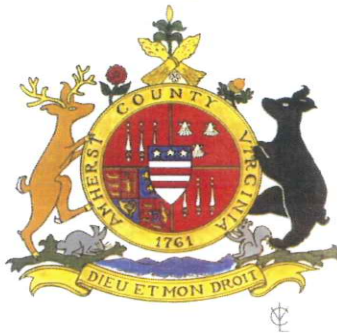


Board of Supervisors

John A. Marks, Jr., Chairman
District 5
David W. Pugh, Jr., Vice-Chair
District 4
Claudia D. Tucker, Supervisor
District 2
L. J. Ayers III, Supervisor
District 3
Kenneth M. Campbell, Supervisor
District 1



County Administrator

Dean C. Rodgers

County Attorney

Ellen Bowyer

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES

February 16, 2016

7:00 p.m.

ADMINISTRATION BUILDING - 153 WASHINGTON STREET - SCHOOL BOARD ROOM
7:00 P.M.

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Agenda**
- IV. **Citizen Comment**
- V. **Public Hearing**
 - A. Ordinance No. 2016-0001 Adding Article III, comprised of Divisions One through Four, containing Sections 2-89 through 2-131 to Chapter 2 of the Amherst County Code to establish new provisions governing County procurement. Article II of Chapter 2, which contains the existing County Code provisions governing public procurement, is repealed.
- VI. **Consent Agenda**
 - A. Minutes – January 5, 2016
 - B. Accounting - FY16 Appropriation of Revenue
 - C. Animal Shelter – FY16 Appropriation Request
 - D. Accounting – Appropriation of Assigned Funds
 - E. Public Safety – Appropriation of Committed Funds, Emergency Services Council
- VII. **Special Presentations**
 - A. Second Stage | Amherst
- VIII. **Old Business**
- IX. **New Business**
 - A. Planning/Zoning – Proposed text for ordinance – Distilleries/Breweries
 - B. Public Works - Landfill Operations Savings Opportunity
- X. **County Administrator's Report**
 - A. Boards/Committees/Commissions – Appoint a representative to District 1 Economic Development Authority Board
 - B. Discussion - Revenue Projections
 - C. Discussion - Tax rates and revenue
 - D. Discussion - Sharing of Fine & Forfeiture Revenue

E. Discussion - Waste Collections Savings Opportunities

XI. **Liaison and Committee Reports**

XII. **Department Reports**

A. Building Safety & Inspections – Monthly Report January 2016

XIII. **Citizen Comment**

XIV. **Matters from Members of the Board of Supervisors**

XV. **Closed Session**

A. § 2.2-3711 (A)(3) of the Code of Virginia to discuss acquisition of real property for a public purpose, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

XVI. **Adjournment**

A Budget Workshop will be convened immediately following the adjournment of the Board of Supervisors meeting.

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Amherst County Administration building on Tuesday, the 16th day of February, 2016, at 7:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

PRESENT: John A. Marks, Jr., Chairman
David W. Pugh, Jr., Vice-Chair
Claudia D. Tucker, Supervisor
L. J. Ayers, III, Supervisor
Kenneth M. Campbell, Supervisor

ABSENT: None

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; County Attorney Ellen Bowyer, Executive Administrative Assistant Regina Rice

I. **Call to Order**

Chairman Marks called the meeting to order at 7:00 p.m.

II. **Invocation and Pledge of Allegiance**

Chairman Marks gave the Invocation and led the Pledge of Allegiance.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

III. **Approval of Agenda**

Chairman Marks amended the Agenda as follows:

Under Old Business, Item A., added Resolution 2016-0005-R and under the Consent Agenda, Item VI. F. added Assignment of Unobligated General Funds.

By motion of Supervisor Tucker and with the following vote, the Board approved the amended Agenda as stated above.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None

ABSENT: None

IV. Citizen Comment

Ms. Martha Bryant of Amherst, Virginia addressed the Board as a CVTC Mom and provided the Board legislative information regarding Senator Newman's budget amendment keeping CVTC open. Ms. Bryant said that out of the total of 210 families, 161 families plan to stay and are opposed to discharge and 10 families are looking at discharge. There are 48 residents in the skilled nursing facility. Ms. Bryant said she is concerned about economic development information being accurate and sensitive and the cemetery with over 1,000 graves that is actively used. Ms. Bryant provided her email address as msbryant724@gmail.com

Ms. Bryant stated the Training Center never closes for weather thanks to the dedicated staff.

V. Public Hearing

A. Ordinance 2016-0001, adding Article III, comprised of Divisions One through Four, containing Sections 2-89 through 2-131 to Chapter 2 of the Amherst County Code to establish new provisions governing County procurement. Article II of Chapter 2, which contains the existing County Code provisions governing public procurement, is repealed.

Mr. Rodgers explained this is a corrected version of the ordinance and the changes referencing the "purchasing manual" now use the words "procurement regulations".

Ms. Bowyer said the Board did have the correct version in its package for the first reading in February. The correct version is on display in the County Administrator's office and the published advertisement is also correct.

Supervisor Tucker questioned Section 2-96-A and asked if this was further defined elsewhere.

Mr. Proffitt advised this section is described in detail in the procurement regulations and said the description in that regulation can establish all purchase procedures that are expected to be at least but not exceed amounts from competitive procured procedures. The threshold is \$100,000.

Chairman Marks opened the Public Hearing.

Proponents – None

Opponents – Mr. Alan Wood of Madison Heights, Virginia, addressed the Board and stated he was opposed to Regulation 2-96 and that the School Board left this at the lower number of \$50,000.

Mr. Wood suggested the regulation should be lower numbers.

Mr. Rodgers commented if the ordinance passed he will present regulations for the Board's review and approval.

Supervisor Tucker stated she had no issue regarding the ordinance but wanted to know what the threshold number was.

Chairman Marks closed the Public Hearing.

By motion of Supervisor Tucker and with the following vote, the Board adopted Ordinance 2016-0001. **(See Attachment 1)**

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

VI. Consent Agenda

A. Minutes – January 5, 2016

By motion of Chairman Marks and with the following votes, the Board approved the Minutes of January 5, 2016.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

B. Accounting - FY16 Appropriation of Revenue

By motion of Supervisor Tucker and with the following votes, the Board approved the FY16 Appropriation of Revenue.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

C. Animal Shelter – FY16 Appropriation Request

By motion of Supervisor Tucker and with the following votes, the Board approved the FY16 Appropriation of Revenue for the Animal Shelter.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

D. Accounting – Appropriation of Assigned Funds

Vice-Chair Pugh commented that the Goodwin building figure came in with a savings of \$28,000 and the Amherst Middle School chiller savings was \$11,793.

Mr. Rodgers remarked the Lowes incentive now is the last installment on a ten year agreement.

Mr. Rodgers explained the goal is to come under the estimate. These amounts will move from assigned to expended and those monies not expended will return back to the general fund.

By motion of Supervisor Ayers and with the following vote, the Board approved the appropriation of \$449,165.55 from Assigned Funds.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

E. Public Safety – Appropriation of Committed Funds, Emergency Services Council

Chairman Marks stated the \$65,000 is the County's share previously approved by the Board. Mr. Rodgers informed the Board that the Director of Public Safety will pick up the ambulance today.

By motion of Supervisor Ayers and with the following vote, the Board approved the appropriation of \$65,000 of Committed funds for ESC-Capital as indicated above.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

F. Assignment of Unobligated General Funds

Mr. Rodgers explained Pedlar Rescue will use grant money and contributions from Pedlar to pay for this purchase when it arrives in the next fiscal year. The total amount of the ambulance is an assignment of the unobligated general fund and Pedlar's agreement to pay the amount of its share. There will be no funds out of the County's general fund but only an accounting entry to acknowledge the obligation is there.

By motion of Supervisor Ayers and with the following vote, the Board authorized the placement of the ambulance order, and assigned funds in the amount of \$243,639.00 from the unobligated general fund.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSENT: None

VII. Special Presentations

A. Second Stage | Amherst

Ms. Suny Monk, representative of Second Stage | Amherst addressed the Board and stated that Cultivate Amherst was formed to bring together all partners in our locality to think from a more creative or quality of life perspective about Amherst. Ms. Monk said they have invited President Stone of Sweet Briar College, the Chamber of Commerce, the EDA, representatives of Town Council, the Amherst Museum and the Superintendent of Amherst County School as well as arts organizations including Amazement Square, the Academy Center of the Arts and Riverviews.

Ms. Monk requested Chairman Marks appoint a representative from the Board of Supervisor to be at the table of Cultivate Amherst

Chairman Marks recommended Supervisor Tucker. Supervisor Tucker stated it would be an honor to serve as the representative.

VIII. Old Business

A. Resolution 2016-0005-R, a resolution, ratifying the endorsement of the Economic Development Authority's recommended course of action for the Central Virginia Training Center property by the Board of Supervisors at its February 2, 2016, meeting.

Chairman Marks commented this was the formal resolution the Board voted to endorse at the last meeting.

By motion of Supervisor Tucker and with the following vote, the Board adopted Resolution 2016-0005-R. **(See Attachment 2)**

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSENT: None

IX. New Business

A. Planning/Zoning – Proposed text for ordinance – Distilleries/Breweries

Mr. Jeremy Bryant, Planning/Zoning Director addressed the Board and presented his report regarding a request by the Planning Commission to add limited breweries and distillers as permitted uses in the A-1 Agricultural Residential District. Mr. Bryant stated on January 21, 2016, the Planning Commission recommended that the proposed text move forward. Mr. Bryant stated that staff is requesting the Board of Supervisors direct the County Attorney to prepare the text amendments into an ordinance.

By motion of Vice-Chair Pugh and with the following vote, the Board directed the County Attorney to prepare the text amendments into an ordinance.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSENT: None

B. Public Works - Landfill Operations Savings Opportunity

Mr. Rodgers addressed the Board and presented information for a discussion of cost saving opportunities if Public Works took over operations from the current landfill contractor.

Supervisor Tucker stated she had reservations that the government could do something cheaper than the private sector. Supervisor Tucker said if the County decides to undertake this she would ask for quarterly or bi-annual reporting; however, once the County goes down that path it cannot go back once the equipment is purchased.

Chairman Marks had several questions with the numbers and stated he will wait to address those during the Budget Workshop following this meeting.

X. County Administrator's Report

A. Boards/Committees/Commissions – Appoint a representative to District 1 Economic Development Authority Board

Mr. Rodgers addressed the Board regarding an appointment of a representative to District 1 Economic Development Authority Board.

Mr. Rodgers advised he received letters of interest from Mr. Mitch Heishman and Mr. Jason Tyree. Mr. Rodgers advised that Mr. Tyree's letter was received after the deadline and that Mr. Tyree was aware that the deadline has passed.

Vice-Chair Pugh stated that due to the fact that Mr. Tyree's information was received after the deadline, he supported the appointment of Mr. Heishman due to his service to the County in past years. Supervisor Campbell agreed with Vice-Chair Pugh.

By motion of Vice-Chair Pugh and with the following vote, the Board appointed Mitch Heishman as the District 1 representative to the Economic Development Authority Board.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSENT: None

B. Discussion - Revenue Projections

Mr. Rodgers addressed the Board regarding staff projections of projected revenue for FY17.

Mr. Rodgers asked the Board to review the revenue projections and to propose changes for discussion in the Budget Workshop following this meeting.

C. Discussion - Tax rates and revenue

Mr. Rodgers addressed the Board regarding the County's current tax rates and comparison of rates of surrounding counties. This information was provided for the Board's review to consider any appropriate tax rate changes for discussion in the Budget Workshop.

D. Discussion - Sharing of Fine & Forfeiture Revenue

Mr. Rodgers addressed the Board regarding how the Sheriff's Office uses the fine and forfeiture revenue sharing. Mr. Rodgers explained the County and Sheriff split revenues; 80% to the Sheriff's Office and 20% to the County. The County sets this revenue aside as committed funds.

Mr. Rodgers asked the Board to consider if the Board wants to change that 80/20 split to another proportion.

E. Discussion - Waste Collections Savings Opportunities

Mr. Rodgers addressed the Board to see whether there would be interest in capturing potential cost savings available from closing certain rural container sites or terminating service by licensed haulers.

XI. **Liaison and Committee Reports**

XII. **Department Reports**

A. Building Safety & Inspections – Monthly Report January 2016

For information only.

XIII. **Citizen Comment**

Chairman Marks opened the citizen comment session.

Mr. Richard Wilkins of Amherst, Virginia, thanked Supervisor Ayers for his comments at the January 5th meeting regarding prioritizing the budget and the need for a fire truck aerial device to protect school students, nursing homes and Sweet Briar College. Mr. Wilkins invited the Board to view the 105 ft. ladder truck on Thursday, February 18, 2016 at 10:00 a.m. at the Amherst Fire Department.

Chairman Marks closed the citizen comment session.

XIV. **Matters from Members of the Board of Supervisors**

Supervisor Campbell had no matter to discuss.

Supervisor Ayers addressed the Board and asked the Board to approve from the FY2017 Supplemental Budget Summary an appropriation of \$2,021.00 for the Building Safety & Inspection Department to purchase Safe Breathing Masks and a monitor to view digital plan submissions and a scanner to convert paper plans into digital copies for cataloging.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSENT: None

Supervisor Ayers addressed the Board and asked the Board to approve from the FY2017 Supplemental Budget Summary an appropriation of \$8,050.00 for Recreation and Parks to purchase replacement wooden A-frame picnic tables at County Parks and tables and chairs for the Monroe building for programs. The money would be taken out of the County's side of the fine revenue fund designated for Recreation and Parks.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSENT: None

Supervisor Tucker suggested that small items do not need to come before the Board and the Board should establish a threshold to allow the County Administrator approve those items to move the process faster.

Mr. Rodgers commented that small items are not built into the budget and that the Board can set aside a certain amount of money such as this.

Vice-Chair Pugh had no matter to discuss.

Chairman Marks requested a quarterly report to reflect the above appropriations of \$2,021.00 and \$8,050.00 as well as several other expenditures taken from the unobligated fund.

Chairman Marks advised the Board will go into a closed session, then adjourn and reconvene to the Budget Workshop.

XV. Closed Session

A. § 2.2-3711 (A)(3) of the Code of Virginia to discuss acquisition of real property for a public purpose, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

Supervisor Campbell moved that the Amherst County Board of Supervisors convene in closed session pursuant to the personnel exemption at § 2.2-3711 (A)(3) of the Code of Virginia, to discuss acquisition of real property for a public purpose, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

Vice-Chair Pugh motioned to come out of closed session and was approved with the following vote:

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

CERTIFICATION OF CLOSED MEETING

Supervisor Campbell moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

Mr. Marks AYE
Mr. Pugh AYE
Mrs. Tucker AYE
Mr. Ayers AYE
Mr. Campbell AYE

XVI. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board moved to adjourn.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

Budget Workshop

BOARD OF SUPERVISORS:

PRESENT: John A. Marks, Jr. Chairman
David W. Pugh, Jr., Vice-Chair
Claudia D. Tucker, Supervisor
L. J. Ayers, III, Supervisor
Kenneth M. Campbell, Supervisor
ABSENT: None

STAFF PRESENT: County Administrator Dean C. Rodgers and Deputy County Administrator David R. Proffitt

Chairman Marks called the meeting to order at 8:39 p.m. and stated the Board was reconvening into a workshop session pursuant to Section 1-2 B. of the Board's Rules of Procedure which states the Board may hold work sessions prior to or following a regular meeting, or on a separate date from a regular meeting. Work sessions are conducted informally: they typically are not opened with an invocation or pledge of allegiance, do not require communication through leave of the Board Chair, and may be conducted in a roundtable format, with all involved parties seated at the table and participating in the discussion.

Mr. Rodgers addressed the Board and provided an order for the workshop discussion:

- 1) Tax Rates Review
- 2) Fine & Forfeiture Revenue Sharing
- 3) Landfill Operations
- 4) FY17 Revenue projections

Tax Rates Review:

Jane Irby, Commissioner of the Revenue, addressed the Board and discussed the tax rate comparison.

Fine & Forfeiture Revenue Sharing

Sheriff E. W. Viar, Jr. and Captain Grieser met with Board and presented information in support of Sheriff's Department use of fine revenue funds.

Landfill Operations/Waste Collection

Teresa Nuckols, Director of Public Works provided information regarding landfill operations and waste hauling options.

By motion of Vice-Chair Pugh and with the following vote, the Board directed staff to eliminate insurance requirements for licensing waste haulers and bring a proposed ordinance back for Board approval.

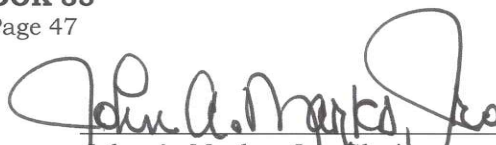
AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None

FY17 Revenue projections


Brenda Campbell, Director of Central Accounting presented the revenue projections for the 2016-2017 fiscal year.

By motion of Supervisor Ayers and with the following vote, the Board moved to adjourn.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY: None
ABSENT: None



John A. Marks, Jr., Chairman
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



**Amherst County Board of Supervisors
County Ordinance No. 2016-0001**

AN ORDINANCE, NO. 2016-0001

Adding Article III, comprised of Divisions One through Four, containing Sections 2-89 through 2-131 to Chapter 2 of the Amherst County Code to establish new provisions governing County procurement. Article II of Chapter 2, which contains the existing County Code provisions governing public procurement, is repealed.

Approved as to form and legality by the County Attorney

**FIRST READING: Board of Supervisors, February 2, 2016
PUBLIC HEARING: Board of Supervisors, February 16, 2016**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Chapter 2 of the Amherst County Code be and hereby is amended by adding Article III, comprised of Divisions 1 through 4, containing §§ 2-89 through 2-97 (Division 1), §§ 2-110 through 2-111 (Division 2), §§ 2-120 through 2-121 (Division 3), and §§ 2-130 through 2-131 (Division 4), as follows:

ARTICLE III. PROCUREMENT OF GOODS AND SERVICES

DIVISION 1. - GENERAL PROVISIONS

Sec. 2-89. - Purpose.

The purpose of this article is to supplement the provisions of the Virginia Public Procurement Act (Code of Virginia, § 2.2-4300 et seq.) by enunciating the County's policies pertaining to governmental procurement from nongovernmental sources, to encourage competition among vendors and contractors, to provide for the fair and equitable treatment of all parties involved in County purchasing, to maximize the purchasing value of public funds in procurement so that high quality goods and services may be obtained at the lowest possible price, and to increase public confidence in procurement practices by providing safeguards for maintaining a procurement system of quality and integrity.

Sec. 2-90. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Virginia Public Procurement Act, Code of Virginia, § 2.2-4300 et seq.

Construction means building, altering, repairing, improving or demolishing any structure, sewage or water main, building or highway; and any draining, dredging, excavation, grading, or similar work upon real property.

Contract means all types of County agreements, regardless of what they may be called, for the procurement of goods, services, insurance, or construction.

Contractor means any business having a contract with the County or a using agency thereof.

County means Amherst County.

Emergency means a situation involving a breakdown in an essential service, or any other circumstances when supplies are needed for immediate use in work which may vitally affect the safety, health or welfare of the public.

Goods means all materials, equipment, supplies, printing, and automated data processing hardware and software.

Insurance means a contract under which one party undertakes to compensate the other for loss on a specified subject as a result of specified perils.

Professional services means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, medicine, dentistry, optometry or professional engineering.

Procurement regulations means the Amherst County procurement regulations.

Services means any work performed by an independent contractor which does not consist primarily of the acquisition of equipment or materials, or the rental of equipment, materials and supplies.

Using agency means any department, division, office, section, agency, commission, council, bureau, board or other unit in the County government requiring goods, services, insurance or construction as provided for in this article.

Sec. 2-91. - Applicability of state law.

This article applies consistently with the Act to County contracts for the procurement of goods, services, insurance, and construction. The provisions of the Act shall apply except where modified by alternative policies and procedures specified in this article.

Sec. 2-92. - Purchasing Department established; powers and duties of Purchasing Director; delegation of authority.

A. There is hereby created the Purchasing Department, which is to operate under the direction and supervision of the Purchasing Director.

B. The Purchasing Director shall serve the following entities as the County's principal public purchasing official:

- (1) The Amherst County Board of Supervisors and all County agencies under their authority;
- (2) The Amherst County School Board, and all County agencies under their authority;
- (3) The Amherst County Service Authority; and
- (4) The Amherst County Economic Development Authority.

C. The Purchasing Director shall be responsible for the procurement of goods, services, insurance, and construction in accordance with this article, as well as the management and disposal of goods. Duties shall include the following:

- (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) Ensure that a using agency has available funding sufficient for a given procurement; and
- (5) Perform such other functions and duties as he may deem necessary.

D. The Purchasing Director 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.

Sec. 2-93. - Procurement regulations.

The Purchasing Director shall establish and maintain procurement regulations detailing operational procedures that are consistent with and allow for the implementation of the Act.

Sec. 2-94. - Purchases for volunteer organizations.

The Purchasing Director shall have authority to sell goods to any volunteer organization which performs services on the County's behalf. The cost of such goods shall be the same as the cost of such goods to the County.

Sec. 2-95. - Award of contracts generally.

The Purchasing Director shall award all contracts on behalf of the Board of Supervisors and School Board where funds to support the procurement already have been appropriated or where the Board of Supervisors so directs. The Board of Supervisors or the School Board, as appropriate, shall award all contracts not awarded by the Purchasing Director.

Sec. 2-96. - Exceptions to requirement for competitive procurement.

A. The County may enter into contracts without competition for the following:

- (1) Procurement 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;
- (2) Procurement of legal services, expert witnesses and other services associated with litigation or regulatory proceedings;
- (3) Procurement involving small purchase contracts;
- (4) Procurement done under a cooperative procurement agreement, pursuant to Virginia Code § 2.2-4304;
- (5) Procurement in emergency situations; and
- (6) Procurement where only a single source is practicably available for that which is to be procured.

B. Any procurement undertaken pursuant to subsection A shall be done in accordance with the applicable provisions in the procurement regulations and with such competition as may be possible under the circumstances.

Sec. 2-97. - Modification of contracts.

A. A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than 25 percent of the amount of the contract or \$50,000.00, whichever is greater, without the advance written approval of the Board of Supervisors.

B. The Board of Supervisors may extend the term of an existing contract for services to allow completion of any work undertaken but not completed during the original term of the contract.

Secs. 2-98 — 2-109. - Reserved.

DIVISION 2. PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT (PPEA)

Sec. 2-110. - Applicability and purpose.

The Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA") (Code of Virginia, §§ 56-575.1 et seq.) authorizes local governments to create public-private partnerships for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of education facilities, technology infrastructure and other public infrastructure and government facilities that serve a public need and purpose. By working in public-private partnerships, local governments and private entities have greater flexibility in contracting the development of qualifying public projects so as to help promote the completion of such projects in a more

timely and less costly fashion.

Sec. 2-111. - Authority to procure pursuant to the PPEA; guidelines.

A. Amherst County is a political subdivision of the Commonwealth of Virginia with the authority to acquire, design, construct, improve, renovate, expand, equip, maintain, operate, implement, and install a wide range of projects for public use, and therefore may act as a responsible public entity under the PPEA.

B. In order to procure qualifying projects in accordance with the PPEA, the County shall adhere to the PPEA guidelines contained in the County procurement regulations, as those may be amended from time to time.

Secs. 2-112—2-119. - Reserved.

DIVISION 3. DESIGN-BUILD PROCEDURES

Sec. 2-120. - Applicability and Purpose.

Virginia Code § 2.2-4308 authorizes local governments to enter into a contract for construction on a fixed price or not-to-exceed price design-build basis so long as the local government complies with certain requirements, including adopting design-build procedures consistent with those promulgated by the Virginia Secretary of Administration.

Sec. 2-121. - Adoption and promulgation of guidelines.

Amherst County is a political subdivision of the Commonwealth of Virginia with the authority to develop a wide range of projects for public use. In order to procure qualifying projects in accordance with design-build requirements, the County shall adhere to the design-build procedures contained in the County procurement regulations, as those may be amended from time to time.

Secs. 2-122—2-129. - Reserved.

DIVISION 4. ETHICS AND DEBARMENT

Sec. 2-130. - Ethics.

All County procurement procedures and actions shall comply with the requirements of Title 2.2, Chapter 43, Article 6 (§§ 2.2-4367 et seq.) of the Code of Virginia.

Sec. 2-131. - Debarment.

A. The Purchasing Director 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 does not mandate debarment. The Purchasing Director shall consider the seriousness of the contractor's acts or omissions and any mitigating factors in making any debarment decision.

B. The Purchasing Director 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 contractor's ability to complete the contract in accordance with contract terms.

C. The Purchasing Director shall establish procedures for the prompt reporting and investigation of matters involving potential debarment.

D. The following procedures governing the debarment decision-making process shall 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 Purchasing Director is considering debarment. 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, and the affect of the debarment.

(2) *Period of debarment.* Debarment shall be for a period commensurate with the seriousness of the cause, as determined by the Purchasing Director in his discretion.

(3) *Submission of statement by contractor; hearing.* The contractor may submit to the Purchasing Director, within 30 days after receipt of notice, in person, in writing or through a representative, a statement opposing the proposed debarment. If the proposed debarment is based upon a cause other than those specified in subdivision 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 shall conduct the hearing and shall render 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 shall be final unless the prospective contractor appeals by instituting legal action as provided in the Act.

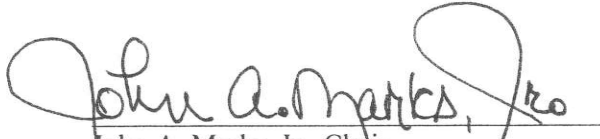
Secs. 2-132 — 2-149. - Reserved.

§ 2. That Article II of Chapter 2 of the Code of the County of Amherst, Amherst County Public Procurement Ordinance, is repealed.

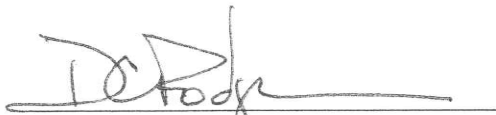
§3. That the procurement regulations shall be deemed approved upon confirmation by the County Attorney to the Purchasing Director that the regulations are fully consistent with State Code.

§ 4. That this ordinance shall be in force and effect upon adoption.

Adopted this 16th day of February, 2016.


John A. Marks, Jr., Chair
Amherst County Board of Supervisors

ATTEST:


Dean C. Rodgers, Clerk,
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0



Amherst County Board of Supervisors
County Resolution No. 2016-0005-R

For consideration on February 16, 2016

A RESOLUTION, NO. 2016-0005-R

A resolution, ratifying the endorsement of the Economic Development Authority's recommended course of action for the Central Virginia Training Center property by the Board of Supervisors at its February 2, 2016, meeting.

Approved as to form by the County Attorney

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

I. That the Board of Supervisors of Amherst County hereby ratifies its February 2, 2016, endorsement of the Economic Development Authority Board's recommended course of action for redevelopment of the Central Virginia Training Center property and surrounding properties, as follows:

WHEREAS, the Region 2000 Central Virginia Training Center steering committee met in Richmond with key staff from the Virginia Department of Behavioral Health and Developmental Services ("DBHDS"), the Central Virginia Training Center ("CVTC") and the Department of Governmental Services ("DGS") to discuss the CVTC closure and State policy governing disposal of surplus property; and

WHEREAS, following this meeting, a core group of the Steering Committee met and identified a course of action responsive to the proposed closure; and

WHEREAS, this course of action includes requesting that the region's legislative delegation support legislation mandating that the Commonwealth conduct a thorough environmental assessment of the CVTC site prior to the end of calendar year 2016; and

WHEREAS, this course of action also includes requesting that the region's legislative delegation submit and support a budget amendment for \$300,000 to undertake and complete a comprehensive redevelopment plan for the CVTC site and surrounding properties; and

WHEREAS, the EDA Board approved this course of action at their January 2016 meeting; and

WHEREAS, at the February 2, 2016, meeting of the Amherst County Board of Supervisors ("Board"), the EDA Board asked the Board to endorse this course of action; and

WHEREAS, the Board agrees that in order to manage and market the CVTC site, it is essential to determine the necessity for environmental mitigation, and the Commonwealth is responsible for that determination and any needed mitigation; and

WHEREAS, the Board also agrees that the Commonwealth has a responsibility to help the region overcome the devastating loss of the CVTC through exploring the potential for redevelopment and new development in the area that could benefit the region, Amherst County, and the Commonwealth in the form of new economic activity, jobs, and taxes; and

WHEREAS, the Board therefore endorsed the EDA Board's recommended course of action by a voice vote on a spoken motion; and

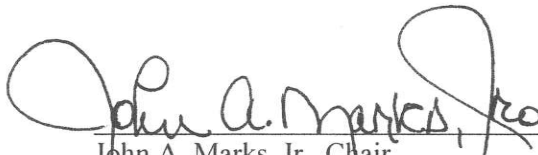
WHEREAS, the Board now wishes to ratify its vote of endorsement by adoption of this Resolution 2016-0005-R.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

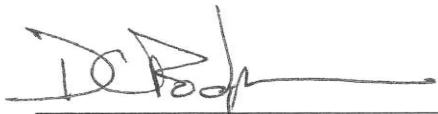
That the Board of Supervisors of Amherst County hereby ratifies its endorsement on February 2, 2016, of the EDA Board's recommended course of action relative to the CVTC property, and directs County staff to ask that Region 2000 request that the region's legislative delegation (1) take all necessary action required to secure a thorough environmental assessment of the CVTC site, including, if necessary, both Phase I and Phase II proceedings, and (2) submit and support a budget amendment for \$300,000 in the 2017 session of the General Assembly to support preparation of a comprehensive redevelopment plan for the CVTC site and surrounding properties.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 16th day of February, 2016.


John A. Marks, Jr., Chair
Amherst County Board of Supervisors

ATTEST:


Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0