences participation during a Plan Year, then the initial coverage period shall be that portion of the Plan Year commencing on such Participant's first day of participation in the Plan and ending on the last day of such Plan Year.

1.18 "Premium Expenses" or "Premiums" mean the Participant's cost for the insured or self-funded Benefits described in Section 4.1.

1.19 "Premium Expense Reimbursement Account" means the account established for a Participant pursuant to this Plan to which part of his or her Cafeteria Plan Benefit Dollars may be allocated and from which Premiums of the Participant shall be paid or reimbursed. If more than one type of insured or self-funded Benefit is elected, sub-accounts shall be established for each type of insured or self-funded Benefit.

1.20 "PHSA" means the Public Health and Service Act of 1944, as amended from time to time.

1.21 "Salary Redirection" means the contributions made by the County on behalf of Participants pursuant to Section 3.1. These contributions shall be converted to Cafeteria Plan Benefit Dollars and allocated to the funds or accounts established under the Plan pursuant to the Participants' elections made under Article V.

1.22 "Salary Redirection Agreement" means an agreement between a Participant and the County under which the Participant agrees to reduce his or her Compensation or to forego all or part of the increases in such Compensation and to have such amounts contributed by the County to the Plan on the Participant's behalf. The Salary Redirection Agreement shall apply only to Compensation that has not been actually or constructively received by the Participant as of the date of the agreement (after taking this Plan and Code Section 125 into account) and subsequently does not become currently available to the Participant.

1.23 "Spouse" means an individual who is legally married as defined by federal law to a Participant. Notwithstanding the above, for purposes of a Dependent Care FSA, the term "Spouse" shall not include (a) an individual legally separated from a Participant under a divorce or separate maintenance decree or (b) an individual who, although married to a Participant, files a separate federal income tax return, maintains a separate, principal residence from the Participant during the last six months of the taxable year, and does not furnish more than half of the cost of maintaining the principal place of abode of the Participant.

ARTICLE II PARTICIPATION

2.1 ELIGIBILITY

Any Eligible Employee shall be eligible to participate in the Premium Expense component when he or she becomes covered by either the County's medical or dental insurance benefit plans. Any Eligible Employee shall be eligible to participate in the Dependent Care FSA component and the Health FSA component as described in Section 2.2.

However, any Eligible Employee who was a Participant in the Plan on December 10, 2013 shall continue to be eligible to participate in the Plan.

2.2 EFFECTIVE DATE OF PARTICIPATION

An Eligible Employee shall become a Participant effective as of the Eligible Employee's date of hire or first of the following month.

2.3 APPLICATION TO PARTICIPATE

An Employee who is eligible to participate in this Plan shall, during the applicable Election Period, complete a Salary Redirection Agreement in the manner established by the Administrator. The Administrator shall furnish Eligible Employees directions and instructions regarding the Salary Redirection Agreement. Any Salary Redirection Agreement shall be effective for the first pay period beginning on or after the Employee's effective date of participation pursuant to Section 2.2. Once made, such election(s) shall be irrevocable until the end of the applicable Plan Year unless the Participant is entitled to change his or her Benefit election(s) pursuant to Section 5.4.

2.4 FMLA LEAVES OF ABSENCE

(a) Health Benefits. Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying leave under the Family and Medical Leave Act ("FMLA"), then to the extent required by the FMLA, the County will continue to maintain the Participant's Medical Insurance Benefits and Health FSA Benefits on the same terms and conditions as if the Participant were still an active Employee, i.e., not on leave. That is, if the Participant elects to continue his or her coverage while on FMLA leave, the County will continue to pay its share of the contributions.

The County may require participants to continue all Health Insurance Benefits and Health FSA Benefits coverage while they are on paid leave (provided that Participants on non-FMLA paid leave are required to continue coverage). If the County does, the Participant's share of the contributions shall be paid by the method normally used during any paid leave (e.g., on a pre-tax Salary Reduction basis).

If a Participant continues participation during a period of unpaid FMLA leave, the County may permit such Participant, under procedures applied in a nondiscriminatory manner, to pay the Participant's share of the cost of coverage under either or both of the following methods:

- (i) The Participant may pay (on a pre-tax basis, from taxable Compensation otherwise payable to such Participant, or on an after-tax basis) the contributions required for the period of FMLA leave on the same schedule under which payments would be made if the Participant were not on FMLA leave.
- (ii) Alternatively, the Participant may pay the required contributions on the same payment schedule that applies to payment for PHSA continuation coverage under the Employer's group health care plan or dental plan (i.e., typically monthly, with a 31-day grace period for each monthly payment).

(Note, however, that where the period of FMLA leave is substituted paid leave, the Participant's method of paying the required contributions must be the same method normally used by Participants during paid leave.)

If a Participant's Health Insurance Benefits or Health FSA Benefits coverage ceases while the Participant is on FMLA leave (e.g., for non-payment of required contributions), then the Participant will be permitted to re-enter the Health Insurance Benefits or Health FSA Benefits coverage, as applicable, upon return from such leave on the same basis as when the Participant was participating in the Plan prior to the leave, or as otherwise required by the FMLA. In addition, the Plan may require a Participant for whom Health Insurance Benefits or Health FSA Benefits coverage terminated during unpaid FMLA or non-FMLA leave to be reinstated upon return from a period of unpaid leave. Notwithstanding the preceding sentence, with regard to Health FSA Benefits, a Participant whose coverage ceased will be permitted to elect whether to be reinstated in Health FSA Benefits coverage at the same coverage level as was in effect before the FMLA leave (with increased contributions for the remaining period of coverage) or at a coverage level that is reduced pro rata for the period of FMLA leave during which the Participant did not pay contributions. If a Participant elects a coverage level that is reduced pro rata for the period of FMLA leave, then the amount withheld from a Participant's Compensation on a pay-period-by-pay-period basis for the purpose of paying for reinstated Health FSA Benefits coverage will be equal to the amount withheld prior to the period of FMLA leave.

(b) **Non-Health Benefits.** If a Participant goes on a qualifying leave under the FMLA, then entitlement to non-health benefits (such as Dependent Care FSA Benefits) is to be determined by the County's policy for providing such Benefits when the Participant is on non-FMLA leave, as described in Section 2.5. If such policy permits a Participant to discontinue contributions while on leave, then the Participant shall, upon returning from leave, be required to repay the Contributions not paid by the Participant during the leave. Payment shall be withheld from the Participant's Compensation either on a pre-tax or after-tax basis, as may be agreed upon by the Plan Administrator and the Participant or as the Plan Administrator otherwise deems appropriate.

2.5 NON-FMLA LEAVES OF ABSENCE

If a Participant goes on an unpaid leave of absence that does not affect eligibility, then the Participant will continue to participate and the contributions due for the Participant will be paid by pre-payment before going on leave, by after-tax contributions while on leave, or with catch-up contributions after the leave ends, as may be determined by the Plan Administrator. If a Participant goes on an unpaid leave that affects eligibility, then the election change rules in Section 5.4 shall apply.

2.6 TERMINATION OF PARTICIPATION

A Participant shall no longer participate in this Plan upon the occurrence of any of the following events:

- (a) **Termination of employment.** The Participant's termination of employment, subject to the provisions of Section 2.7;
- (b) **Death.** The Participant's death, subject to the provisions of Section 2.8; or
- (c) **Termination of the Plan.** The termination of this Plan, subject to the provisions of Section 10.2.

2.7 TERMINATION OF EMPLOYMENT

If a Participant's employment with the County is terminated for any reason other than death, his or her participation in the Benefit Options provided under Section 4.1 shall be governed in accordance with the following:

- (a) **Insurance Benefit.** With regard to Benefits which are insured, the Participant's participation in the Plan shall cease, subject to the Participant's right to continue coverage under any Insurance Contract for which Premiums have already been paid.
- (b) **Dependent Care FSA.** With regard to the Dependent Care FSA, upon termination of employment, the Participant's participation in the Plan shall cease and no further Salary Redirection contributions shall be made. Such Participant may submit Dependent Care Expense reimbursement claims for

expenses that were incurred during the Plan Year, but may not submit claims for expenses that were incurred during the Plan Year that began after termination.

(c) **Health FSA.** With regard to the Health FSA, upon termination of employment, the Participant's participation in the Plan shall cease and no further Salary Redirection contributions shall be made. Such Participant may submit Health Care Expense reimbursement claims for expenses that were incurred during the Plan Year in which termination occurred, but may not submit claims for expenses that were incurred during the Plan Year that began after termination.

2.8 DEATH

If a Participant dies, his participation in the Plan shall cease. However, such Participant's Spouse or Dependents may submit claims for expenses or benefits for the remainder of the Plan Year or until the Cafeteria Plan Benefit Dollars allocated to each specific benefit are exhausted, whichever occurs first. In no event may reimbursements be paid to someone who is not a Spouse or Dependent. If the Plan is subject to the provisions of Code Section 4980B, then those provisions and related regulations shall apply for purposes of the Health FSA.

ARTICLE III CONTRIBUTIONS TO THE PLAN

3.1 SALARY REDIRECTION

Benefits under the Plan shall be financed by Salary Redirections sufficient to support Benefits that a Participant has elected under the Plan and to pay the Participant's Premium Expenses. The salary administration program of the County shall be revised to allow each Participant to agree to reduce his or her pay during a Plan Year by an amount determined necessary to purchase the elected Benefit Options. The amount of such Salary Redirection shall be specified in the Salary Redirection Agreement and shall be applicable for a Plan Year. Notwithstanding the above, for a new Participant, the Salary Redirection Agreement shall only be applicable from the first day of the pay period following the Employee's first day of participation in the Plan up to and including the last day of the Plan Year. These contributions shall be converted to Cafeteria Plan Benefit Dollars and allocated to the funds or accounts established under the Plan pursuant to the Participant's elections made under Article V.

Any Salary Redirection shall be determined prior to the beginning of a Plan Year (subject to initial elections pursuant to Section 5.1) and prior to the end of the Election Period and shall be irrevocable for such Plan Year. However, a Participant may revoke a Benefit election or a Salary Redirection Agreement after the Plan Year has commenced and make a new election with respect to the remainder of the Plan Year, if both the revocation and the new election are on account of and consistent with a change in status or such other permitted events as determined under Article V of the Plan and consistent with the rules and regulations of the Department of the Treasury. Salary Redirection amounts shall be contributed on a pro rata basis for each pay period during the Plan Year. All individual Salary Redirection Agreements are deemed to be part of this Plan and incorporated by reference hereunder.

3.2 APPLICATION OF CONTRIBUTIONS

As soon as reasonably practical after each payroll period, the County shall apply the Salary Redirection to provide the Benefits elected by the affected Participants. Any contribution made or withheld for the Health FSA or Dependent Care FSA shall be credited to such fund or account. Amounts designated for the Participant's Premium Expense Reimbursement Account shall likewise be credited to such account for the purpose of paying Premium Expenses.

3.3 PERIODIC CONTRIBUTIONS

The County and the Administrator shall apply Salary Redirections on behalf of a Participant to the Plan on a level and pro rata basis for each payroll period. However, with regard to the Health FSA, the payment schedule for the required contributions may not be based on the rate or amount of reimbursements during the Plan Year.

ARTICLE IV BENEFITS

4.1 BENEFIT OPTIONS

Each Participant may elect any one or both of the following optional Benefits:

- (1) Health FSA
- (2) Dependent Care FSA

In addition, each Participant shall have a sufficient portion of his or her Salary Redirections applied to the following Benefits unless the Participant elects not to receive such Benefit:

- (3) County provided Health Insurance Benefit (including medical and dental).

4.2 HEALTH FSA BENEFIT

Each Participant may elect to participate in the Health FSA option, in which case Article VI shall apply.

4.3 DEPENDENT CARE FSA BENEFIT

Each Participant may elect to participate in the Dependent Care FSA option, in which case Article VII shall apply.

4.4 HEALTH INSURANCE BENEFITS

- (a) Coverage for Participant and Dependents. Each Participant may elect to be covered under either or both Health Insurance Benefit (medical or dental) for the Participant, his or her Spouse, and his or her Dependents.

(b) Insurance Benefit terms incorporated by reference. The rights and conditions with respect to the benefits payable from such Insurance Benefit shall be determined therefrom, and the terms of such Insurance Benefit shall be incorporated herein by reference.

4.5 NONDISCRIMINATION REQUIREMENTS

(a) Intent to be nondiscriminatory. It is the intent of this Plan to provide benefits to a classification of employees which the Secretary of the Treasury finds not to be discriminatory in favor of the group in whose favor discrimination may not occur under Code Section 125.

(b) 25% concentration test. It is the intent of this Plan not to provide "qualified benefits" as defined under Code Section 125 to Key Employees in amounts that exceed 25% of the aggregate of such Benefits provided for all Eligible Employees under the Plan. For purposes of the preceding sentence, qualified benefits shall not include benefits which (without regard to this paragraph) are includible in gross income.

(c) Adjustment to avoid test failure. If the Administrator deems it necessary to avoid discrimination or possible taxation to Key Employees or a group of employees in whose favor discrimination may not occur in violation of Code Section 125, it may, but shall not be required to, reduce contributions or non-taxable Benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. If the Administrator decides to reduce contributions or non-taxable Benefits, it shall be done in the following manner. First, the non-taxable Benefits of the affected Participant (either an employee who is highly compensated or a Key Employee, whichever is applicable) who has the highest amount of non-taxable Benefits for the Plan Year shall have his or her non-taxable Benefits reduced until the discrimination tests set forth in this Section are satisfied or until the amount of his non-taxable Benefits equals the non-taxable Benefits of the affected Participant who has the second highest amount of non-taxable Benefits. This process shall continue until the nondiscrimination tests set forth in this Section are satisfied. With respect to any affected Participant who has had Benefits reduced pursuant to this Section, the reduction shall be made proportionately among Health FSA Benefits and Dependent Care FSA Benefits, and once all these Benefits are expended, proportionately among self-funded Benefits. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited and deposited into the benefit plan surplus.

ARTICLE V PARTICIPANT ELECTIONS

5.1 INITIAL ELECTIONS

An Employee who meets the eligibility requirements of Section 2.1 on the first day of, or during, a Plan Year may elect to participate in this Plan for all or the remainder of such

Plan Year, provided he or she elects to do so on or before his effective date of participation pursuant to Section 2.2.

Notwithstanding the foregoing, an Employee who is eligible to participate in this Plan and who is participating in County provided Insurance Benefits (medical or dental) shall automatically become a Participant to the extent of the Premiums for such insurance unless the Employee elects, during the Election Period, not to participate in the Plan.

5.2 SUBSEQUENT ANNUAL ELECTIONS

During the Election Period prior to each subsequent Plan Year, each Participant shall be given the opportunity to elect, on an election of benefits form provided by the Administrator, which spending account Benefit Options he or she wishes to select. Any such election shall be effective for any Benefit expenses incurred during the next Plan Year that begins after the Election Period. With regard to subsequent annual elections, the following options shall apply:

- (a) A Participant or Employee who failed to initially elect to participate may elect different or new Benefits under the Plan during the Election Period;
- (b) A Participant may terminate his or her participation in the Plan by notifying the Administrator in writing during the Election Period that he or she does not want to participate in the Plan for the next Plan Year; and
- (c) An Employee who elects not to participate for the Plan Year following the Election Period will have to wait until the next Election Period before again electing to participate in the Plan, except as provided for in Section 5.4.

5.3 FAILURE TO ELECT

With regard to Benefits available under the Plan for which no Premium Expenses apply, any Participant who fails to complete a new Salary Reduction Agreement pursuant to Section 5.2 by the end of the applicable Election Period shall be deemed to have elected not to participate in the Plan for the upcoming Plan Year. No further Salary Redirections shall therefore be authorized or made for the upcoming Plan Year for such Benefits.

With regard to Benefits available under the Plan for which Premium Expenses apply, any Participant who fails to complete a new Salary Reduction Agreement pursuant to Section 5.2 by the end of the applicable Election Period shall be deemed to have made the same Benefit elections as are then in effect for the current Plan Year. The Participant shall also be deemed to have elected Salary Redirection in an amount necessary to purchase such Benefit options. Notwithstanding the foregoing, if necessary for plan administration (for instance, in the event of a change of insurance carriers or a significant change in benefit coverage), the Administrator may require each Plan Participant to complete a new Salary Reduction Agreement.

5.4 CHANGE IN STATUS

(a) **Change in Status defined.** Any Participant may change a Benefit election after the Plan Year (to which such election relates) has commenced and may make new elections with respect to the remainder of such Plan Year if, under the facts and circumstances, the changes are necessitated by and are consistent with a change in status and the Participant makes such subsequent election within 31 days (or longer period if required by law) after the date of the event that gives rise to the Participant's right to make the change.

A "Change in Status" results from the occurrence of an event which is acceptable under rules and regulations adopted by the Department of the Treasury, the provisions of which are incorporated by reference. Notwithstanding anything in this Plan to the contrary, if the rules and regulations conflict with this Plan, then such rules and regulations shall control.

Regardless of the "consistency requirement" as defined under the rules and regulations adopted by the Department of the Treasury, if the Participant, the Participant's Spouse, or the Participant's Dependent becomes eligible for continuation coverage under the County's group health plan as provided in Code Section 4980B or any similar state law, then the Participant may elect to increase payments under this Plan in order to pay for the continuation coverage. However, this does not apply for COBRA eligibility due to divorce or annulment.

Any new election shall be effective at such time as the Administrator shall prescribe, but not earlier than the first pay period beginning after the Salary Reduction Agreement is completed. For the purposes of this subsection, a Change in Status shall only include the following events or other events permitted by Treasury regulations:

- (1) **Legal Marital Status:** events that change a Participant's legal marital status, including marriage, divorce, death of a Spouse or annulment;
- (2) **Number of Dependents:** Events that change a Participant's number of Dependents, including birth, adoption, placement for adoption, or death of a Dependent;
- (3) **Employment Status:** Any of the following events that change the employment status of the Participant, Spouse, or Dependent: termination or commencement of employment, commencement or return from an unpaid leave of absence. In addition, if the eligibility conditions of this Plan or other employee benefit plan of the County depend on the employment status of that individual and there is a change in that individual's employment status with the consequence that the individual becomes (or ceases to be) eligible under the plan, then that change constitutes a change in employment under this subsection;

(4) **Dependent Satisfies or Ceases to Satisfy the Eligibility Requirements:** An event that causes a Participant's Dependent to satisfy or cease to satisfy the requirements for coverage due to attainment of age; and

(5) **Residency:** A change in the place of residence of a Participant, a Participant's Spouse or a Participant's Dependent that would lead to a Change in Status (such as a loss of HMO coverage).

For the Dependent Care FSA, a Dependent becoming or ceasing to be a "Qualifying Dependent" as defined under Code Section 21(b) shall also qualify as a Change in Status.

(b) **Special enrollment rights.** Notwithstanding subsection (a), a Participant may change an election for health coverage during a Plan Year and make a new election that corresponds with the special enrollment rights provided in Code Section 9801(f), including those authorized under the provisions of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), provided that such Participant meets the sixty (60) day notice requirement imposed by Code Section 9801(f). Such change shall take place on a prospective basis, unless otherwise required by Code Section 9801(f) to be retroactive.

(c) **Qualified Medical Support Order.** Notwithstanding subsection (a), in the event of a judgment, decree, or order (including approval of a property settlement) ("Order") resulting from a divorce, annulment, or change in legal custody which requires health coverage for a Participant's child (including a foster child who is a Dependent of the Participant):

(1) The Participant shall be permitted to change an election to provide coverage for the child if the Order requires coverage under the Participant's plan; or

(2) The Participant shall be permitted to change an election to cancel coverage for the child if the Order requires the former Spouse to provide coverage for such child, under the Spouse's plan and such coverage is actually provided.

(d) **Medicare or Medicaid.** Notwithstanding subsection (a), a Participant may change an election to cancel health coverage for the Participant or the Participant's Spouse or Dependent if the Participant or the Participant's Spouse or Dependent is enrolled in the health coverage of the County and becomes entitled to coverage (i.e., is enrolled) under Part A or Part B of the Title XVIII of the Social Security Act (Medicare) or Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under Section 1928 of the Social Security Act (the program for distribution of pediatric vaccines). If the Participant or the Participant's Spouse or Dependent who has been entitled to Medicaid or Medicare coverage loses eligibility, that individual may prospectively elect coverage under the Plan if a Benefit Option under the Plan provides similar coverage.

(e) **Cost increase or decrease.** If the cost of a Benefit provided under the Plan increases or decreases during a Plan Year, then the Plan Administrator shall automatically increase or decrease, as the case may be, the Salary Redirections of all affected Participants for such Benefit. Alternatively, if the cost of a Benefit Option increases significantly, the Administrator shall permit the affected Participants to either make corresponding changes in their payments or revoke their elections and, in lieu thereof, receive on a prospective basis coverage under another Benefit Option with similar coverage, or drop coverage prospectively if there is no Benefit Option with similar coverage.

A cost increase or decrease refers to an increase or decrease in the amount of elective contributions under the Plan, whether resulting from an action taken by the Participants or an action taken by the County.

(f) **Loss of coverage.** If the coverage under a Benefit is significantly curtailed or ceases during a Plan Year, affected Participants may revoke their elections of such Benefit and, in lieu thereof, elect to receive on a prospective basis coverage under another plan with similar coverage, or drop coverage prospectively if no similar coverage is offered.

(g) **Addition of a new benefit.** If, during the period of coverage, a new Benefit Option or other coverage option is added, an existing Benefit Option is significantly improved, or an existing Benefit Option or other coverage option is eliminated, then the affected Participants may elect the newly-added option, or elect another option if an option has been eliminated prospectively and make corresponding election changes with respect to other benefit package options providing similar coverage. In addition, those Eligible Employees who are not participating in the Plan may opt to become Participants and elect the new or newly improved Benefit Option.

(h) **Loss of coverage under certain other plans.** A Participant may make a prospective election change to add group health coverage for the Participant, the Participant's Spouse or Dependent(s) if such Spouse or Dependent(s) loses group health coverage sponsored by a governmental or educational institution, including a state children's health insurance program under the Social Security Act, the Indian Health Service or a health program offered by an Indian tribal government, a state health benefits risk pool, or a foreign government group health plan.

(i) **Change of coverage due to change under certain other plans.** A Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of a Spouse's, former Spouse's or Dependent's employer if (1) the cafeteria plan or other benefits plan of the Spouse's, former Spouse's or Dependent's employer permits its participants to make a change; or (2) the cafeteria plan permits Participants to make an election for a period of coverage that is different from the period of coverage under the cafeteria plan of a Spouse's, former Spouse's or Dependent's employer.

(j) **Change in dependent care provider.** A Participant may make a prospective election change that is on account of and corresponds with a change

by the Participant in the dependent care provider. The availability of dependent care services from a new childcare provider is similar to a new benefit package option becoming available. A cost change is allowable in the Dependent Care FSA only if the cost change is imposed by a dependent care provider who is not related to the Participant, as defined in Code Section 152(a)(1) through (8).

(k) Health FSA cannot change due to insurance change. A Participant shall not be permitted to change an election to the Health FSA as a result of a cost or coverage change under any health insurance benefits.

ARTICLE VI HEALTH FSA

6.1 ESTABLISHMENT OF PLAN

This Health FSA is intended to qualify as a medical reimbursement plan under Code Section 105 and shall be interpreted in a manner consistent with such Code Section and the Treasury regulations thereunder. Participants who elect to participate in this Health FSA may submit claims for the reimbursement of Medical Expenses. All amounts reimbursed shall be periodically paid from amounts allocated to the Participant's Health FSA. Periodic payments reimbursing Participants from the Health FSA shall in no event occur less frequently than monthly.

6.2 DEFINITIONS

For the purposes of this Article and this Plan, the terms below have the following meanings:

(a) "Health FSA" means the account established for a Participant pursuant to this Plan to which part of his or her Cafeteria Plan Benefit Dollars may be allocated and from which all allowable Medical Expenses incurred by a Participant, his or her Spouse and his or her Dependents may be reimbursed.

(b) "Highly Compensated Participant" shall be determined based on the definitions provided in Code Section 105 and the rulings and Treasury regulations thereunder.

(c) "Medical Expense(s)" means any expense for medical care within the meaning of the term "medical care" as defined in Code Section 213(d) and as allowed under Code Section 105 and the rulings and Treasury regulations thereunder, and not otherwise used by the Participant as a deduction in determining his tax liability under the Code. "Medical Expenses" can be incurred by the Participant, his or her Spouse and his or her Dependents. "Incurred" means, with regard to Medical Expenses, when the Participant, Participant's Spouse or the Participant's Dependents are provided with the medical care that gives rise to the Medical Expense and not when the Participant, the Participant's Spouse or the Participant's Dependents are formally billed or charged for, or pay for, the medical care.

A Participant may not be reimbursed for the cost of other health coverage such as premiums paid under plans maintained by the employer of the Participant's Spouse or individual policies maintained by the Participant or his Spouse or Dependent(s).

A Participant may not be reimbursed for "qualified long-term care services" as defined in Code Section 7702B(c).

6.3 FORFEITURES

The amount in a Participant's Health FSA as of the end of any Plan Year (and after the processing of all claims for such Plan Year pursuant to Section 6.6 hereof) shall be forfeited and credited to the benefit plan surplus. In such event, the Participant shall have no further claim to such amount for any reason.

Notwithstanding this forfeiture provision and effective retroactively to January 1, 2013, a Participant employed at the end of a Plan Year may carry over up to \$500 of any amount remaining unused at the end of a Plan Year to the following Plan Year in accordance with Notice 2013-71 issued by the Internal Revenue Service on October 31, 2013. The carryover amount may be used to pay or reimburse medical expenses incurred during the following Plan Year, and the carryover amount is in addition to the salary reduction contributions limit applicable to the Plan Year. The salary reduction contributions limit is \$2,500 as of the effective date of this Plan.

6.4 LIMITATION ON ALLOCATIONS

Participants who elect to participate in this Health FSA must contribute an annual minimum of \$100 and may contribute up to the salary reduction contributions limit for the Plan Year. Notwithstanding any provision contained in this Health FSA to the contrary, amounts paid from a Participant's Health FSA in a Plan Year shall not exceed the sum of the salary reduction contributions limit for the Plan Year, any amount carried over as permitted by Section 6.3, and any reimbursements for previous year expenses permitted by Section 6.6(d), unless further limited by law.

6.5 NONDISCRIMINATION REQUIREMENTS

(a) Intent to be nondiscriminatory. It is the intent of this Health FSA not to discriminate in violation of the Code and the Treasury regulations thereunder.

(b) Adjustment to avoid test failure. If the Administrator deems it necessary to avoid discrimination under this Health FSA, it may, but shall not be required to, reject any elections or reduce contributions or Benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. If the Administrator decides to reject any elections or reduce contributions or Benefits, it shall be done in the following manner. First, the Benefits designated for the Health FSA by the member of the group in whose favor discrimination may not occur pursuant to Code Section 105 that elected to contribute the highest amount to the fund for the Plan Year shall be reduced until the nondiscrimination tests set forth in this Section and the Code are satisfied, or until the amount designated for the fund equals the amount designated for the fund by the next member of the

group in whose favor discrimination may not occur pursuant to Code Section 105 who has elected the second highest contribution to the Health FSA for the Plan Year. This process shall continue until the nondiscrimination tests set forth in this Section and the Code are satisfied. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited and credited to the benefit plan surplus.

6.6 HEALTH FSA CLAIMS

(a) Expenses must be incurred during Plan Year. All Medical Expenses must be incurred by a Participant, his or her Spouse and his or her Dependents during the Plan Year, subject to Section 2.6, even if the submission of such a claim occurs after his or her participation hereunder ceases. Medical Expenses are treated as having been incurred when the Participant, his or her Spouse, or his or her Dependents are provided with the medical care that gives rise to the Medical Expenses, not when they are formally billed or charged for, or pay for the medical care.

(b) Reimbursement available throughout Plan Year. The Administrator shall direct the reimbursement to each Participant for all allowable Medical Expenses, up to a maximum of the amount designated by the Participant for the Health FSA for the Plan Year. Reimbursements shall be made available to the Participant throughout the Plan Year without regard to the level of Flexible Benefit Plan Benefit Dollars which have been allocated to the fund at any given point in time. Furthermore, a Participant shall be entitled to reimbursements only for amounts in excess of any payments or other reimbursements received by the Participant under any health care plan covering the Participant and/or his or her Spouse or Dependents.

(c) Payments. Reimbursement payments under this Plan shall be made directly to the Participant. However, in the Administrator's discretion, payments may be made directly to the service provider. The application for reimbursement shall be made to the Administrator on an acceptable form within a reasonable time of incurring the debt or paying for the service. The application shall include a written statement from an independent third party stating that the Medical Expense has been incurred and the amount of such expense. Furthermore, the Participant shall provide a written statement that the Medical Expense has not been reimbursed or is not reimbursable under any other health plan coverage and, if reimbursed from the Health FSA, such amount will not be claimed as a tax deduction. The Administrator shall retain a file of all such applications.

(d) Claims for reimbursement. Claims for the reimbursement of Medical Expenses incurred in any Plan Year shall be paid as soon after a claim has been filed as is administratively practicable; provided however, that if a Participant fails to submit a claim by March 31 of the subsequent Plan Year, those Medical Expense claims shall not be considered for reimbursement by the Administrator.

6.7 DEBIT AND CREDIT CARDS

Participants may, subject to a procedure established by the Administrator and

applied in a uniform nondiscriminatory manner, use debit and/or credit (stored value) cards provided by the Administrator for payment of allowable Medical Expenses, subject to Section 8.6 of the Plan.

ARTICLE VII DEPENDENT CARE FSA

7.1 ESTABLISHMENT OF PLAN

This Dependent Care FSA is intended to qualify as a program under Code Section 129 and shall be interpreted in a manner consistent with such Code Section and the Treasury regulations thereunder. Participants who elect to participate in this program may submit claims for the reimbursement of Employment-Related Dependent Care Expenses (as that term is defined in Section 7.2(c) of this Plan). All amounts reimbursed shall be paid from amounts allocated to the Participant's Dependent Care FSA.

7.2 DEFINITIONS

For the purposes of this Article and the Plan, the terms below shall have the following meanings:

(a) "Dependent Care FSA" means the account established for a Participant pursuant to this Article to which part of his or her Cafeteria Plan Benefit Dollars may be allocated and from which Employment-Related Dependent Care Expenses of the Participant may be reimbursed for the care of the Qualifying Dependents (as that term is defined in Section 7.2(d) of this Plan) of Participants.

(b) "Earned Income" means earned income as defined under Code Section 32(c)(2), but excluding such amounts paid or incurred by the County for dependent care assistance to the Participant.

(c) "Employment-Related Dependent Care Expenses" means the amounts paid for expenses of a Participant for those services which if paid by the Participant would be considered employment related expenses under Code Section 21(b)(2). Generally, they shall include expenses for household services and for the care of a Qualifying Dependent, to the extent that such expenses are incurred to enable the Participant to be gainfully employed for any period for which there are one or more Qualifying Dependents with respect to such Participant. Employment-Related Dependent Care Expenses are treated as having been incurred when the Participant's Qualifying Dependents are provided with the dependent care that gives rise to the Employment-Related Dependent Care Expenses, not when the Participant is formally billed or charged for, or pays for the dependent care. The determination of whether an amount qualifies as an Employment-Related Dependent Care Expense shall be made subject to the following rules:

(1) If such amounts are paid for expenses incurred outside the Participant's household, they shall constitute Employment-Related Dependent Care Expenses only if incurred for a Qualifying Dependent as defined in Section 7.2(d)(1) (or deemed to be, as described in Section 7.2(d)(1) pursuant to Section 7.2(d)(3)), or for a Qualifying Dependent as

defined in Section 7.2(d)(2) (or deemed to be, as described in Section 7.2(d)(2) pursuant to Section 7.2(d)(3)) who regularly spends at least 8 hours per day in the Participant's household;

(2) If the expense is incurred outside the Participant's home at a facility that provides care for a fee, payment, or grant for more than 6 individuals who do not regularly reside at the facility, the facility must comply with all applicable state and local laws and regulations, including licensing requirements, if any; and

(3) Employment-Related Dependent Care Expenses of a Participant shall not include amounts paid or incurred to a child of such Participant who is under the age of 19 or to an individual who is a Dependent of such Participant or to such Participant's Spouse.

(d) "Qualifying Dependent" means, for Dependent Care FSA purposes,

(1) a Participant's Dependent (as defined in Code Section 152(a)(1)) who has not attained age 13;

(2) a Dependent or the Spouse of a Participant who is physically or mentally incapable of caring for himself or herself and has the same principal place of abode as the Participant for more than one-half of such taxable year; or

(3) a child that is deemed to be a Qualifying Dependent described in paragraph (d)(1) or (d)(2) above, whichever is appropriate, pursuant to Code Section 21(e)(5).

(e) The definitions of Article I are hereby incorporated by reference to the extent necessary to interpret and apply the provisions of this Dependent Care FSA.

7.3 DEPENDENT CARE FSAS

The Administrator shall establish a Dependent Care FSA for each Participant who elects to apply Cafeteria Plan Benefit Dollars to Dependent Care FSA benefits.

7.4 INCREASES IN DEPENDENT CARE FSAS

A Participant's Dependent Care FSA shall be increased each pay period by the portion of Cafeteria Plan Benefit Dollars that he has elected to apply toward his Dependent Care FSA pursuant to elections made under Article V.

7.5 DECREASES IN DEPENDENT CARE FSAS

A Participant's Dependent Care FSA shall be reduced by the amount of any Employment-Related Dependent Care Expense reimbursements paid or incurred on behalf of a Participant pursuant to Section 7.11.

7.6 ALLOWABLE DEPENDENT CARE REIMBURSEMENT

Subject to limitations contained in Section 7.9, and to the extent of the amount contained in the Participant's Dependent Care FSA, a Participant who incurs Employment-Related Dependent Care Expenses shall be entitled to receive reimbursement for the amount of such expenses incurred during the Plan Year or portion thereof during which he is a Participant.

7.7 ANNUAL STATEMENT OF BENEFITS

On or before January 31st of each calendar year, the County shall furnish to each Employee who was a Participant and received benefits under Section 7.6 during the prior calendar year, a statement of all such benefits paid to or on behalf of such Participant during the prior calendar year.

7.8 FORFEITURES

The amount in a Participant's Dependent Care FSA as of the end of any Plan Year (and after the processing of all claims for such Plan Year pursuant to Section 7.11 hereof) shall be forfeited and credited to the benefit plan surplus. In such event, the Participant shall have no further claim to such amount for any reason.

7.9 LIMITATION ON PAYMENTS

Notwithstanding any provision contained in this Article VII to the contrary, amounts paid from a Participant's Dependent Care FSA in or on account of any taxable year of the Participant shall not be less than \$100 and shall not exceed the lesser of the Earned Income limitation described in Code Section 129(b) or \$5,000 (\$2,500 if a separate tax return is filed by a Participant who is married as determined under the rules of paragraphs (3) and (4) of Code Section 21(e)).

7.10 NONDISCRIMINATION REQUIREMENTS

(a) Intent to be nondiscriminatory. It is the intent of this Dependent Care FSA that contributions or benefits not discriminate in favor of the group of employees in whose favor discrimination may not occur under Code Section 129(d).

(b) Adjustment to avoid test failure. If the Administrator deems it necessary to avoid discrimination or possible taxation to a group of employees in whose favor discrimination may not occur in violation of Code Section 129, it may, but shall not be required to, reject any elections or reduce contributions or non-taxable Benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. If the Administrator decides to reject any elections or reduce contributions or Benefits, it shall be done in the following manner. First, the Benefits designated for the Dependent Care FSA by the affected Participant who elected to contribute the highest amount to such account for the Plan Year shall be reduced until the nondiscrimination tests set forth in this Section are satisfied, or until the amount designated for the account equals the amount

designated for the account of the affected Participant who has elected the second highest contribution to the Dependent Care FSA for the Plan Year. This process shall continue until the nondiscrimination tests set forth in this Section are satisfied. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited, and credited to the benefit plan surplus.

7.11 DEPENDENT CARE FSA CLAIMS

The Administrator shall direct the payment of all such Dependent Care claims to the Participant upon the presentation to the Administrator of documentation of such expenses in a form satisfactory to the Administrator. However, in the Administrator's discretion, payments may be made directly to the service provider. In its discretion in administering the Plan, the Administrator may utilize forms and require documentation of costs as may be necessary to verify the claims submitted. At a minimum, the form shall include a statement from an independent third party as proof that the expense has been incurred and the amount of such expense. In addition, the Administrator may require that each Participant who desires to receive reimbursement under this component for Employment-Related Dependent Care Expenses submit a statement which may contain some or all of the following information:

- (a) The Dependent or Dependents for whom the services were performed;
- (b) The nature of the services performed for the Participant, the cost of which he or she wishes reimbursement;
- (c) The relationship, if any, of the person performing the services to the Participant;
- (d) If the services are being performed by a child of the Participant, the age of the child;
- (e) A statement as to where the services were performed;
- (f) If any of the services were performed outside the home, a statement as to whether the Dependent for whom such services were performed spends at least 8 hours a day in the Participant's household;
- (g) If the services were being performed in a day care center, a statement:
 - (1) that the day care center complies with all applicable laws and regulations of the state of residence,
 - (2) that the day care center provides care for more than 6 individuals (other than individuals residing at the center), and
 - (3) of the amount of fee paid to the provider.

(h) If the Participant is married, a statement containing the following:

(1) the Spouse's salary or wages if he or she is employed, or

(2) if the Participant's Spouse is not employed, that

(i) he or she is incapacitated, or

(ii) he or she is a full-time student attending an educational institution and the months during the year which he or she attended such institution.

(i) Claims for reimbursement. Claims for the reimbursement of Dependent Care Expenses incurred in any Plan Year shall be paid as soon after a claim has been filed as is administratively practicable; provided however, that if a Participant fails to submit a claim by March 31 of the subsequent Plan Year, those Dependent Care Expense claims shall not be considered for reimbursement by the Administrator.

7.12 DEBIT AND CREDIT CARDS

Participants may, subject to a procedure established by the Administrator and applied in a uniform nondiscriminatory manner, use debit and/or credh (stored value) cards provided by the Administrator for payment of Employment-Related Dependent Care Expenses, subject to Section 8.6.

ARTICLE VIII ADMINISTRATION

8.1 PLAN ADMINISTRATION

The operation of the Plan shall be under the supervision of the Administrator. It shall be a principal duty of the Administrator to see that the Plan is carried out in accordance with its terms, and for the exclusive benefit of Employees entitled to participate in the Plan. The Administrator shall have full power to administer the Plan in all of its details, subject, however, to the pertinent provisions of the Code. The Administrator's powers shall include, but shall not be limited to, the following authority in addition to all other powers provided by this Plan:

(a) To make and enforce such rules and regulations as the Administrator deems necessary or proper for the efficient administration of the Plan;

(b) To interpret the Plan, the Administrator's interpretations thereof in good faith to be final and conclusive on all persons claiming benefits by operation of the Plan;

(c) To decide all questions concerning the Plan and the eligibility of any person to participate in the Plan and to receive benefits provided by operation of the Plan;

(d) To reject elections or to limit contributions or Benefits for certain highly compensated Participants if it deems such to be desirable in order to avoid discrimination under the Plan in violation of applicable provisions of the Code;

(e) To provide Employees with reasonable notification of their Benefits available by operation of the Plan;

(f) To approve reimbursement requests and to authorize the payment of Benefits;

(g) To establish and communicate procedures to determine whether a medical child support order is qualified under applicable law; and

(h) To appoint such agents, counsel, accountants, consultants, and actuaries as may be necessary or required to assist in administering the Plan.

Any procedure, discretionary act, interpretation or construction taken by the Administrator shall be done in a nondiscriminatory manner based upon uniform principles consistently applied, and shall be consistent with the intent that the Plan, and shall continue to comply with the terms of Code Section 125 and the Treasury regulations thereunder.

8.2 EXAMINATION OF RECORDS

The Administrator shall make available to each Participant, Eligible Employee and any other Employee of the County such records as pertain to his or her interest under the Plan for examination at reasonable times during normal business hours.

8.3 PAYMENT OF EXPENSES

Any reasonable administrative expenses shall be paid by the County unless the County determines that administrative costs shall be borne by the Participants under the Plan or by any trust fund which may be established hereunder. The Administrator may impose reasonable conditions for payments, provided that such conditions shall not discriminate in favor of highly compensated Employees.

8.4 INSURANCE CONTROL CLAUSE

In the event of a conflict between the terms of this Plan and the terms of an Insurance Contract of an independent third party Insurer whose product is then being used in conjunction with this Plan, the terms of the Insurance Contract shall control as to those Participants receiving coverage under such Insurance Contract. For this purpose, the Insurance Contract shall control in defining the persons eligible for insurance, the dates of their eligibility, the conditions which must be satisfied to become insured, if any, the Benefits Participants are entitled to receive and the circumstances under which insurance terminates.

8.5 USE OF DEBIT AND CREDIT CARDS

Participants may, subject to a procedure established by the Administrator and applied in a uniform nondiscriminatory manner, use debit and/or credit (stored value) cards ("Card") provided by the Administrator and the Plan for payment of Medical Expenses and/or Employment-Related Dependent Care Expenses, subject to the following terms:

(a) Card only for qualified expenses. Each Participant issued a Card shall only use such Card for Medical Expenses and/or Employment-Dependent Care Expenses in accordance with the requirements set forth in Revenue Ruling 2003-43 and Notice 2006-69.

(b) Card issuance. Such Card shall be issued upon the Participant's effective date of participation and reissued in accordance with the applicable administrative procedure established by the Administrator as such Participant continues to participate in the Health FSA and/or Dependent Care FSA. Such Card shall be automatically cancelled upon the Participant's death or termination of employment, or if such Participant has a Change in Status that results in the Participant's withdrawal from the Health FSA.

(c) Maximum dollar amount available. The dollar amount of coverage available on the Card shall be the amount elected by the Participant for the Plan Year. The maximum dollar amount of coverage available shall be the maximum amount for the Plan Year as set forth in Sections 6.4 and 7.9.

(d) Only available for use with certain service providers. The Cards shall only be accepted by such merchants and service providers and for such expenses as have been approved by the Administrator.

(e) Substantiation. Purchases by the Cards shall be subject to substantiation by the Administrator, usually by submission of a receipt from a service provider describing the service, the date and the amount. The Administrator shall also follow the requirements set forth in Revenue Ruling 2003-43 and Notice 2006-69. All charges shall be conditional pending confirmation and substantiation.

(f) Correction methods. If a purchase is later determined by the Administrator to not qualify as a Medical Expense, the Administrator, in its discretion, shall use one of the following correction methods to make the Plan whole. Until the amount is repaid, the Administrator shall take further action to ensure that further violations of the terms of the Card do not occur, up to and including denial of access to the Card.

(1) Repayment of the improper amount by the Participant;

(2) Withholding the improper payment from the Participant's wages or other compensation to the extent consistent with applicable federal or state law;

(3) Claims substitution or offset of future claims until the amount is repaid; and

(4) if subsections (1) through (3) fail to recover the amount, consistent with the County's business practices, the County may treat the amount as any other business indebtedness.

ARTICLE IX AMENDMENT OR TERMINATION OF PLAN

9.1 AMENDMENT

The County, at any time or from time to time, may amend any or all of the provisions of the Plan without the consent of any Employee or Participant. No amendment shall have the effect of modifying any Benefit election of any Participant in effect at the time of such amendment, unless such amendment is made to comply with Federal, state or local laws, statutes or regulations.

9.2 TERMINATION

The County is establishing this Plan with the intent that it will be maintained for an indefinite period of time. Notwithstanding the foregoing, the County reserves the right to terminate this Plan, in whole or in part, at any time. In the event the Plan is terminated, no further contributions shall be made. Benefits under any contract shall be paid in accordance with the terms of the contract.

No further contributions shall be made to the Health FSA or Dependent Care FSA, but all reimbursement payments from such accounts shall continue to be made according to the elections in effect until 90 days after the termination date of the Plan. Any amounts remaining in any such account as of the end of such period shall be forfeited and deposited in the benefit plan surplus after the expiration of the filing period.

ARTICLE X MISCELLANEOUS

10.1 PLAN INTERPRETATION

All provisions of this Plan shall be interpreted and applied in a uniform, nondiscriminatory manner. This Plan shall be read in its entirety and not severed except as provided in Section 10.11.

10.2 GENDER AND NUMBER

Wherever any words are used herein in the masculine, feminine or neuter gender, they shall be construed as though they were also used in another gender in all cases where they would so apply, and whenever any words are used herein in the singular or plural form, they shall be construed as though they were also used in the other form in all cases where they would so apply.

10.3 WRITTEN DOCUMENT

This Plan, in conjunction with any separate written document which may be required by law, is intended to satisfy the written Plan requirement of Code Section 125 and any Treasury regulations thereunder relating to cafeteria plans.

10.4 EXCLUSIVE BENEFIT

This Plan shall be maintained for the exclusive benefit of the Employees who participate in the Plan.

10.5 PARTICIPANT'S RIGHTS

This Plan shall not be deemed to constitute an employment contract between the County and any Participant or to be a consideration or an inducement for the employment of any Participant or Employee. Nothing contained in this Plan shall be deemed to give any Participant or Employee the right to be retained in the service of the County or to interfere with the right of the County to discharge any Participant or Employee at any time regardless of the effect which such discharge shall have upon him as a Participant of this Plan.

10.6 ACTION BY THE COUNTY

Whenever the County under the terms of the Plan is permitted or required to do or perform any act or matter or thing, it shall be done and performed by a person duly authorized by its legally constituted authority.

10.7 NO GUARANTEE OF TAX CONSEQUENCES

Neither the Administrator nor the County makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant under the Plan will be excludable from the Participant's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant. It shall be the obligation of each Participant to determine whether each payment under the Plan is excludable from the Participant's gross income for federal and state income tax purposes, and to notify the County if the Participant has reason to believe that any such payment is not so excludable. Notwithstanding the foregoing, the rights of Participants under this Plan shall be legally enforceable.

10.8 INDEMNIFICATION OF COUNTY BY PARTICIPANTS

If any Participant receives one or more payments or reimbursements under the Plan that are not for a permitted Benefit, such Participant shall indemnify and reimburse the County for any liability it may incur for failure to withhold federal or state income tax or Social Security tax from such payments or reimbursements. However, such indemnification and reimbursement shall not exceed the amount of additional federal and state income tax (plus any penalties) that the Participant would have owed if the payments or reimbursements had been made to the Participant as regular cash compensation, plus the Participant's share of any Social Security tax that would have been paid on such compensation, less any such additional income and Social Security tax actually paid by the Participant.

10.9 FUNDING

Unless otherwise required by law, contributions to the Plan need not be placed in trust or dedicated to a specific Benefit, but may instead be considered general assets of the County. Furthermore, and unless otherwise required by law, nothing herein shall be construed to require the County or the Administrator to maintain any fund or segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in, any fund, account or asset of the County from which any payment under the Plan may be made.

10.10 GOVERNING LAW

This Plan is governed by the Code and the Treasury regulations issued thereunder (as they might be amended from time to time). In no event shall the County guarantee the favorable tax treatment sought by this Plan. To the extent not preempted by Federal law, the provisions of this Plan shall be construed, enforced and administered according to the laws of the Commonwealth of Virginia without regard to its conflict of law rules.

10.11 SEVERABILITY

If any provision of the Plan is held invalid or unenforceable, its invalidity or unenforceability shall not affect any other provisions of the Plan, and the Plan shall be construed and enforced as if such provision had not been included herein.

10.12 CAPTIONS

The captions contained herein are inserted only as a matter of convenience and for reference, and in no way define, limit, enlarge or describe the scope or intent of the Plan, nor in any way shall affect the Plan or the construction of any provision thereof

10.13 COMPLIANCE WITH STATE AND FEDERAL LAWS

To the extent applicable, the Plan will provide benefits in accordance with the requirements of all applicable laws, including the Public Health and Services Act of 1944 (PHSA), the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Genetic Information Nondiscrimination Act (GINA), the Newborns' and Mothers' Health Protection Act of 1996 (NMHPA), and the Women's Health and Cancer Rights Act of 1998 (WHCRA). In addition, the Plan will provide benefits in accordance with the plan documents and insurance booklets applicable to the individuals covered by this Plan.

IN WITNESS WHEREOF, this Plan document is executed this _____ day
of December, 2013.

County of Henrico, Virginia

By: _____

Title: _____

County School Board of Henrico County,
Virginia

By: _____

Title: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 24013
Page No. 1 of 2

Agenda Title: **RESOLUTION – Award of Contract – Consulting Services – Radio Communications System**

For Clerk's Use Only:

Date: **DEC 10 2013**

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) Glover Seconded by (1) O'Bannon
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ _____

Kaechele, D. ☒ _____

Nelsoo, T. ☒ _____

O'Bannon, P. ☒ _____

Thornton, F. _____ absent

WHEREAS, on July 3, 2013, five proposals were received in response to RFP #12-9297-7CS to provide a contract for consulting services concerning the radio communications systems of the counties of Henrico, Chesterfield, Hanover and the City of Richmond; and,

WHEREAS, it is desirable for these jurisdictions to use the same consultant to ensure the interoperability of their public safety radio systems; and,

WHEREAS, based upon review of the written proposals, the Selection Committee (consisting of Chief D. A. Middleton – Henrico County, Richard Troshak – Chesterfield County, Thomas Nolan – City of Richmond, Curtis J. Shaffer – Hanover County, and Cecelia Stowe – Henrico County,) interviewed the following firms:

Altairis Technology Partners, LLC
RCC Consultants, Inc.
AECOM Technical Solutions, Inc.

WHEREAS, the Selection Committee entered into negotiations with Altairis Technology Partners, LLC (Altairis) and RCC Consultants, Inc. and subsequently selected Altairis to provide consulting services for replacement of the systems in Henrico, Chesterfield, and Richmond; and,

WHEREAS, Hanover will use its consulting services contract to ensure that its recently-replaced system will interoperate with the new systems of the other jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. A contract to provide Consulting Services, Radio Communications System for the County of Henrico is hereby awarded to Altairis in accordance with RFP #12-9297-7CS; the July 3, 2013 proposal; the correspondence with Altairis regarding the terms of the contract dated September 3, 2013, October 4, 2013, and October 22, 2013; and Altairis's best and final offer dated October 31, 2013.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **240-13**
Page no. 2 of 2

Agenda Title: RESOLUTION – Award of Contract – Consulting Services – Radio Communications System

2. Compensation will be based on fixed hourly rates with an agreed-upon maximum not to exceed \$1,742,339.
3. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
4. The County Manager, or the Purchasing Director as his designee, is authorized to execute all change orders and amendments necessary during the term of the contract.

Comments: The Chief of Police and Purchasing Director, with the County Manager concurring, recommend approval of this Board paper.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 241A-13
Page No. 1 of 1

Agenda Title: RESOLUTION – Changing the Terms of Office of Voting Members of the Historic Preservation Advisory Committee

For Clerk's Use Only:

DEC 10 2013

Date: _____

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to: _____

1) Substitution Paper
2) approve
BOARD OF SUPERVISORS ACTION

Moved by (1) Glover Seconded by (1) Nelson
(2) Glover (2) O'Bannon

REMARKS:

APPROVED

YES NO OTHER

172)
Glover, R. ✓ _____
Racchele, D. ✓ _____
Nelson, T. ✓ _____
O'Bannon, P. ✓ _____
Thornton, F. _____ absent

WHEREAS, by approval of agenda item number 99-90 on February 14, 1990, the Board of Supervisors (the "Board") created the Historic Preservation Advisory Committee (the "Committee") to be composed of five voting members and the Director of Recreation and Parks, or his designee, as an ex officio, non-voting member, and fixed the terms of office of its voting members as one year; and

WHEREAS, by approval of agenda item number 180-94 on April 13, 1994, the Board expanded the membership of the Committee to include 10 voting members; and

WHEREAS, the Committee wishes to change its name to the Historic Preservation Advisory Commission and the terms of office of its voting members from one to two years; and

WHEREAS, the Committee met on October 8, 2013, and unanimously voted to submit a written request for these changes to the County Manager, and that request was submitted to the Manager by letter dated October 21, 2013, and signed by the Chairman of the Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board that it hereby changes the terms of office of its voting members from one to two years.

COMMENTS: The Director of Recreation and Parks recommends approval of this Board paper, and the County Manager concurs.

By Agency Head

Eli Turk

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

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Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 242-13
Page No. 1 of 2

Agenda Title: RESOLUTION — Signatory Authority – Award of Stream Mitigation Purchase Contracts -
Cobbs Creek Reservoir Project

For Clerk's Use Only:

DEC 10 2013

- () Approved
() Denied
() Amended
() Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Celou Seconded by (1) O'Bannon
(2) _____ (2) _____

REMARKS

APPROVED

YES NO OTHER

Glover, R. ☒ ☐ ☐
Kaechele, D. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☐ ☐ absent

WHEREAS, on May 16, 2013, 10 bids were received and opened in response to IFB #13-9402-4CE and Addendum No. 1 for Stream Mitigation Credits – Cobbs Creek Regional Water Supply Reservoir and,

WHEREAS, the project requires the purchase of 15,783 stream mitigation credits to offset unavoidable stream impacts associated with the project and,

WHEREAS, for selection and evaluation purposes, the lowest responsive bids were determined by multiplying the lowest unit price per credit times the quantity of credits offered by each bidder until 15,783 credits were reached, with the following results:

Bidders	Bid Amount per Credit	Credits Offered	Credits Needed	Total Purchase Amount
TCP II Lone Oak, LLC	\$249.00	3,000	3,000	\$747,000.00
TCP II Lone Oak, LLC	\$279.00	7,000	7,000	\$1,953,000.00
White Oak Landing, LLC	\$284.00	1,500	1,500	\$426,000.00
Innisfree Stream Mitigation Bank, LLC	\$295.00	15,423	4,283	\$1,263,485.00
TCP II Lone Oak, LLC	\$299.00	4,000	0	0
James River Mitigation, LLC	\$314.00	500	0	0
TCP II Lone Oak, LLC	\$324.00	6,241	0	0
Byrd Creek, LLC	\$354.00	1,600	0	0
Ragland Farm Mitigation Bank, LLC	\$375.00	2,179	0	0
Wetland Resource Management, LLC	\$450.00	2,169	0	0

By Agency Head

Arthur O. Petrini

By County Manager

[Signature]

Routing:

Yellow to: _____

Certified:

A Copy Tests: _____

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Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 242-13

Page No. 2 of 2

Agenda Title: RESOLUTION — Signatory Authority – Award of Stream Mitigation Purchase Contracts - Cobbs Creek Reservoir Project

WHEREAS, after a review and evaluation of all bids received, it was determined that TCP II Lone Oak, LLC for \$747,000.00, TCP II Lone Oak, LLC for \$1,953,000.00, White Oak Landing, LLC for \$426,000.00, and Innisfree Stream Mitigation Bank, LLC for \$1,263,485.00 are the lowest responsive and responsible bidders to provide the 15,783 credits needed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized to execute the contracts, in a form approved by the County Attorney, to purchase 15,783 stream credits from a combined aggregate of the four lowest responsive and responsible bidders in the amount of \$4,389,485:

1. The contracts to purchase 15,783 stream mitigation credits are awarded to TCP II Lone Oak, LLC (two contracts); White Oak Landing, LLC; and Innisfree Stream Mitigation Bank, LLC.
2. The County Manager is authorized to execute the four purchase contracts in a form approved by the County Attorney.

Comment: Funding to support the contracts is available within the Water and Sewer Enterprise Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 243-13

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority - Stream Mitigation Purchase and Sale Agreement — Virginia Department of Forestry — Cobbs Creek Reservoir Project

For Clerk's Use Only:

Date: DEC 10 2013

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Clover
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Clover, R. ☒ ☐ ☐

Kacchele, D. ☒ ☐ ☐

Nelson, T. ☒ ☐ ☐

O'Bannon, P. ☒ ☐ ☐

Thornton, F. ☐ ☐ absent

WHEREAS, a Stream Mitigation Purchase and Sale Agreement has been negotiated with the Virginia Department of Forestry for the purchase of stream mitigation credits to preserve a forested stream buffer in accordance with the Cumberland State Forest Stream Buffer Preservation Declaration of Restrictions (DOR) and,

WHEREAS, these credits are required by the Virginia Department of Environmental Quality and the Army Corps of Engineers to compensate for the streams impacted by the Cobbs Creek Reservoir project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized to execute the Purchase and Sale Agreement with the Virginia Department of Forestry, in a form approved by the County Attorney, to purchase 60,736 stream credits in the amount of \$9,839,232.

Comment: Funding to support the purchase is available within the Water and Sewer Revenue Fund CIP Project #06125. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.

By Agency Head

Arthur O. Petrini

By County Manager

[Signature]

Routing:

Yellow to:

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A Copy Tests:

Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 244-13

Page No. 1 of 2

Agenda Title: **RESOLUTION — Opposition to Amendment of Central Virginia Waste Management Plan for Landfill Expansion by The East End Landfill, LLC**

For Clerk's Use Only: Date: DEC 10 2013 (<input checked="" type="checkbox"/>) Approved () Denied () Amended () Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Nelson</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: APPROVED	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><u>absent</u></td></tr></tbody></table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
		YES	NO	OTHER																						
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>																							

WHEREAS, Henrico County and 12 other area local governments established the Central Virginia Waste Management Authority ("CVWMA") in December 1990 to address the region's solid waste management needs; and,

WHEREAS, a vital function of CVWMA is the development and revision of the regional waste management plan in accordance with the requirements and provisions of Virginia administrative regulations for solid waste planning in 9VAC20-130-10 *et seq*; and,

WHEREAS, 9VAC20-130-120.C.4 requires regional waste management plans to list "existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities, expected life and systems for their use"; and,

WHEREAS, in 2004 CVWMA developed the current Central Virginia Waste Management Plan ("Plan") for Henrico County and the other member jurisdictions; and,

WHEREAS, under section 3.1 of the Plan, the Plan's goals include achieving "the specific service, health and safety, financial, environmental and institutional objectives for each member," and,

WHEREAS, Henrico County has specific, significant, and particularized interests in landfill operations within its borders; and,

WHEREAS, 9VAC20-130-175.A.1.b provides that requests for any new increase in landfill capacity shall be treated as a "major" amendment to an approved solid waste management plan; and,

By Agency Head

Joseph P. Rappin

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **244-13**
Page No. 2 of 2

**Agenda Title: RESOLUTION — Opposition to Amendment of Central Virginia Waste
Management Plan for Landfill Expansion by The East End Landfill, LLC**

WHEREAS, the CVWMA Board of Directors, the Richmond Regional and Crater Planning District Commissions, and the Virginia Department of Environmental Quality (“DEQ”) must approve a major amendment before it becomes a part of the Plan; and,

WHEREAS, The East End Landfill, LLC (“TEEL”) wishes to expand the boundaries and capacity of its landfill operations at 1820 Darbytown Road in Henrico County (the “Facility”); and

WHEREAS, the Facility opened in 1987 and operated without any significant problems before TEEL purchased the Facility in 2006; and,

WHEREAS, after assuming control of the Facility, TEEL was responsible for a series of serious violations of state and local law at the Facility; and,

WHEREAS, DEQ issued ten notices of violation of state law for TEEL’s operations at the Facility between 2009 and 2011, and it required TEEL to pay \$150,000 in fines and undertake various corrective actions at the Facility; and,

WHEREAS, during the same time period, Henrico County issued notices of violation for TEEL’s accumulation of coal fly ash, waste tires, and contaminated soil at the Facility in violation of the County’s zoning ordinance, and TEEL not only continued but increased its violations of the Henrico County Code over a period of many months; and,

WHEREAS, although TEEL has changed its management team and corrected its violations of the Henrico County Code, expansion of the Facility would have a continuing negative impact on the adjacent neighborhoods for up to 17 additional years; and,

WHEREAS, these negative impacts include (1) up to 350 heavy truck trips per day to and from the Facility, (2) greater height and visibility of the landfill mound in the adjacent residential neighborhoods, (3) potential decrease in residential property values and community character in the area, and (4) potential continuation of odor problems in the surrounding area.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors opposes amendment of the Central Virginia Waste Management Plan to recognize or allow expansion of landfill operations by The East End Landfill, LLC at 1820 Darbytown Road in Henrico County.

BE IT FURTHER RESOLVED that the Henrico County Board of Supervisors requests the Board of Directors of the Central Virginia Waste Management Authority and the Richmond Regional and Crater Planning District Commissions to reject the amendment in recognition of Henrico County’s significant interest in operation of the Facility and its opposition to the amendment.