

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
July 23, 2013**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, July 23, 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
Frank J. Thornton, Fairfield District

Other Officials Present:

John A. Vithoukas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Joseph A. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Timothy A. Foster, P.E., Deputy County Manager for Community Operations

Mr. Kaechele called the meeting to order at 7:03 p.m.

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

On motion of Mr. Nelson, seconded by Mr. Thornton, the Board approved the minutes of the July 9, 2013, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Glover, Nelson, Thornton

No: None

MANAGER'S COMMENTS

The Department of Human Resources has developed and implemented a year-round internship program to promote Henrico County government as a great place to work and provide hands-on experience for students who will become future leaders. This summer, the County has 29

interns representing six County high schools and 15 colleges or universities. Sixteen of the internships are paid and 13 are for credit. Mr. Vithoukas expressed appreciation for the many contributions of the interns and recognized Human Resources Director Paula Reid, Human Resources Analyst and Internship Coordinator Debbie Lumpkin, and the group of interns that was present to observe the meeting. Amethyst Tinsley, a rising junior at Christopher Newport University, thanked the Board for the internship opportunity and shared a personal story highlighting what she has learned from her experience as an intern in the County Manager's Office.

The Division of Fire has been selected as the recipient of the "2013 Regional Award for Excellence in Emergency Services" by the Old Dominion Emergency Medical Service (EMS) Alliance. This competitive award recognizes the agency that best demonstrates a pattern of exceptional improvements in the EMS system in the central Virginia region. The decision to honor the Division of Fire with this award was made by a panel of health care professionals, including representatives of local hospitals and EMS agencies. In addition, the panel also awarded the "2013 Regional Award for Outstanding EMS Educator" to Monty Dixon, Advanced Life Support Program Manager for the Division of Fire. Ms. Dixon was selected for her outstanding efforts and results in providing pre-hospital education to Henrico firefighters and EMS providers from throughout the region. As the regional recipients of these awards, the Division of Fire and Ms. Dixon will both be considered for the Governor's Award in the same categories later this year and will compete against the other ten regional recipients from across the Commonwealth. Mr. Vithoukas congratulated the Division of Fire and Ms. Dixon for these honors. Fire Chief Anthony McDowell introduced Captain Scotty Southall from the division's training section, who played an instrumental role in these efforts, and expressed pride in what Ms. Dixon has done for the division and the County. Chief McDowell commented on the division's collaboration with volunteer rescue squads to provide advanced emergency medical care and high quality EMS training and continuing education. He also thanked the Board for its support.

Over the past three weeks, the County has hosted several high-profile youth tournaments, including the Elite Clubs National Championship for girls' soccer, the Babe Ruth Rookie Division Southeast Region Championship at Dorey Park, the Babe Ruth girls' softball Southeast Region Championship at RF&P Park, and the Triple Crown Baseball National Championship for 16, 17, and 18 year-old boys. The Triple Crown All-Star Game was played on July 22 at Glen Allen Stadium at RF&P Park before a packed house of over 1,000 and televised to a national audience on the CBS Sports Network. These four tournaments have brought a total of 185 teams, 3,000 players, and over 8,000 visitors to the County with an estimated economic impact of 17,850 hotel room nights and \$8 million in total visitor spending. The national Metropolitan Junior Baseball League Classic and the American Legion state and southeastern region baseball tournaments will kick off in Henrico late next week. The total estimated impact on the local economy from sports tournaments and tourism in Fiscal Year 2013 was nearly \$36.2. Mr. Vithoukas expressed appreciation to Mr. Luther and his staff for their efforts and results. Mr. Luther thanked Mr. Vithoukas and the Board for their support.

BOARD OF SUPERVISORS' COMMENTS

Mr. Glover complimented the Division of Recreation and Parks staff on preparing the ball fields at RF&P Park to professional standards and noted the many favorable comments he has received from park visitors about the quality and beauty of the fields. In response to a comment by Mr. Kaechele, he noted that all of the tournament games held at Glen Allen Stadium at RF&P Park are video streamed online.

Mrs. O'Bannon pointed out that the latest edition of the *Henrico Citizen* contained a photograph and article profiling the following five officials in the Division of Police who were recently promoted to top positions: Lieutenant Colonel Fred Bolling, Lieutenant Colonel James Fitzgerald, Major Humberto Cardounel, Major Clarence Hunter, and Major Carl Mueller. She congratulated these officials and complimented them on the photograph.

Mr. Thornton announced that he had just returned from the 78th National Association of Counties (NACo) Annual Conference, where Henrico County received 17 Achievement Awards including Best in Category honors for *The Prevention Project* in the Children and Youth category and the *Operation Innkeeper* program in the Criminal Justice and Public Safety category. Mr. Thornton shared with the public a NACo document he picked up at the conference titled *Why Counties Matter*. He noted that America's more than 3,000 counties are involved in the operation of 30 percent of the nation's public airports; own 228,238 bridges; and own and operate 45 percent of the nation's roads.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Graham Moomaw from the *Richmond Times-Dispatch*.

PUBLIC HEARING ITEM

156-13 Resolution - Authorizing the County Manager to Submit the Henrico County 2013-2014 Annual Consolidated Plan, Including the CDBG and HOME Program Plans for 2013-2014; to Execute the CDBG and HOME Agreements for Program Year 2013-2014; and to Execute Contracts Necessary to Implement the CDBG and HOME Program Activities.

Mr. Strickler, Director of Community Revitalization, narrated a brief slide presentation on the annual consolidated plan for the Community Development Block Grant (CDBG) and HOME Investments Partnership Program (HOME) Fiscal Year 2013-14 budget. He explained changes to the United States Department of Housing and Urban Development's allocations for these programs over the previous year and the sources and proposed uses of CDBG and HOME program funds for 2013-14. Mr. Kaechele pointed out that the Board previously held a work session and received a letter from staff regarding this matter.

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.

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

157-13 Introduction of Ordinance – To Amend and Reordain Section 2-48 Titled “Bonds,” Section 16-4 Titled “Purchasing system established,” Section 16-6 Titled “Powers and duties of director of general services,” Section 16-7 Titled “Delegation of authority by director of general services,” Section 16-8 Titled “Establishment of operational procedures,” Section 16-9 Titled “Purchases for volunteer rescue squads,” Section 16-10 Titled “Unauthorized purchases,” Section 16-11 Titled “Disposal of obsolete or unusable property,” Section 16-12 Titled “Sale of surplus property,” Section 16-43 Titled “Award of contracts generally,” Section 16-44 Titled “Receiving and processing of bids for construction,” Section 16-45 Titled “Exceptions to requirement for competitive procurement,” Section 16-47 Titled “Debarment,” and Section 16-48 Titled “Negotiation with lowest responsible bidder,” and to Repeal and Reserve Section 16-5 Titled “Appointment of director of general services,” of the Code of the County of Henrico, to Change the Bonding Requirement and Responsibility for County Procurement from the Director of General Services to the Purchasing Director.

Mr. Vithoukas noted that this item was the topic of a June 25, 2013, Board work session and reflects a proposed reorganization that will move procurement from the Department of General Services to the Department of Finance. Mr. Rapisarda briefly explained the proposed Code changes associated with this reorganization, including a change to the bonding requirement.

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

158-13 Resolution – Award of Construction Contract – Henrico East Health Clinic – Fairfield District.

John Neal, Director of General Services, narrated a slide presentation on this item in which he reviewed the clinic’ site layout, building program, exterior views, projected schedule, budget, bid results, and lease agreement. He and Mr. Vithoukas responded to questions from the Board.

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

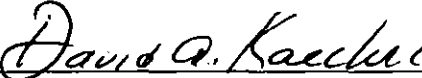
159-13

Resolution - Signatory Authority - Sublease - Commonwealth of Virginia -
Capital Region Workforce Center - 121 Cedar Fork Road - Fairfield District.

Jon Tracy, Director of Real Property, responded to questions from Mr. Kaechele and Mr. Nelson.

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

There being no further business, the meeting was adjourned at 7:51 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia



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

Agenda Item No. i 56-13

Page No. 1 of 1

Agenda Title: RESOLUTION – Authorizing the County Manager to Submit the Henrico County 2013-2014 Annual Consolidated Plan, Including the CDBG and HOME Program Plans for 2013-2014; to Execute the CDBG and HOME Agreements for Program Year 2013-2014; and to Execute Contracts Necessary to Implement the CDBG and HOME Program Activities.

<p>For Clerk's Use Only</p> <p>Date: <u>JUL 28 2013</u></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>O'Bannon</u> Seconded by (1) <u>Nelson</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS:</p> <p align="center">APPROVED</p>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Glover, R.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Kacchele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kacchele, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, Henrico County is an entitlement community under the U.S. Department of Housing and Urban Development ("HUD") Community Development Block Grant ("CDBG") Program, as authorized by Title 1 of the Housing and Community Development Act of 1974; and,

WHEREAS, the County's CDBG entitlement for Program Year 2013-2014 is \$1,553,090, and the County has prepared the attached proposed sources and uses of CDBG entitlement funds; and,

WHEREAS, the County is an entitlement community under the HUD HOME Investment Partnerships Program ("HOME") as authorized by the HOME Investment Partnerships Act of 1990; and,

WHEREAS, the County's HOME entitlement for Program Year 2013-2014 is \$626,559, and the County has prepared the attached proposed sources and uses of HOME funds; and,

WHEREAS, \$66,000 in unspent CDBG funds from previous years is included in the proposed use of CDBG funds in 2013-2014; and,

WHEREAS, localities are required to submit an Annual Consolidated Plan ("Plan") as a condition of receiving CDBG and HOME funds, and the Department of Community Revitalization has prepared the required Plan for submission to HUD with the proposed uses of CDBG and HOME funds shown on the attached table.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that it: (1) approves the 2013-2014 Plan, including the proposed uses of CDBG and HOME funds for 2013-2014; (2) authorizes the County Manager to submit the Plan; and (3) authorizes the County Manager to execute the CDBG and HOME agreements for Program Year 2013-2014 and the contracts necessary to implement the CDBG and HOME program activities in a form approved by the County Attorney.

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

By Agency Head *[Signature]* By County Manager *[Signature]*

Routing: Yellow to: _____ Certified: _____
 Copy to: _____ A Copy Teste: _____ Clerk, Board of Supervisors
 Date: _____

**2013-2014 CDBG & HOME Program
Sources & Uses of Funds**

SOURCES	CDBG	HOME
Funds Brought Forward	66,000	
FY 2013-2014 Allocation	1,553,090	626,559
Total Available	1,619,090	626,559
USES		
1. CDBG and HOME Administration	237,000	62,000
2. Commercial Assistance Program	176,500	
3. Enterprise Zone Façade Grants	30,000	
4. Enterprise Zone Design Assistance	25,000	
5. CONNECT Program	172,000	
6. project:HOMES Homeowner Rehabilitation Program	102,590	314,559
7. project:HOMES Emergency and Minor Repairs	472,000	
8. HOME Inc. Downpayment Assistance	20,000	75,000
9. Southside Community Development & Housing Corp. Downpayment Assistance	20,000	75,000
10. Richmond Affordable Housing CHDO Rehab for Sale		100,000
11. Carter Woods Emergency Generator	90,000	
12. Greater Richmond ARC Park	140,000	
13. Richmond Habitat Vacant Housing Rehab and Sale	20,000	
14. St. Joseph's Villa FIVAC Improvements	114,000	
TOTAL	\$ 1,619,090	\$ 626,559

July 23, 2013

**Annual Consolidated Plan
CDBG/HOME FY13-14 Budget
Public Hearing**

Board of Supervisors Meeting
July 23, 2013

**CDBG/HOME
FY13-14 Budget**

HUD increased CDBG allocation by 11% and HOME by 2%. The net allocation is approximately \$171,000 higher than last year.

Received 21 requests.

Recommended 14 requests.

Sources of CDBG/HOME Program Funds 2013-2014

Sources	CDBG	HOME
Allocation	\$1,553,090	\$626,559
Funds Forward	\$ 66,000	\$ 0
Total	\$1,619,090	\$626,559

Grand Total \$2,245,649

Proposed Uses of CDBG/HOME Program Funds 2013-2014

Proposed Uses	CDBG	HOME
CDBG/HOME Administration	\$ 237,000	\$ 62,000
Commercial Assistance Program	\$ 176,500	\$ 0
Enterprise Zone Façade Grants	\$ 30,000	\$ 0
Enterprise Zone Design Assistance	\$ 25,000	\$ 0
CONNECT Program	\$ 172,000	\$ 0
project:HOMES Rehabilitation	\$ 102,590	\$ 314,559
project:HOMES Emergency Repairs	\$ 472,000	\$ 0

Proposed Uses of CDBG/HOME Program Funds 2013-2014

Proposed Uses	CDBG	HOME
HOME Inc. Downpayment Assist.	\$ 20,000	\$ 75,000
Southside Downpayment Assist.	\$ 20,000	\$ 75,000
Richmond Afford. Housing CHDO	\$ 0	\$ 100,000
Carter Woods Emergency Generator	\$ 90,000	\$ 0
Greater Richmond ARC Park	\$ 140,000	\$ 0
Rich. Habitat Vacant House Rehab	\$ 20,000	\$ 0
St. Joseph's Villa HVAC	\$ 114,000	\$ 0
Total	\$1,619,090	\$ 626,559

Annual Consolidated Plan CDBG/HOME FY13-14 Budget Public Hearing

Board of Supervisors Meeting
July 23, 2013

PUBLIC HEARING ITEMS

- 146-12 Resolution - Authorizing the County Manager to Submit the Henrico County 2012-2013 Annual Consolidated Plan, Including the CDBG Program Year Twenty-Three Plan and the HOME Program Year Sixteen Plan; to Execute the CDBG Agreement for Program Year Twenty-Three and the HOME Agreement for Program Year Sixteen; and to Execute Contracts to Implement the CDBG and HOME Activities.

Mark Strickler, Director of Community Revitalization, narrated a brief slide presentation on the consolidated plan for the Community Development Block Grant (CDBG) and HOME Investments Partnership Program (HOME) FY 2011-12 budget. He explained changes to the United States Department of Housing and Urban Development's (HUD's) allocations for these programs over the previous year and sources and proposed uses of CDBG and HOME program funds.

Mr. Strickler responded to a question from Mr. Glover. Mr. Strickler and Mr. Hazelett responded to questions from Mr. Kaechele.

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

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

- 147-12 Resolution - Signatory Authority - Deed of Conveyance - 3429 Merkner Drive - Brookland District.

There was brief discussion by Mr. Glover, Real Property Director Jon Tracy, Mr. Hazelett, and Mr. Rapisarda regarding a proposed condition that no dwelling be constructed or maintained on the well lot.

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

On motion of Mr. Kaechele, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item - see attached resolution. The Board instructed staff that there not be a condition included in the deed restricting the construction or maintenance of a dwelling on the well lot.

- 148-12 Ordinance - Vacation of Portions of Unimproved Alleys - Virginia Manor - Fairfield District.

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

On motion of Mr. Thornton, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item - see attached ordinance.



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

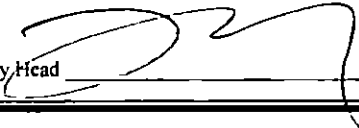
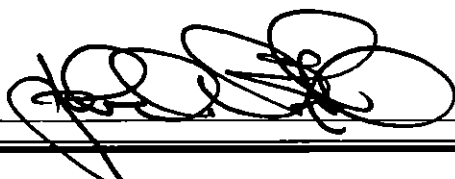
Agenda Item No. 152-13
Page No. 1 of 2

Agenda Title: SEE BELOW

For Clerk's Use Only: JUL 23 2013 Date: _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Clover</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Glover, R.</td> <td align="center">✓</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Kacchele, D.</td> <td align="center">✓</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td align="center">_____</td> <td align="center">_____</td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td align="center">_____</td> <td align="center">_____</td> </tr> </table>		YES	NO	OTHER	Glover, R.	✓	_____	_____	Kacchele, D.	✓	_____	_____	Nelson, T.	✓	_____	_____	O'Bannon, P.	✓	_____	_____	Thornton, F.	✓	_____	_____
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AGENDA TITLE: INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 2-48 Titled “Bonds,” Section 16-4 Titled “Purchasing system established,” Section 16-6 Titled “Powers and duties of director of general services,” Section 16-7 Titled “Delegation of authority by director of general services,” Section 16-8 Titled “Establishment of operational procedures,” Section 16-9 Titled “Purchases for volunteer rescue squads,” Section 16-10 Titled “Unauthorized purchases,” Section 16-11 Titled “Disposal of obsolete or unusable property,” Section 16-12 Titled “Sale of surplus property,” Section 16-43 Titled “Award of contracts generally,” Section 16-44 Titled “Receiving and processing of bids for construction,” Section 16-45 Titled “Exceptions to requirement for competitive procurement,” Section 16-47 Titled “Debarment,” and Section 16-48 Titled “Negotiation with lowest responsible bidder,” and to Repeal and Reserve Section 16-5 Titled “Appointment of director of general services,” of the Code of the County of Henrico, to Change the Bonding Requirement and Responsibility for County Procurement from the Director of General Services to the Purchasing Director

The Clerk is directed to advertise, in the Richmond Times-Dispatch on July 30, 2013 and August 6, 2013, the following ordinance for a public hearing to be held at the Board Room on August 13, 2013 at 7:00 p.m.:

By Agency Head _____  By County Manager _____ 

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. 157-13

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“An ordinance to amend and reordain Section 2-48 titled “Bonds,” Section 16-4 titled “Purchasing system established,” Section 16-6 titled “Powers and duties of director of general services,” Section 16-7 titled “Delegation of authority by director of general services,” Section 16-8 titled “Establishment of operational procedures,” Section 16-9 titled “Purchases for volunteer rescue squads,” Section 16-10 titled “Unauthorized purchases,” Section 16-11 titled “Disposal of obsolete or unusable property,” Section 16-12 titled “Sale of surplus property,” Section 16-43 titled “Award of contracts generally,” Section 16-44 titled “Receiving and processing of bids for construction,” Section 16-45 titled “Exceptions to requirement for competitive procurement,” Section 16-47 titled “Debarment,” and Section 16-48 titled “Negotiation with lowest responsible bidder,” and to Repeal and Reserve Section 16-5 Title “Appointment of director of general services,” of the Code of the County of Henrico, to change the bonding requirement and responsibility for County procurement from the Director of General Services to the Purchasing Director.”

Comments: The Deputy County Manager for Administration recommends approval of this Board paper, and the County Manager concurs.

BLACKLINE

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 2-48 Titled “Bonds,” Section 16-4 Titled “Purchasing system established,” Section 16-6 Titled “Powers and duties of director of general services,” Section 16-7 Titled “Delegation of authority by director of general services,” Section 16-8 Titled “Establishment of operational procedures,” Section 16-9 Titled “Purchases for volunteer rescue squads,” Section 16-10 Titled “Unauthorized purchases,” Section 16-11 Titled “Disposal of obsolete or unusable property,” Section 16-12 Titled “Sale of surplus property,” Section 16-43 Titled “Award of contracts generally,” Section 16-44 Titled “Receiving and processing of bids for construction,” Section 16-45 Titled “Exceptions to requirement for competitive procurement,” Section 16-47 Titled “Debarment,” and Section 16-48 Titled “Negotiation with lowest responsible bidder,” and to Repeal and Reserve Section 16-5 Titled “Appointment of director of general services,” of the Code of the County of Henrico, to Change the Bonding Requirement and Responsibility for County Procurement from the Director of General Services to the Purchasing Director

AN ORDINANCE to amend and reordain Section 2-48 titled “Bonds,” Section 16-4 titled “Purchasing system established,” Section 16-6 titled “Powers and duties of director of general services,” Section 16-7 titled “Delegation of authority by director of general services,” Section 16-8 titled “Establishment of operational procedures,” Section 16-9 titled “Purchases for volunteer rescue squads,” Section 16-10 titled “Unauthorized purchases,” Section 16-11 titled “Disposal of obsolete or unusable property,” Section 16-12 titled “Sale of surplus property,” Section 16-43 titled “Award of contracts generally,” Section 16-44 titled “Receiving and processing of bids for construction,” Section 16-45 titled “Exceptions to requirement for competitive procurement,” Section 16-47 titled “Debarment,” and Section 16-48 titled “Negotiation with lowest responsible bidder,” and to Repeal and Reserve Section 16-5 titled “Appointment of director of general services,” of the Code of the County of Henrico, to change the bonding requirement and responsibility for County procurement from the Director of General Services to the Purchasing Director.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

I. That Section 2-48 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 2-48. Bonds.

(a) *Director of social services.* The director of social services shall give bond with surety in the amount of \$100,000.00, payable to the county, conditioned on the faithful discharge of such director's duties.

(b) *Director of finance.* The director of finance shall give bond with surety in the amount of \$1,000,000.00, conditioned on the faithful discharge of his duties and the proper accounting for all funds coming into his possession, which shall be satisfied by his inclusion in the state self-insurance plan or a similar plan promulgated by the division of risk management of the state department of general services.

(c) *Other persons.* Persons holding the following positions shall give bond with surety in the amount of \$100,000.00, payable to the county, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession:

- (1) The county manager and all deputy county managers;
- (2) The purchasing director of general services; and
- (3) The registrar.

(d) *Payment of premium.* Except with respect to the director of finance, the county shall pay the premium for all such bonds.

2. That Section 16-4 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-4. Purchasing system division established.

There is hereby created a purchasing system division within the department of finance general services, to operate under the direction and supervision of the purchasing director of general services.

3. That Section 16-5 of the Code of the County of Henrico be repealed and reserved.

Sec. 16-5. Appointment of director of general services. Reserved.

~~The director of general services shall be appointed by the county manager and shall be subject to his general direction and control.~~

4. That Section 16-6 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-6. Powers and duties of purchasing director of general services.

(a) The purchasing director of general services shall serve as the principal public purchasing official for the county and shall be responsible for the procurement of goods, services, insurance and construction in accordance with this chapter, as well as the management and disposal of goods.

(b) In accordance with this chapter, the purchasing director of general services shall:

- (1) Purchase or supervise the purchasing of all goods, services, insurance and construction needed by the county;
- (2) Sell, trade or otherwise dispose of surplus goods belonging to the county;
- (3) Establish and maintain programs for specifications development, contract administration, inspection and acceptance, in cooperation with the public agencies using

the goods, services and construction;

(4) Not issue any order for delivery on a purchase, except in an emergency, until the director of finance or his designee shall have certified, after preaudit, that there is to the credit of the using agency concerned a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order; and

(5) Perform such other functions and duties as the county-manager director of finance may assign.

5. That Section 16-7 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-7. Delegation of authority by purchasing director of-general-services.

The purchasing director of-general-services may delegate authority to purchase certain goods, services, insurance or construction to other county officials if such delegation is deemed necessary for the effective procurement of those items.

6. That Section 16-8 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-8. Establishment of operational procedures.

Consistent with this chapter, the purchasing director of-general-services shall adopt operational procedures relating to the execution of his the director's duties.

7. That Section 16-9 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-9. Purchases for volunteer rescue squads.

The purchasing director of-general-services shall have authority to sell supplies, materials and equipment to volunteer rescue squads within the county at the same cost as the cost of such supplies, materials and equipment to the county.

8. That Section 16-10 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-10. Unauthorized purchases.

Except as otherwise provided in this chapter, no official, elected or appointed, or any employee shall purchase or contract for any goods, services, insurance or construction within the purview of this chapter other than by and through the purchasing director of-general-services, and any purchase order or contract made contrary to the provisions of this section is not approved and the county shall not be bound thereby. Any person responsible for such purchase shall be held personally liable for such purchase, and, if already paid for out of county funds, the amount may

be recovered in the name of the county in an appropriate action instituted therefor.

9. That Section 16-11 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-11. Disposal of obsolete or unusable property.

The purchasing director of ~~general services~~ shall sell, transfer, trade or otherwise dispose of all materials, supplies, equipment or other personal property of the county which has become obsolete or unusable. For purposes of this chapter, personal property shall be deemed "obsolete and unusable" when the continued use of such property by the county is no longer cost effective.

10. That Section 16-12 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-12. Sale of surplus property.

(a) All sales of property pursuant to this chapter shall be accomplished by means of competitive bids, public auction, firm price offered to all persons wishing to participate in the sale, or negotiated sale to other units of local government. The purchasing director of ~~general services~~ shall use whichever method he, the director believes will raise the highest revenue for the county.

(b) In cases where surplus property is offered for sale at a firm price, the property shall be offered first to taxpayers and residents of the county before it is offered to the general public.

11. That Section 16-43 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-43. Award of contracts generally.

(a) The purchasing director of ~~general services~~ shall award all contracts on behalf of the board of supervisors except for:

- (1) Contracts for construction which are expected to exceed \$100,000.00;
- (2) Contracts for professional services which are expected to exceed \$20,000.00; and
- (3) Contracts where the purchasing director of ~~general services~~, in his the director's sole discretion, has determined that an award by the board of supervisors is appropriate and the request for proposal or invitation to bid states that the award of the proposed contract will be made by the board of supervisors.

(b) The purchasing director of ~~general services~~ shall award all contracts on behalf of the school board except for:

- (1) Contracts for Capital Project Fund work; and
- (2) Contracts where the superintendent of schools, in his sole discretion, has determined that an award by the school board is appropriate and the request for proposal or invitation to bid states that the award of the proposed contract will be made by the school board.

(c) The purchasing director of ~~general services~~ shall award all contracts on behalf of the Henrico Area Mental Health & Developmental Services Board except for:

- (1) Contracts for services for clients; and
- (2) Contracts for goods for direct client use.

(d) The board of supervisors, school board or Henrico Area Mental Health & Developmental Services Board, as appropriate, shall award all contracts not awarded by the purchasing director of ~~general services~~.

12. That Section 16-44 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-44. Receiving and processing of bids for construction.

The purchasing director of ~~general services~~ shall advertise, receive, open and tabulate any and all bids for construction in accordance with the requirements and conditions set forth in the invitation to bid. He ~~The director~~ shall then transmit all such bids, with the tabulation of the bids, to the board of supervisors or school board, as appropriate, through the county manager or superintendent of schools, as appropriate, in all cases where the board of supervisors or school board will award the contract as provided in section 16-43.

13. That Section 16-45 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-45. Exceptions to requirement for competitive procurement.

(a) The county may enter into contracts without competition for the purchase of goods or services which are produced by or are available through state contracts or the state warehouse, or which are produced by nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services serving the handicapped, or Virginia Correctional Enterprises.

(b) The county may enter into contracts for legal services, expert witnesses and other services associated with litigation or regulatory proceedings without competitive sealed bidding or competitive negotiation.

(c) The county may enter into contracts for purchases for special police work without competitive sealed bidding or competitive negotiation when the chief of police certifies that the items are needed for undercover police operations.

(d) Except in the case of contracts for state-aid projects governed by Code of Virginia, § 2.2-4305, and contracts for professional services governed by Code of Virginia, § 2.2-4301, the county may award single or term contracts not to exceed \$30,000.00 without competitive sealed bidding or competitive negotiation under procedures established by the purchasing director of ~~general services~~.

(e) The county may enter into contracts for purchases of library books and legal publications without competitive sealed bidding or competitive negotiation.

(f) If an emergency occurs during office hours, the using agency shall immediately notify the purchasing director of-general-services, who shall either purchase directly or authorize the purchase of the needed goods and services. If any emergency occurs during a time when the purchasing division department-of-general-services is closed, the using agency may purchase any goods or services needed to meet such existing emergency; provided that the head of the using agency shall send as soon as practicable to the purchasing director of-general-services a requisition and a copy of the delivery receipt together with a written explanation of the circumstances of the emergency.

14. That Section 16-47 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-47. Debarment.

(a) *Generally.* The purchasing director of-general-services may, in the public interest, debar a prospective contractor for any of the causes listed in subsection (b) of this section, using the procedures described in subsection (d) of this section. The existence of a cause for debarment under subsection (b) of this section, however, does not necessarily require that the contractor be debarred. The seriousness of the contractor's acts or omissions and any mitigating factors should be considered in making any debarment decision.

(b) *Causes.* The purchasing director of-general-services may debar a prospective contractor for any of the following causes:

(1) Conviction of or civil judgment for:

- a. Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;
- b. Violation of federal or state antitrust statutes relating to the submission of offers;
- c. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; or
- d. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a government contractor or subcontractor.

(2) Violation of the terms of a government contract or subcontract so serious as to justify debarment, such as willful failure to perform in accordance with the terms of one or more contracts or a history of failure to perform, or of unsatisfactory performance of, one or more contracts.

(3) Any other cause of so serious or compelling a nature that it affects the present responsibility of a government contractor or subcontractor.

(c) *Reports and investigations.* The purchasing director of-general-services shall establish procedures for the prompt reporting, investigation and referral of matters appropriate for that official's consideration.

(d) *Debarment procedures.* The following procedures governing the debarment decision-making process are designed to be as informal as practicable, consistent with principles of fundamental fairness:

(1) *Notice to contractor.* Debarment shall be initiated by advising the prospective contractor and any specifically named affiliate, by certified mail, return receipt requested, that debarment is being considered. Such notice shall include the reasons for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction upon which it is based.

(2) *Period of debarment.* Debarment shall be for a period commensurate with the seriousness of the cause, as determined by the purchasing director of general-services in his the director's sole discretion.

(3) *Submission of statement by contractor; hearing.* The prospective contractor may submit to the purchasing director of general-services, within 30 days after receipt of notice, in person, in writing or through a representative, information and argument to the proposed debarment, including any additional specific information that raises a genuine dispute over the material fact. If the proposed debarment is based upon a cause other than those specified in subsection (b)(1) of this section, an informal hearing allowing the examination and cross examination of witnesses shall be provided if so requested by the prospective contractor. In such cases, the purchasing director of general-services shall conduct the hearing and shall render his a decision within 15 days thereafter, or within 15 days after receipt of written information and argument if no hearing is requested or required to be held.

(4) *Appeals.* The decision of the purchasing director of general-services shall be final unless the prospective contractor appeals by instituting legal action as provided in the public procurement act.

15. That Section 16-48 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-48. Negotiation with lowest responsible bidder.

Unless canceled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that, if the bid from the lowest responsible bidder exceeds available funds, the county may negotiate with the apparent low bidder to obtain a contract price within available funds. If the county wishes to negotiate with the apparent low bidder to obtain a contract price within available funds, negotiations shall be conducted in accordance with the following procedures:

(1) The using agency shall provide the purchasing director of general-services with a written determination that the apparent low bid exceeds available funds. Such determination shall be confirmed in writing by the director of finance or his designee. The using agency shall also provide the purchasing director of general-services with a suggested reduction in scope for the proposed purchase.

(2) The purchasing director of general-services shall advise the lowest responsible bidder, in writing, that the proposed purchase exceeds available funds. ~~He~~ The director shall further suggest a reduction in scope for the proposed purchase and invite the lowest responsible bidder to amend its bid proposal based upon the proposed reduction in scope.

(3) Repetitive informal discussions with the lowest responsible bidder for purposes of obtaining a contract within available funds shall be permissible.

(4) The lowest responsible bidder shall submit an addendum to its bid, which addendum shall include the change in scope for the proposed purchase, the reduction in price and the new contract value.

(5) If the proposed addendum is acceptable to the county, the county may award a contract within funds available to the lowest responsible bidder based upon the amended bid proposal.

(6) If the county and the lowest responsible bidder cannot negotiate a contract within available funds, all bids shall be rejected.

16. That this ordinance shall be in full force and effect on and after its passage.



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

Agenda Item No. 158-13
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Agenda Title: **RESOLUTION – Award of Construction Contract – Henrico East Health Clinic –
Fairfield District**

<p>For Clerk's Use Only:</p> <p>Date: <u>11/11 23 2013</u></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>Thornton</u> Seconded by (1) <u>Glover</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: <u>APPROVED</u></p>	<p>YES NO OTHER</p> <p>Glover, R. <input checked="" type="checkbox"/> _____</p> <p>Kaechele, D. <input checked="" type="checkbox"/> _____</p> <p>Nelson, T. <input checked="" type="checkbox"/> _____</p> <p>O'Bannon, P. <input checked="" type="checkbox"/> _____</p> <p>Thornton, F. <input checked="" type="checkbox"/> _____</p>
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WHEREAS, the County received seven bids on June 12, 2013 in response to Bid Request No. #13-9425-4JK and Addenda 1 and 2 for the Henrico East Health Clinic, as follows:

Bidders	Total Bid Amount
VIRTEXCO Corporation	\$ 4,072,637.00
Evans Constmction, Inc.	\$ 4,135,958.00
Suburban Remodeling Corporation.	\$ 4,217,637.00
Loughridge & Company, LLC	\$ 4,220,637.00
Gulf Seaboard General Contractors Inc.	\$ 4,235,000.00
Daniel & Co. Inc.,	\$ 4,237,000.00
Kenbridge Constmction Co., Inc.	\$ 4,360,000.00

WHEREAS, after review and evaluation of all bids received, the County rejected the bid from Virtexco Corporation which did not comply with the bid instructions and determined that Evans Construction, Inc. is the lowest responsive and responsible bidder with a bid in the amount of \$4,135,958.

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

- A contract to furnish all labor, materials, supplies, equipment, and services necessary for the constmction of Henrico East Health Clinic is awarded to Evans Construction, Inc., the lowest responsive and responsible bidder, in the amount of \$4,135,958 pursuant to IFB #13-9425-4JK and Addenda No. 1 and 2.

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. 158-13
Page No. 2 of 2

Agenda Title: **RESOLUTION** – Award of Construction Contract – **Henrico East Health Clinic – Fairfield District**

2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.

3. The County Manager, or the Director of General Services 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.

Comment: Funding to support the contract is available within the Capital Projects budget. The Director of General Services recommends approval of this Board paper, and the County Manager concurs.

