



MINUTES
BEDFORD COUNTY BOARD OF SUPERVISORS
BEDFORD COUNTY ADMINISTRATION BUILDING
MAY 29, 2018

5:00 P.M. WORK SESSION

- a. Discussion with VDOT regarding Six-Year Plan Prioritizations
- b. Update from VDOT on Road Projects and Issues (*no documentation*)

6:30 P.M. Break for Dinner

7:00 P.M. REGULAR MEETING

- (1) Call to Order & Welcome**
- (2) Moment of Silence**
- (3) Pledge of Allegiance**
- (4) Approval of Agenda**
- (5) Citizen Comments (15 Minutes)**
- (6) Consent Agenda**
 - a. Consideration of a request from the Sheriff's Office to accept the US Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Grant award in the amount of \$7,951.22 (50% local match was included in the FY2017-18 Sheriff's budget); a Supplemental Appropriation in the amount of \$3,975.61 is also requested. (*Resolution #R 052918-01*)
 - b. Consideration of a request from the Sheriff's Office to accept the Byrne Justice Assistance Grant in the amount of \$26,894.00; and for a Supplemental Appropriation in the amount of \$26,894.00 (no local match is required). (*Resolution #R 052918-02*)
 - c. Consideration of a request from the Sheriff's Office to accept the Policing in the 21st Century Grant in the amount of \$5,231.00 (10% local match of \$521.00 was

included in FY2017-18 adopted budget); and a Supplemental Appropriation in the amount of \$4,692.00; and a departmental transfer to cover the local match. (*Resolution #R 052918-03*)

- d. Consideration of a request from the Department of Economic Development to accept the Tobacco Region Opportunity Fund Grant in the amount of \$65,000.00 (no local match required; used for Mail America Communications), and for a Supplemental Appropriation in the amount of \$32,500.00. (*Resolution #R 052918-04*)
- e. Consideration of a request from the Department of Economic Development to accept the Tobacco Region Opportunity Fund Grant in the amount of \$35,000.00 (no local match required; used for KMR Aviation Services), and for a Supplemental Appropriation in the amount of \$35,000.00. (*Resolution #R 052918-05*)
- f. Consideration of a request from the Department of Fiscal Management for a Supplemental Appropriation in the amount of \$17,414.00 to the School Maintenance Project Fund. (*Resolution #R 052918-06*)
- g. Consideration of a request from the Department of Fiscal Management for the following Supplemental Appropriations to the School Operating Fund (*see corresponding Resolutions for full details*):
 - \$50,000.00 – Instruction Category (*Resolution #R 052918-07a*)
 - \$88,579.00 – Maintenance Category (*Resolution #R 052918-07b*)
 - \$345,231.00 – Instruction Category (*Resolution #R 052918-07c*)
 - \$440,000.00 – Instruction Category (*Resolution #R 052918-07d*)
 - \$250,000.00 – Instruction Category (*Resolution #R 052918-07e*)

(7) Approval of Minutes – April 23 and May 14, 2018

(8) Public Hearings & Presentations

- a. **Public Hearing** - Consideration of an ordinance submitted on behalf of Hanwha Adzel, Inc., to amend and readopt the Bedford County Zoning Ordinance – Rezoning Application #RZ180005. (*Ordinance #O 052918-13*)
 - *Staff Presentation by Planner Jordan Mitchell*
- b. **Public Hearing** – Consideration of an ordinance to amend and readopt the Bedford County Zoning Ordinance by changing the zoning district designation of certain parcels along Homestead Road. (*Ordinance #O 052918-12*)
 - *Staff Presentation by Planner Jordan Mitchell*

- c. **Public Hearing** – Consideration of an ordinance to amend and readopt the Bedford County Zoning Ordinance by changing the zoning district designation of certain parcels along Forest Road and Thomas Jefferson Road. (*Ordinance #O 052918-14*)
 - *Staff Presentation by Planner Jordan Mitchell*
- d. **Public Hearing** - Consideration of an ordinance submitted on behalf of Renewation for tax-exempt status. (*Ordinance #O 052918-15*)
 - *Staff Presentation by County Attorney Patrick Skelley*

(9) Action & Discussion Items

- a. Consideration of a request from the Department of Fiscal Management for Category Transfers within the School Operating Fund (*see corresponding Resolutions for full details*):
 - \$290,000.00 – from the Major Category of Instruction to the Major Category of Maintenance (*Resolution #R 052918-08a*)
 - \$125,000.00 – from the Major Category of Technology to the Major Category of Transportation (*Resolution #R 052918-08b*)
 - *Staff Presentation by Fiscal Management Director Susan Crawford*
- b. Consideration of a resolution from the Department of Fiscal Management authorizing a re-appropriation of \$421,131 to the School Maintenance Fund and \$421,131 to the Self-Funded Health Fund. (*Resolution #R 052918-09*)
 - *Staff Presentation by Fiscal Management Director Susan Crawford*
- c. Consideration of a request from the Virginia Department of Transportation to adopt the Six-Year Plan for Secondary Roads (2019-2024) (*documentation will be distributed prior to the meeting, based on discussion during the work session the meeting*). (*Resolution #R 052918-10*)
 - *Staff Presentation by County Administrator Carl Boggess*
- d. Consideration of a resolution authorizing execution of a quitclaim deed to Sarah F. Smith (*Resolution #R 052918-16*)
 - *Staff Presentation by County Attorney Patrick Skelley*
- e. Consideration of a resolution from the Department of Social Services for a supplemental Appropriation in the amount of \$355,640.00, and a transfer from the Contingency Fund in the amount of \$167,360.00 to cover anticipated expenditures associated with the Comprehensive Services Act. (*Resolution #R 052918-17*)

(10) Board Committee Reports

(11) Board Member Comments

(12) Board Appointments

(13) County Attorney Report

- a. Consensus needed from the Board as to enacting ordinances to address drug blight and derelict buildings.
- b. Consensus needed from the Board as to repealing County ordinances that compensate citizens for loss of livestock killed by dogs.

(14) County Administrator Report

- a. Closed Session pursuant to Section 2.2-3711 (A) (1) as to the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically related to the County Administrator.

(15) Board Information

- a. Department of Community Development Building Report for April 2018
- b. Bedford Regional Water Authority Board of Directors meeting minutes from March 20 and April 17, 2018
- c. Bedford E-911 Communications Report from April 2018
- d. Department of Social Services Board meeting minutes from December 14, 2017, and January 11 and February 15, 2018
- e. Bedford Public Library System Board of Trustees meeting minutes from March 6, 2018
- f. Bedford County Planning Commission meeting minutes from March 20, 2018
- g. Bedford County Transportation Safety Commission meeting minutes from March 15, 2018

(16) Board Calendar and Reminders

- June 25th – Regular Meeting at 7:00 pm
- July 9th – Regular Meeting at 7:00 pm (Work Session – 5:00 to 6:30 pm)
- July 23rd – Regular Meeting at 7:00 pm

Adjourn the Board of Supervisors Meeting

Broadband Authority Meeting

- (1) Call the Broadband Authority to Order**

(2) **Public Hearing** - Consideration of a request to adopt ordinance provisions as to being in compliance with the Virginia Public Procurement Act, and to adopt procedures related to the Public-Private Education Facilities and Infrastructure Act of 2002. (Ordinance #O BA052918-01)

- *Staff Presentation by County Administrator Carl Boggess*

(3) Adjourn the Broadband Authority

5:00 P.M. WORK SESSION

Board of Supervisors: Tommy Scott, Vice-Chairman, District 5; Edgar Tuck, District 2; Charla Bansley, District 3; Andy Dooley, District 6; and Kevin Willis, District 7

Absent: Bill Thomasson, Chairman, District 1 and John Sharp, District 4

County Staff: County Administrator Carl Boggess, Assistant County Administrator Reid Wodicka, County Attorney Patrick Skelley, and Executive Assistant Brigitte Luckett

Vice-Chairman Scott called the work session to order, and then turned the meeting over to County Administrator Carl Boggess. Mr. Boggess gave a brief overview of what would be covered in the work session, and then turned the meeting over to Acting VDOT Residency Administrator Anne Booker for review and discussion of the Six-Year Secondary Plan (SSYP).

Ms. Booker noted that her staff was just given revised budgetary numbers, resulting in a (positive) \$33,000.00 change in projected revenue for 2019. After working through the project prioritizations, there is \$963,000.00 for additional projects. Ms. Booker said she and her staff have worked with Mr. Boggess to determine suggestions for where the funds could be applied: Blankenship Road, Pike Road, and Mob Creek. She noted that projected revenue would allow for two of these projects to be fully funded and for one to be partially funded. This means that, next year, funds projected for 2025 could be used to fully fund the third project.

There followed a discussion between Ms. Booker, Assistant Resident John Morris, Mr. Boggess, and members of the Board regarding these prioritizations, as well as the rough conditions of several roads in the County such as Carters Mill and Old Farm Road.

Supervisor Bansley thanked VDOT for the work they do on the County's roads. She noted that she receives many calls from citizens who say they were told by the VDOT office to contact Supervisors with requests for road maintenance and road issues, and asked why citizens were being directed to contact their Supervisors. Ms. Booker said it was likely a misunderstanding regarding the SSYP process; citizens are told to contact their Supervisors if they would like their road added to the SSYP, but VDOT never

encourages anyone to contact their Supervisor with complaints. More discussion then followed regarding which roads to keep and/or add to the SSYP.

The Board gave its consensus to move ahead with the prioritizations as suggested, with the additions of Blankenship Road, Pike Road, and Carters Mill to the SSYP.

Ms. Booker then gave a brief overview of road projects and issues, the entirety of which has been included below. Throughout her review, Ms. Booker answered minor clarifying questions from the Board.

Maintenance Activities for Previous 30 Days:

- Ordinary maintenance – Countywide pavement (pothole) repair, gravel road repair, right of way brush cutting operations, shoulder repairs, storm water culvert repairs and cleaning, and guardrail repairs
- Storm damage / Emergency operations
 - Significant efforts to repair storm damage have occurred during May
 - CLOSED - Route 693 / Pike Road between Route 694 / Walnut Grove Church Road and Route 680 / Hutchens Road due to pipe failure
 - CLOSED – Route 619 / Foster Road – Open ford of Goose Creek closed due to flood damage
 - Crews continue to perform gravel road restoration and maintenance work
 - Debris removal from pipes and low water structures
 - Addressing drainage complaints from citizens

Maintenance activities for next 30 days:

- Ordinary maintenance – Countywide pavement (pothole) repair, gravel road repair, right of way brush cutting operations, shoulder repairs, storm water culvert repairs and cleaning, and guardrail repairs
- Pavement markings – Annual repaint of the primary system by District and Contract forces

Maintenance activities – 2018 Pavement maintenance contracts

- Surface treatment of Secondary roads – Annual contract work beginning soon
- Plant mix paving – Summer 2018
 - Route 460 – From: Baldwin Street / To: Moose Lodge vicinity – westbound lanes
 - Route 122 – From: South Town Limits / To: Route 24
- Slurry seal – Route 122 – From: Route 24 / To: Route 805 (Morgans Church Road)

Land Development and Permits:

- Land development
 - Residency personnel working closely with Community Development
 - Majority of development and permitting activities located east of Big Otter River

- Smart Scale applications
 - Close coordination and support of County efforts
- 460 Arterial Preservation Study

Construction:

- Route 24 safety improvements
 - From: 0.152 Miles West of Route 886 (Drewrys Hill Road)
 - To: 0.156 Miles West of Route 635 South (Spradlin Road)
 - Shoulder widening for rumble strips / guardrail replacement and new installations
 - Pavement work is completed; guardrail and incidental work remains
 - Completion scheduled - October 2018
- Turn lanes
 - Route 460 at Route 741 Beale Trail
 - Route 460 at Route 691 Quarterwood Road
 - Engineering and permitting work underway
 - Summer/Fall 2018 completion
- Route 608 – Altice Road
 - Pipe maintenance replacement work complete
 - Bridge replacement complete
 - Final paving contract bids received
 - On schedule for 2018 completion
- Route 644 - Old Cifax Road – Rural Rustic project
 - Fully funded in SSYP
 - Engineering and permitting work underway
- Route 460 S-Curves
 - On schedule for January 2020 advertisement
- Route 43 bridge over Big Otter
 - First half of bridge complete
 - Grading, paving, and guardrail work as weather permits
 - Preparing to switch traffic w/in the next few months
 - Schedule completion = May 2019

Bridge Replacements:

- Contract bridge replacements completed this calendar year:
 - Route 608 - Altice Road over Through Run

- Route 643 - Cifax Road over Chestnut Branch
- Route 668 - Goode Station Road over Chestnut Branch
- Route 749 - Meadors Spur Road over Branch of Stony Fork Creek
- Route 755 - Simons Mill Road over branch of Bore Auger Creek
- State Bridge Crew – Replacement and rehabilitation work completed this calendar year:
 - Route 689 - Irving Road over NSRR
 - Route 643 - Bellevue Road over NSRR
 - Route 620 - Bateman Bridge Road over NSRR
- Upcoming replacements
 - Route 805 - Stone Mountain Road – Scheduled for June 5th to 7th
 - Route 731 - Gladdy Branch Road – Scheduled for June 12th to 14th

Supervisor Bansley made a motion for the Board to enter into closed session pursuant to Section 2.2-3711 (A) (1) as to the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically related to the County Administrator.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley, and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

Supervisor Willis made a motion to go back into regular session.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley, and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

WHEREAS, the Bedford County Board of Supervisors has convened a Closed Meeting, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the Bedford County Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE BE IT RESOLVED, that the Bedford County Board of Supervisors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the Bedford County Board of Supervisors.

<u>MEMBERS:</u>	<u>VOTE:</u>
Bill Thomasson, Chairman	Absent
Tommy Scott, Vice-Chairman	Yes
Edgar Tuck	Yes
Charla Bansley	Yes
John Sharp	Absent
Andy Dooley	Yes
Kevin Willis	Yes

There being no further discussion, the Board recessed for dinner at 6:11 pm.

7:00 P.M. – Regular Meeting

Board of Supervisors: Tommy Scott, Vice-Chairman, District 5; Edgar Tuck, District 2; Charla Bansley, District 3; Andy Dooley, District 6; and Kevin Willis, District 7

Absent: Bill Thomasson, Chairman, District 1 and John Sharp, District 4

Staff: County Administrator Carl Boggess, Assistant County Administrator Reid Wodicka, County Attorney Patrick Skelley, Community Development Director Gregg Zody, Planner Mark Jordan, Planner Jordan Mitchell, Fiscal Management Director Susan Crawford, and Executive Assistant Brigitte Luckett

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- (1) Vice-Chairman Scott called the meeting to order and welcomed those in attendance.
 - (2) Vice-Chairman Scott asked the room to observe a moment of silence.
 - (3) Vice-Chairman Scott led the room in the pledge of allegiance.

(4) Approval of Agenda

County Administrator Carl Boggess noted that the Board was emailed amended minutes for April 23; there is a resolution based on the consensus from the work session (#9c); a resolution has been added

requesting executive recruitment services (#9f); and “consensus regarding livestock killed by dogs” has been removed from the “County Attorney” portion of the meeting.

Supervisor Dooley made a motion to approve the agenda as amended.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(5) Citizen Comments - none

(6) Consent Agenda

County Administrator Carl Boggess reviewed the items on the consent agenda as follows:

- a.** Consideration of a request from the Sheriff’s Office to accept the US Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Grant award in the amount of \$7,951.22 (50% local match was included in the FY2017-18 Sheriff’s budget); a Supplemental Appropriation in the amount of \$3,975.61 is also requested. (*Resolution #R 052918-01*)
- b.** Consideration of a request from the Sheriff’s Office to accept the Byrne Justice Assistance Grant in the amount of \$26,894.00; and for a Supplemental Appropriation in the amount of \$26,894.00 (no local match is required). (*Resolution #R 052918-02*)
- c.** Consideration of a request from the Sheriff’s Office to accept the Policing in the 21st Century Grant in the amount of \$5,231.00 (10% local match of \$521.00 was included in FY2017-18 adopted budget); and a Supplemental Appropriation in the amount of \$4,692.00; and a departmental transfer to cover the local match. (*Resolution #R 052918-03*)
- d.** Consideration of a request from the Department of Economic Development to accept the Tobacco Region Opportunity Fund Grant in the amount of \$65,000.00 (no local match required; used for Mail America Communications), and for a Supplemental Appropriation in the amount of \$32,500.00. (*Resolution #R 052918-04*)
- e.** Consideration of a request from the Department of Economic Development to accept the Tobacco Region Opportunity Fund Grant in the amount of \$35,000.00 (no local match required; used for KMR Aviation Services), and for a Supplemental Appropriation in the amount of \$35,000.00. (*Resolution #R 052918-05*)
- f.** Consideration of a request from the Department of Fiscal Management for a Supplemental Appropriation in the amount of \$17,414.00 to the School Maintenance Project Fund. (*Resolution #R 052918-06*)

g. Consideration of a request from the Department of Fiscal Management for the following Supplemental Appropriations to the School Operating Fund (*see corresponding Resolutions for full details*):

- \$50,000.00 – Instruction Category (*Resolution #R 052918-07a*)
- \$88,579.00 – Maintenance Category (*Resolution #R 052918-07b*)
- \$345,231.00 – Instruction Category (*Resolution #R 052918-07c*)
- \$440,000.00 – Instruction Category (*Resolution #R 052918-07d*)
- \$250,000.00 – Instruction Category (*Resolution #R 052918-07e*)

Supervisor Dooley made a motion to approve the consent agenda as presented.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(7) Approval of Minutes

At the request of Supervisor Bansley, the minutes had been revised prior the meeting (beginning at line #114) for clarification:

“After discussing these issues, the Board did not reach a consensus (split 3-3) on how to move forward with regarding whether to reduce the funding to LRBA, whether to approve an additional \$10,000 from TOT for D-Day; and a decision regarding whether to absorb the health insurance increase or share it with the employees. Human Resources Director Dawn Fields asked for a decision from the Board regarding the health insurance increase due to the open enrollment period starting before the Board could vote on the issue again at the next meeting. Mrs. Fields said she had to get paperwork out to employees in the next two weeks that would show the costs of the insurance. Supervisor Willis and Chairman Thomasson stated that, as it stands right now, the County is electing to share the increase with the employees.”

Supervisor Dooley made a motion to approve the minutes of April 23, 2018 as amended, and May 14, 2018 as presented.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(8) Public Hearings & Presentations

(8a) Planner Jordan Mitchell addressed the Board with rezoning application #RZ180005, submitted on behalf of Hanwha Adzel, Inc. Mr. Mitchell stated that the owner of the property is Michael T. and Vicky Y. Seckman. The property is located along the south side of Homestead Drive and Enterprise Drive, and the parcels are identified as Tax Map numbers 118-A-14B (12.001 acres) and 118-A-8A (11.600 acres). Mr. Mitchell said that the request is to rezone a 4.413-acre portion of the two properties from R-3 (Medium Family Multi-Family Residential) to I-2 (Higher-Intensity Industrial District). He displayed a variety of maps and photographs illustrating both the current and proposed use of the property, which would be to expand Hanwah Azdel's existing facility. Mr. Mitchell noted the project impacts, and stated that there are not any proffers with this application. He stated that the Planning Commission held a public hearing for this application on April 17, 2018, and voted 7-0 to recommend approval to the Board of Supervisors.

Attorney Hank Creasy, counsel to applicant, then addressed the Board. He noted this will be an additional warehousing and distribution facility for manufactured plastics, and will add at least six new employees. Attorney Creasy also spoke briefly to those portions of the Comprehensive Plan as it applied to this application; he then answered questions from the Board.

The citizen comment portion of the public hearing was opened; there being no one desiring to speak, this portion of the public hearing was closed.

Supervisor Tuck made a motion to approve Ordinance #O 052918-13.

WHEREAS, Hanwha Azdel, Inc. has submitted rezoning application #RZ180005 to rezone a portion of Tax Map #118-A-14B and Tax Map #118-A-8A, totaling 4.413 acres, from R-3, Medium Density Multi-Family Residential district, to I-2, Higher-Intensity Industrial district, for the purpose of expanding their existing facilities which currently reside in the City of Lynchburg; and

WHEREAS, the application has been submitted pursuant to Section 30-14 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has carefully considered the public record, the public testimony, and the recommendations of the Planning Commission; and

WHEREAS, the Board of Supervisors finds that the public necessity, general welfare, and good zoning practice requires adoption of an ordinance to amend the zoning district designation of the subject property; and

WHEREAS, the Board of Supervisors finds that the requested rezoning meets the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance; and

WHEREAS, no proffers have been voluntarily offered by the applicant for acceptance by the Board of Supervisors; and now.

NOW, THEREFORE, BE IT ORDAINED, by the Bedford County Board of Supervisors that the Board does hereby amended and readopted the Zoning Ordinance by changing the zoning district designation of a 2.762-acre portion of a parcel identified as 118-A-14B and a 1.651-acre portion of a parcel identified as 118-A-8A to I-2, Higher-Intensity Industrial district; and

BE IT FURTHER ORDAINED, that should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(8b) Planner Jordan Mitchell addressed the Board with an ordinance to amend and readopt the Bedford County Zoning Ordinance by changing the zoning district designation of portions of certain parcels identified as Tax Map #118-A-8A, #118-A-14B, and all of #117-A-17D along Homestead Road and Thomas Jefferson Road from R-3 (Medium Family Multi-Family Residential) to C-2 (General Commercial District). He noted that this request addresses the portions of Tax Map #118-A-8A and #118-A-14B that were not rezoned in the Hanwah Adzel rezoning earlier. Mr. Mitchell also covered Public Hearing Item #8c in his presentation, which would rezone Tax Map numbers 117-A-139, 117-A-148A, 117A-2-1, 117A-2-2, 117A-2-3, 117A-2-4A, 117A-2-5A, 117A-2-6A, 117A-2-7A, 117A-2-8A, 117A-2-9A, 117A-2-10A, 117A-2-11A, 117A-2-12A, 117A-2-13A, 117A-2-14A, 117A-2-15A, 117A-2-16A, 117A-2-17A, 117A-2-18A, 117A-2-19A, 117A-2-20A, 117A-2-21A, 117-A-140, 117-A-141, 117-A-142, 117-A-34, 117-A-34A, 117-9-2, 117-9-3, 117-9-4, 117-9-5, 117-A-33, 117-A-33A, 117-A-102, 117-A-3A, 117-A-96, 117-A-97 (portion fronting along Forest Road), 117-A-112, 117-A-105, 117-A-122, 117-A-145A, 117-A-112, 117-A-138, and 117-A-7 from C-1 (General Office District) to C-2 (General Commercial District) . Mr. Mitchell stated that the Planning Commission held public hearings on these rezonings on April 17, 2018 and voted 7-0 to recommend approval to the Board of Supervisors. He also noted that staff had initiated this rezoning at the request of the Board.

The citizen comment portion of the public hearing was opened; there being no one desiring to speak, this portion of the public hearing was closed.

Supervisor Tuck made a motion to approve Ordinance #O 052918-12.

WHEREAS, The Board of Supervisors initiated the rezoning of certain parcels along Homestead Drive on March 26, 2018 in order to promote commercial growth in the Forest area where the current zoning was not consistent with current development patterns; and

WHEREAS, the request has been submitted pursuant to Section 30-14 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has carefully considered the public record, the public testimony, and the recommendations of the Planning Commission; and

WHEREAS, the Board of Supervisors finds that the public necessity, general welfare, and good zoning practice requires adoption of an ordinance to amend the zoning district designation of the subject properties; and

WHEREAS, the Board of Supervisors finds that the requested rezoning meets the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, by the Bedford County Board of Supervisors that the Board does hereby amended and readopted the Zoning Ordinance by changing the zoning district designation of Tax Map Numbers 118-A-8A (Portion), 118-A-14A (Portion), and 117-A-17D from R-3, Medium Density Multi-Family Residential district, to C-2, General Commercial district; and

BE IT FURTHER ORDAINED, that should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(8c) *This presentation, regarding an ordinance to amend and readopt the Bedford County Zoning Ordinance by changing the zoning district designation of certain parcels along Forest Road and Thomas Jefferson Road, was given by Planner Jordan Mitchell during his earlier presentation for #8b.*

Supervisor Bansley made a motion to approve Ordinance #O 052918-14.

WHEREAS, The Board of Supervisors initiated the rezoning of certain parcels along Forest Road and Thomas Jefferson Road on March 26, 2018 in order to promote commercial growth in the Forest area where the current zoning was not consistent with current development patterns; and

WHEREAS, the request has been submitted pursuant to Section 30-14 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has carefully considered the public record, the public testimony, and the recommendations of the Planning Commission; and

WHEREAS, the Board of Supervisors finds that the public necessity, general welfare, and good zoning practice requires adoption of an ordinance to amend the zoning district designation of the subject properties; and

WHEREAS, the Board of Supervisors finds that the requested rezoning meets the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, by the Bedford County Board of Supervisors that the Board does hereby amended and readopted the Zoning Ordinance by changing the zoning district designation of Tax Map Numbers 117-A-139, 117-A-148A, 117A-2-1, 117A-2-2, 117A-2-3, 117A-2-4A, 117A-2-5A, 117A-2-6A, 117A-2-7A, 117A-2-8A, 117A-2-9A, 117A-2-10A, 117A-2-11A, 117A-2-12A, 117A-2-13A, 117A-2-14A, 117A-2-15A, 117A-2-16A, 117A-2-17A, 117A-2-18A, 117A-2-19A, 117A-2-20A, 117A-2-21A, 117-A-140, 117-A-141, 117-A-142, 117-A-34, 117-A-34A, 117-9-2, 117-9-3, 117-9-4, 117-9-5, 117-A-33, 117-A-33A, 117-A-102, 117-A-3A, 117-A-96, 117-A-97 (portion fronting along Forest Road), 117-A-112, 117-A-105, 117-A-122, 117-A-145A, 117-A-112, 117-A-138, and 117-A-7 from C-1, General Office district, to C-2, General Commercial district; and

BE IT FURTHER ORDAINED, that should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(8d) County Attorney Patrick Skelley addressed the Board with an ordinance submitted on behalf of Renewanation for tax-exempt status for a parcel of real estate located at 1110 Gravel Hill Road, Tax Map #173-A-26. Attorney Skelley stated this organization is a 501C-3, and exists to promote a biblical worldview. He noted that staff does not recommend approval as this is not a general public need being served (versus an organization that provides services to a large demographic of the population, such as the Agape Center). Attorney Skelley noted that the Finance Committee was divided on whether to recommend approval of this request to the Board.

Ron Gordon, representative for Renewanation, then addressed the Board. Mr. Gordon outlined the history of his organization and the services they provide, and noted that they promote a Christian worldview and school choice. They plan to expand beyond the United States in the future. Mr. Gordon then answered brief clarifying questions from the Board.

The citizen comment portion of the public hearing was opened; there being no on desiring to speak, this portion of the public hearing was closed.

Supervisor Bansley made a motion to approve Ordinance #O 052918-15.

WHEREAS, the County of Bedford has received an application from the Renewanation requesting that its parcel of real estate located at 1110 Gravel Hill Road (Tax Map No. 173-A-26) be tax exempt; and

WHEREAS, the application is for the real estate which is estimated to have a value of \$273,500.00; and

WHEREAS, the purpose of the organization is to promote the cause of biblical worldview by supporting and expanding Christian schools, homeschools, and ministries reaching students in non-Christian schools. Activities at this facility include, but are not limited to, the development and distribution of promotional materials, coordination of scholarship program activities, critical informational and planning meetings with Christian schools, donors, and parents, and teacher development workshops; and

WHEREAS, the Bedford County Board of Supervisors made the required findings pursuant to Section 58.1-3651 of the Virginia Code and Section 17-3.5 of Chapter 17 “Taxation” of the Bedford County Code; and

WHEREAS, in addition to the required findings, it is the finding of the Board of Supervisors that the organization meets the general public need with the benefits that can be derived by the community at large and that the benefits that will be received by the citizens of the County are equivalent to or exceed the County’s loss in revenue from taxes.

NOW, THEREFORE, it is the finding of the Board of Supervisors that Renewanation is an organization that conducts charitable activities; that the organization does not have an annual alcoholic beverage license nor will the organization have such a license; that the Directors, Officers, and Trustees of the organization are unpaid; that none of the net earnings of the organization inure to the benefit of any individual and that a significant portion of the income is not from local and state grants; that the organization provides services that are for the common good of the public; that no portion of the activities of the organization include legislative or political campaigning for any office; and it is the finding of the Board of Supervisors that services provided by the organization exceeds the potential loss of taxation from the organization.

NOW, THEREFORE, BE IT ORDAINED by the Bedford County Supervisors that all of the real property of Renewanation shall be considered tax exempt pursuant to Section 58.1-3651 of the Virginia Code and Section 17-3.5 of Chapter 17 “Taxation” of the Bedford County Code. This exemption shall be effective immediately. Should the use of the property change in the future, the continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, and Mr. Dooley

Voting no: Mr. Willis

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(9) Action & Discussion Items

(9a) Fiscal Management Director Susan Crawford addressed the Board with a request for Category Transfers within the School Operating Fund. She reviewed the requests (the details of which are given in the resolutions below), and clarified that these were transfers of funds.

**Supervisor Dooley made a motion to approve Resolution #R 052918-08a and R 052918-08b.
R 052918-08a**

WHEREAS, during the 2017-2018 school year, the Bedford County School Board is projected to come in under budget in the Instruction category by \$342,952; and

WHEREAS, several line items came in higher than expected; including Equipment Repair & Replace, Heating Fuel, Electrical, Waste Disposal and Leave Payout during the 2017-18 school year;

WHEREAS, the Bedford County Board would like to use the favorable budget balance in the Instruction Category to cover the higher than expected maintenance costs.

NOW, THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors authorize a Category Transfer in the amount of \$290,000 from the major category of Instruction to the major category of Maintenance in the FY 2017-2018 Operating Budget.

R 052918-08b

WHEREAS, during the 2017-2018 school year, the Bedford County School Board is projected to come in under budget in the Technology category by \$215,182; and

WHEREAS, there was additional transportation costs associated with private day treatment during the 2017-18 school year;

WHEREAS, the Bedford County Board would like to use the favorable budget balance in the Technology Category to cover the transportation costs.

NOW, THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors authorize a Category Transfer in the amount of \$125,000 from the major category of Technology to the major category of Transportation in the FY 2017-2018 Operating Budget.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(9b) Fiscal Management Director Susan Crawford addressed the Board with a resolution from the Department of Fiscal Management authorizing a re-appropriation of \$421,131 to the School Maintenance Fund and \$421,131 to the Self-Funded Health Fund; details for this request are given in the resolution below. Ms. Crawford noted that this request follows prior practice of the Board. Ms. Crawford and School Division CFO Randy Hagler then answered clarifying questions from the Board.

Supervisor Willis made a motion to approve Resolution #R 052918-09.

WHEREAS, during the 2016-2017 school year the Bedford County School Board received funding from County tax dollars, State, Federal and other monies allotted for the operation of the schools; and

WHEREAS, there was a balance in the School Operating Fund of \$842,262 at June 30, 2017; and

WHEREAS, the Bedford County School Board would like to allot half of these funds to the Maintenance Fund as reserves for large dollar equipment failures; and

WHEREAS, the Bedford County School Board would like to allot half of these funds to the self-funded health account to offset future premium increases.

NOW, THEREFORE, BE IT RESOLVED, that the Bedford County Board of Supervisors authorize a re-appropriation in the amount of \$421,131 to the Maintenance Fund and \$421,131 to the Self-Funded Health Fund in FY 2017-2018 School Budget.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(9c) County Administrator Carl Boggess addressed the Board with a request from the Virginia Department of Transportation to adopt the 2019-2024 Six-Year Plan for Secondary Roads. He noted that this plan showed the revisions as agreed to in the work session (which included adding Blankenship Road, Pike Road, and Carters Mill Road).

Supervisor Dooley made a motion to adopt Resolution #R 052918-10.

WHEREAS, Bedford County annually works with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

WHEREAS, the Bedford County Board of Supervisors had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List.

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that since said Plan appears to be in the best interests of the Secondary Road System in Bedford County and of the citizens residing on the Secondary System, said Secondary Six-Year is hereby approved as presented.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(9d) County Attorney Patrick Skelley addressed the Board with a resolution authorizing execution of a quitclaim deed to Sarah F. Smith. Attorney Skelley explained that back in 1982 a mistake was made on this property's plat, wherein a road was marked as a County Road. Now that the owner wishes to sell, they need documentation to show the County has no interest, right, or title in this road (and never has).

Supervisor Willis made a motion to approve Resolution #R 052918-16.

WHEREAS, Ashford D. Smith and Sarah F. Smith, husband and wife, purchased 27.82 acres from F. J. Smith and Avis R. Smith, husband and wife, as described in deed dated 3 January 1972, of record in the Clerk's Office for the Circuit Court of Bedford County, Virginia in Deed Book 535, at Page 581. The said Ashford D. Smith departed this life thereby vesting fee simple title in Sarah F. Smith; and

WHEREAS, there shows on a plat of survey entitled, "Property of Sarah F. Smith About Four Miles Northeast of Stewartsville Blue Ridge Magisterial District Bedford County, Virginia", dated 27 May 1982, made by Maurice G. Overstreet, Land Surveyor, and being of record with the above-described deed, a short portion of what is labeled "County Road leading to Rte. 635", with an arrow pointing in a northerly direction across the adjoining parcel of Bruce D. Powers; and

WHEREAS, the designation of the "County Road" in the aforementioned plat appears to have been in error, as the Byrd Road Act of 1932 took all responsibility and control over roads away from all Virginia counties, and Bedford County does not now assert any claim or title to any such road; and

WHEREAS, no such road appears on any records being maintained by the County of Bedford or by the Virginia Department of Transportation, nor is any such road necessary for the public good or convenience; and

WHEREAS, Sarah F. Smith cannot sell her property until the error on the aforesaid plat is corrected;

WHEREAS, the County of Bedford is willing to quitclaim and release all of its right, title and interest in and to that certain "County Road" as shown on the aforesaid plat.

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board does hereby authorize the County Administrator to execute a quitclaim deed to Sarah F. Smith.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(9e) CSA Coordinator Paul Baldwin addressed the Board with a resolution from the Department of Social Services for a Supplemental Appropriation in the amount of \$355,640.00, and a transfer from the Contingency Fund in the amount of \$167,360.00 to cover anticipated expenditures associated with the Comprehensive Services Act. Mr. Baldwin explained there have been an unusually high number of foster children being served, which has led to this request. He also noted that DSS Director Andy Crawford will address the Board at a later date for other related funding. Mr. Baldwin commented that they are also serving more private day students.

Supervisor Tuck made a motion to approve Resolution #R 052918-17.

WHEREAS, CSA anticipates expending \$3,760,000.00 during FY 2017-2018; and

WHEREAS, the current appropriation is \$3,237,000 and \$2,938,537.12 has been expended to date; and

WHEREAS, staff is requesting a supplemental appropriation of \$523,000.00 to cover anticipated expenditures for the year; and

WHEREAS, the state is expected to reimburse approximately 68% or \$355,640.00 of the supplemental and the County is responsible for the balance:

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors that the Board does hereby authorize a supplemental appropriation in the amount of \$355,640 to the FY 2017-2018 CSA budget, Department 5331.

BE IT FURTHER RESOLVED, that the Bedford County Board of Supervisors does hereby authorize a Transfer from the Contingency Fund in the amount of \$167,360.00 to fund the local portion of the supplemental.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(9f) County Administrator Carl Boggess addressed the Board for authorization to issue a Request for Proposals for executive recruitment services, which will in turn be used to locate and hire the next County Administrator following Mr. Boggess' retirement in December. In response to a question from Supervisor Bansley, Mr. Boggess said he felt this RFP process will likely be completed in approximately 6 six weeks.

Supervisor Dooley made a motion to approve Resolution #R 052918-18.

WHEREAS, the County Administrator has announced his retirement; and

WHEREAS, the Board of Supervisors has requested the use of a firm that performs executive recruitment services to assist the Board in the process of hiring the next County Administrator

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors authorizes the County Administrator, with the assistance of the County Attorney, to issue a Request for Proposals for executive recruitment services for the Bedford County Board of Supervisors.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

(10) Board Committee Reports - none

(11) Board Member Comments - none

(12) Board Appointments - none

(13) County Attorney Report

- The County Attorney was given the consensus of the Board to draft enacting ordinances to address drug blight and derelict buildings.

(14) County Administrator Report

The Closed Session scheduled for this portion of the meeting was instead held earlier during the work session.

Deputy County Administrator Reid Wodicka introduced the new Chief Information Technology Officer, Jeff Maresic. Dr. Wodicka outlined Mr. Maresic's vast experience and qualifications, and welcomed him to the County.

County Administrator Carl Boggess stated that the pay and classification plan will need some adjustments for the Nursing Home and the IT Department, likely at the end of the year. He said we have again fallen behind surrounding localities in salaries and we are having difficulty hiring staff; this may also need to be addressed at the end of the year.

Dr. Wodicka then addressed the Board, noting that this is his last meeting as he is moving on the Deputy City Manager position with the City of Lynchburg. He thanked the Board for working with him over the past two years, and noted that he felt a lot had been accomplished.

(15) Board Information

(15a) The Board was given a copy of the Department of Community Development Building Report for April 2018 for review.

(15b) The Board was given a copy of the Bedford Regional Water Authority Board of Directors meeting minutes from March 20 and April 17, 2018 for review.

(15c) The Board was given a copy of the Bedford E-911 Communications Report from April 2018 for review.

(15d) The Board was given a copy of the Department of Social Services Board meeting minutes from December 14, 2017, and January 11 and February 15, 2018 for review.

(15e) The Board was given a copy of the Bedford Public Library System Board of Trustees meeting minutes from March 6, 2018 for review.

(15f) The Board was given a copy of the Bedford County Planning Commission meeting minutes from March 20, 2018 for review.

(15g) The Board was given a copy of the Bedford County Transportation Safety Commission meeting minutes from March 15, 2018 for review.

(16) Board Calendar & Reminders

Mr. Boggess noted the following upcoming meetings on the Board's calendar: June 25th – Regular Meeting at 7:00 pm; July 9th – Regular Meeting at 7:00 pm (Work Session – 5:00 to 6:30 pm); and July 23rd – Regular Meeting at 7:00 pm.

(17) Adjourn

Supervisor Bansley and Willis made a motion to adjourn the meeting at 7:54 pm.

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

Broadband Authority Meeting

Vice-Chairman Scott called the Broadband Authority meeting to order, and then turned the meeting over to County Administrator Carl Boggess.

Mr. Boggess addressed the Authority with a request to adopt ordinance provisions regarding compliance with the Virginia Public Procurement Act, and to adopt procedures related to the Public-Private Education Facilities and Infrastructure Act of 2002. He noted this will put guidelines in place and establish purchasing procedures so that the broadband project may move forward.

The citizen comment portion of the public hearing was opened; there being no one desiring to speak, the portion of the public hearing was closed.

Supervisor Tuck made a motion to approve Ordinance #O BA052918-01.

WHEREAS, the Bedford County Broadband Authority is ready to commence the process of constructing towers for broadband services in the County of Bedford; and

WHEREAS, this will require the purchase of goods and services; and

WHEREAS, the Authority needs to assure that all purchases are in compliance with the Virginia Public Procurement Act; and

WHEREAS, to cover procurement under the Public-Private Education Facilities and Infrastructure Act of 2002, it is necessary to adopt PPEA guidelines that conform with the Act.

NOW, THEREFORE, BE IT ORDAINED, by the Bedford County Broadband Authority does hereby recognize that all purchases will be in compliance with the Virginia Public Procurement Act; and

BE IT FURTHER RESOLVED, that the Bedford County Broadband Authority does hereby authorize the County Administrator to adopt the necessary policies and procedures to effectively implement the Virginia Public Procurement Act; and specifically, the Authority's small purchase policy.

BE IT FURTHER ORDAINED, that the Bedford County Broadband Authority does hereby adopt the necessary PPEA Guidelines under the Public-Private Education Facilities and Infrastructure Act of 2002, as amended.

PROCUREMENT

DIVISION 1-

GENERAL

Statement of Purpose.

The purpose of this article is to provide for fair and equitable public purchasing, to maximize the purchasing value of public funds, and to provide safeguards for maintaining a procurement system of quality and integrity.

Compliance with Virginia Public Procurement Act.

All procurement by the Authority from nongovernmental sources shall be carried out in accordance with the Virginia Public Procurement Act. Except for those functions specifically reserved by the Bedford County Broadband Authority, the Board shall implement the provisions of the act by and through the County Administrator.

Regulations.

The County Administrator shall establish and promulgate regulations, in accordance with and implementing the Virginia Public Procurement Act and specifically, the Authority's small purchase policy. Procurement by the Authority shall be conducted pursuant to applicable law and the regulations, a copy of which shall be available in the County Administrator's office.

DIVISION 2-

PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002

Introduction

The Public-Private Education Facilities and Infrastructure Act of 2002 (Va. Code § 56-575 et seq.) ("PPEA") authorizes the County of Bedford (the "County") to enter into public-private partnership agreements to develop needed projects in a more timely or less costly manner. The term "County" includes the Board of Supervisors ("Board") for General Government projects and the School Board for education projects.

Private entities may include innovative financing methods in their proposals and shall be strictly accountable for their representations and information.

A project must meet the PPEA definition of "qualifying project" in Appendix A.

These guidelines are intended to supplement, and enable the County to comply with, PPEA's requirements. They shall govern all County PPEA projects, including those for education facilities, and shall apply to all County agencies, boards, commissions, and committees. If these guidelines and the PPEA conflict, the terms of the PPEA control.

Requests for County Approval

Unsolicited, Competing, and Solicited Proposals

A private entity must obtain the County's approval for PPEA projects or services. See Va. Code §§ 56-575.3(A); 56-575.4. The private entity may seek the County's approval by submitting one of three types of proposals.

If the County has not issued a Request for Proposals (RFP), the private entity may submit an unsolicited proposal for approval. See Va. Code § 56-575.4(A).

If the County receives an unsolicited proposal, it shall review the proposal and decide whether to accept the unsolicited proposal for further consideration. See Va. Code § 56-575.3(C). If the County

decides to accept the unsolicited proposal for further consideration, the County shall publish notice of the unsolicited proposal and seek competing proposals from other private entities. See Va. Code § 56-375.3:1(B)(11).

The County may seek PPEA proposals by issuing a RFP. See Va. Code § 56-575.4(B). If the County has issued a RFP, a private entity may submit a proposal which shall be treated as a solicited proposal.

Invitations to Bid

The private entity may also seek the County's approval by responding to a County Invitation to Bid. See Va. Code § 56-575.4(B). The County may accept a responsive bid and enter into a Comprehensive Agreement using the competitive sealed bidding procedures of the Virginia Public Procurement Act. See Va. Code § 56-575.16(1),.

Choice of Procedures

For PPEA projects, the County shall determine whether to use procedures consistent with competitive sealed bidding or with competitive negotiation of "other than professional services." See Va. Code § 56-575.16(2). If the County elects not to use competitive sealed bidding for a PPEA project, the County Administrator shall state in writing the reasons for using competitive negotiation before (1) the County issues a RFP in accordance with Part II(A) or (2) the Board accepts an unsolicited proposal for consideration in accordance with Part IV(A)(3).

Working Group

The County Administrator shall designate a PPEA working group (the "Working Group") to evaluate proposals.

For General Government projects, the Working Group shall include the persons appointed by the County Administrator.

For education projects, the Working Group shall include the County Administrator or his designee, the County's Director of Fiscal Management and representatives of Bedford County Public Schools designated by the Superintendent of Schools ("Superintendent").

If a project includes construction, the Working Group shall also include a licensed architect or engineer.

The County Administrator shall serve as the chair of the Working Group, shall administer these guidelines, and shall receive and respond to inquiries and proposals.

The Working Group will consult with, and make recommendations to, the County Administrator for General Government projects and to the Superintendent for education projects.

After consulting with the County Administrator or the Superintendent, the Working Group shall engage the services of qualified professionals to provide independent analysis of the specifics,

advantages, disadvantages, and the long- and short-term costs of proposals. These professionals may include a cost estimator, architect, professional engineer, or certified public accountant not employed by the County. However, the Board or the School Board may determine that such analysis other than cost estimation shall be performed by County employees. See Va. Code § 56-575.3:1(C)(1).

Proposals

General Proposal Requirements

Whether solicited, competing, or unsolicited, each proposal shall be clearly identified as a “PPEA PROPOSAL.” Proposals should be prepared simply and economically and provide a concise description of the proposer's capabilities to complete the proposed project and the benefits to the County. The County will consider project benefits occurring during the construction, renovation, expansion, or improvement phases as well as the life cycle of the project. Proposals also should include a comprehensive scope of work and a financial plan for the project with enough detail for the County to properly analyze the financial feasibility of the proposed project. The proposal shall identify each facility, building, infrastructure, or improvement included in the proposal. The County Administrator may request any information that clarifies or supplements a proposal.

For solicited proposals, proposers should submit the number of copies required by the RFP to the County Administrator. For unsolicited and competing proposals, proposers shall submit one original and eight copies along with the applicable fee to the County Administrator.

Proposal Review Fees

The PPEA authorizes the County to charge fees to cover the costs of processing, reviewing, and evaluating proposals, including reasonable attorney's fees and fees for financial, technical, and other advisors or consultants.

Solicited Proposals. When the County issues a RFP soliciting PPEA proposals, proposers are not required to submit an initial consideration fee. If a solicited proposal is advanced for detailed review, the proposer shall pay the detailed review fee in the Fee Schedule below.

Unsolicited and Competing Proposals. For unsolicited and competing proposals, proposers shall pay the following fees:

An initial consideration fee paid with certified funds shall accompany any unsolicited proposal, in accordance with the Fee Schedule below. The initial consideration fee shall be based on the estimated total cost of the proposed project.

If the County accepts an unsolicited proposal for consideration and seeks competing proposals, competing proposers are not required to pay the initial consideration fee.

If an unsolicited or competing proposal is advanced to the detailed review phase, a detailed review fee based on the estimated total cost of the proposed project shall accompany the proposer's detailed proposal. The detailed review fee shall be paid with certified funds.

FEE SCHEDULE:

Review Phase	Fee	Minimum	Maximum
Initial Consideration	1%	\$2,500.00	\$25,000.00
Detailed	1%	\$5,000.00	\$50,000.00

The County Administrator is authorized to refund all or part of these proposal review fees to all proposers during the initial consideration or detailed review phases.

Required Information in Solicited Proposals

The RFP shall specify the information that must accompany each solicited proposal and the factors to be used in evaluating proposals. The County Administrator shall post the RFP in public areas normally used for posting of the County's notices, including the County's procurement website. The County Administrator may also publish notice of the RFP in newspapers or other publications of general circulation. Pre-proposal conferences may be held as the County Administrator deems appropriate. Solicited proposals shall address and meet all requirements of the RFP.

Required Information in Unsolicited and Competing Proposals

Unsolicited proposals and competing proposals shall contain the information required in Appendix B. See Va. Code § 56-575.4(A).

Consideration of Unsolicited Proposals and Solicitation of Competing Proposals

After receipt and review of an unsolicited proposal, the Working Group shall recommend whether to accept the unsolicited proposal for consideration. The Working Group may request additional information from the proposer prior to making its recommendation.

If an unsolicited proposal is for a General Government facility or services, the County Administrator shall receive the Working Group's recommendation and shall recommend to the Board whether the unsolicited proposal should be accepted for consideration.

If an unsolicited proposal is for an education facility or services, the Superintendent shall receive the recommendation of the Working Group and shall recommend to the School Board whether the proposal should be accepted for consideration. If the School Board recommends acceptance of the unsolicited proposal for consideration, the County Administrator shall forward the School Board's

recommendation to the Board along with his recommendation about whether the Board should accept the unsolicited proposal for consideration.

The Board shall make the final decision on whether to accept an unsolicited proposal for consideration. If the Board accepts the proposal for consideration, it shall specify the time period between 90 and 120 days during which competing proposals may be submitted after the County Administrator posts notice of its decision as provided in IV(B) below. If the Board rejects an unsolicited proposal that purports to develop specific cost savings, the Board shall specify the basis for rejection. See Va. Code § 56-575.3(D).

The County Administrator shall return any unsolicited proposal not accepted for consideration, together with the initial consideration fee and accompanying documentation, to the private entity.

If the Board decides to accept an unsolicited proposal for consideration, the County Administrator shall post a notice within 10 days of the Board's decision on the County's procurement website and in a public area regularly used by the County for posting of public notices. The notice shall be posted for at least 90 days. The County Administrator may also publish the notice in one or more newspapers or periodicals of general circulation in the County.

The notice shall state that the County (i) has accepted an unsolicited proposal for consideration, (ii) intends to further evaluate the unsolicited proposal, and (iii) will accept for simultaneous consideration any competing proposals that comply with these guidelines and the PPEA. The notice also shall summarize the proposed project and identify its proposed locations.

Interested parties may submit competing proposals within the time period specified by the Board and listed in the notice. Competing proposals shall provide the information required for unsolicited proposals in Appendix B.

Posting and Inspection of Submitted Proposals

Within 10 days of the County's acceptance of an unsolicited proposal for consideration and within 10 days of the County's receipt of a solicited proposal or a competing proposal, the County Administrator shall post the proposal on the County's procurement website. The County Administrator shall also make at least one copy of each proposal available for public inspection.

However, trade secrets, financial records, or other records of the proposer excluded from disclosure under state law shall not be posted or made available for public inspection unless the County and private entity agree otherwise. See Va. Code § 56-575.17(A)(2).

The County Administrator may publish a summary of the proposals and the location where a copy of the proposals is available for public inspection in a newspaper of general circulation in the County.

The County Administrator shall make at least one copy of the negotiated agreement available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of Va. Code § 2.2-3705.6(11) shall not be required to be posted, except as otherwise agreed to by the County and the private entity.

Interim Agreement

Prior to, or in connection with, the negotiation of the Comprehensive Agreement, the County may enter into an Interim Agreement with the private entity. The Interim Agreement may (i) permit the private entity to commence and be compensated for initial activities related to the qualifying project, such as project planning and development, design and engineering, environmental analysis and mitigation, surveying, and ascertaining the availability of financing for the proposed facilities or services; (ii) establish the process and timing of the negotiation of the Comprehensive Agreement; and (iii) contain other provisions related to the development or operation of a qualifying project. *See* Va. Code § 56-575.9:1.

The Board must review, and by Board resolution authorize the County Administrator to execute, an Interim Agreement for General Government projects. The Board must review, and by Board resolution authorize the School Board to execute, an Interim Agreement for education projects. *See* Va. Code §§ 56-576.16(5); 56-575.3:1(C)(2).

Comprehensive Agreement

The Comprehensive Agreement shall include the components listed in Appendix E and other terms agreed to by the parties. Any changes in the Comprehensive Agreement shall be made by written amendment.

The Board must review, and by Board resolution authorize the County Administrator to execute, a Comprehensive Agreement for General Government projects. The Board must review, and by Board resolution authorize the School Board to execute, a Comprehensive Agreement for education projects. *See* Va. Code §§ 56-576.16(5); 56-575.3:1(C)(2).

Within 30 days after the County enters into a Comprehensive Agreement, the County Administrator shall submit a copy to the Commonwealth of Virginia's Auditor of Public Accounts.

Posting of Procurement Records

Once an Interim or Comprehensive Agreement has been executed, the County Administrator shall make procurement records available for public inspection upon request. Procurement records shall not include trade secrets of the private entity or financial records of the private entity that are not generally available to the public through regulatory disclosure or otherwise. *See* Va. Code § 56-575.17(D).

APPENDIX A. General Provisions

Qualifying Projects

PPEA projects must meet the statutory definition of "qualifying project" which includes public buildings and facilities, including:

- An education facility, including a school building, any functionally- related and subordinate facility to a school building (including any stadium or other facility primarily used for school events), and any depreciable property for use in a public school facility;
- A building or facility that meets a public purpose and is developed or operated by or for a public entity;
- Improvements and equipment to enhance public safety and security of buildings principally used by a public entity;
- Utility, telecommunications, and other communications infrastructure;
- A recreational facility;
- Technology infrastructure, services, and applications, including automated data processing, word processing and management information systems, and related equipment, goods, and services;
- Services to increase the productivity or efficiency of the responsible public entity through technology or other means;
- Technology, equipment, or infrastructure to deploy wireless broadband services to schools, businesses, or residential areas;
- Necessary or desirable improvements to unimproved publicly-owned real estate; or
- A solid waste management facility that produces electric energy derived from solid waste.

Virginia Freedom of Information Act

Generally, proposal documents submitted by private entities are subject to the Virginia Freedom of Information Act (Va. Code § 2.2-3700 *et seq.*) ("FOIA").

In accordance with Va. Code § 2.2-3705.6(11)(b), proposal documents are subject to disclosure if requested, except to the extent that they relate to (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if such information was made public prior to the execution of an Interim Agreement or a Comprehensive Agreement, the financial interest or bargaining position of the County or private entity would be adversely affected. The private entity must invoke this exception in accordance with Va. Code § 2.2- 3705.6(11)(b).

Va. Code § 56-575.4(G) imposes an obligation on the County to protect confidential proprietary information submitted by a private entity. When the private entity requests that the County not disclose information, the private entity must make a written request to the County:

- Invoking the exclusion upon submission of the data or other materials to the County;
- Identifying with specificity the data or other materials for which protection is sought; and
- Stating the reasons why protection is necessary.

The County is only authorized and obligated to protect confidential proprietary information. The County will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the proposer without reasonably differentiating between the proprietary and non-proprietary information contained therein.

Upon timely receipt of a request that designated portions of a proposal be protected from disclosure as confidential and proprietary, the County Administrator shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The County Administrator will send the proposer a written determination of the nature and scope of the protection.

To protect other information submitted by the private entity from disclosure, the County Administrator shall determine whether public disclosure prior to the execution of an Interim Agreement or Comprehensive Agreement would adversely affect the financial interest or bargaining position of the County or the private entity. In accordance with Va. Code § 56-575.4(G), the County Administrator shall take appropriate action to protect confidential and proprietary information provided by the private entity pursuant to an agreement under Va. Code § 2.2-3705.6(11).

Upon a final determination by the County Administrator to afford less protection than requested by the proposer, the proposer will be afforded an opportunity to withdraw its proposal. A proposal so withdrawn will be treated in the same manner as a proposal not accepted for consideration.

Once an Interim Agreement or Comprehensive Agreement has been entered into, the County will make the procurement records available upon request in accordance with Va. Code § 2.2-4342. Such procurement records shall include documents protected from disclosure during the negotiation phase on the basis that the release of such documents would have an adverse effect on the financial interest or bargaining position of the County or private entity in accordance with Va. Code § 2.2-3705.6(11)(b)(iii). Such procurement records shall not include (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an

Interim Agreement or Comprehensive Agreement, the financial interest or bargaining position of the County or the private entity would be adversely affected.

Reservation of Rights

The County shall administer these guidelines in accordance with the PPEA and shall have the right to:

Terminate evaluation of a proposal or to reject a proposal at any time for any reason. Proposers shall have no recourse against the County for such termination or rejection. Proposers will be notified in writing of the County's rejection of their proposal.

Suspend or terminate negotiations with a proposer before execution of an Interim Agreement or Comprehensive Agreement.

Request revisions of, and negotiate with proposers about, provisions in a proposal.

Request or obtain additional information about any proposal.

Issue addenda to or cancel any request for proposals or invitation to bid.

Revise, supplement, or withdraw any part of these guidelines.

Modify the Fee Schedule in these guidelines for a specific project or for all future projects.

Keep review fees required by these guidelines unless an unsolicited proposal is not accepted by the County.

Submit one or more proposals for review by outside consultants or advisors selected by the County without notice to the proposer. Such consultants or advisors shall be required to maintain the confidentiality of information that has been designated as confidential and to refer all requests for confidential information to the County.

The County shall not be liable for, or reimburse, the costs incurred by proposers in developing proposals or in negotiating agreements. Any information the County makes available to proposers shall be provided solely as a convenience to the proposer and without representation or warranty of any kind. Proposers may not rely upon any oral responses to inquiries. If a proposer has a question regarding application of these guidelines, the proposer must submit the question in writing to the County Administrator, and the County will respond in writing as it determines appropriate.

Use of Public Funds

Interim Agreements and Comprehensive Agreements are subject to all Virginia constitutional and statutory requirements and Bedford County Code provisions governing the expenditure of public funds.

Applicability of Other Laws

Nothing in the PPEA shall affect the duty of the County to comply with all other applicable laws not in conflict with the PPEA. The applicability of the Virginia Public Procurement Act (Va. Code § 2.2-4300 *et seq.*) is as set forth in the PPEA.

APPEND Required Information for Unsolicited and Competing Proposals

Qualifications and Experience

Identify the legal structure, *i.e.*, type of business entity, of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach, and how each partner and major subcontractor (\$1 million or more) in the structure fits into the overall team. Identify all members of the private entity's team, including major subcontractors known to the proposer, at the time a proposal is submitted for the conceptual phase. State the status of the applicable Virginia license of each partner, proposer, contractor, and major subcontractor.

Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project. Include experience with projects of comparable size and complexity and prior experience bringing similar projects to completion on budget and in compliance with design, land use, service and other standards. Describe the length of time in business, business experience, public sector experience, and other engagements of the firm or consortium of firms. Describe the past safety performance record and current safety capabilities of the firm or consortium of firms. Describe the past technical performance history on recent projects of comparable size and complexity, including disclosure of any legal claims or litigation by or against the firm or consortium of firms. Identify any firms that will provide design, construction, and completion guarantees and warranties and a description of such guarantees and warranties.

For each firm or major subcontractor (\$1 million or more) that will be utilized in the project, provide a statement listing all of the firm's prior projects and clients for the past five years and their contact information. If a firm has worked on more than 10 projects during this period, it may limit its prior project list to 10 but shall first list all projects similar in scope and size to the proposed project and then list its most recent projects. Each firm or major subcontractor shall be required to submit all performance evaluation reports or other documents in its possession evaluating the firm's performance during the preceding three years in terms of cost, quality, schedule maintenance, safety, and other matters relevant to successful project development, operation, and completion.

Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.

Provide a current or most recent audited financial statement of the firm or consortium of firms and the financial statement of each partner with an equity interest of 10 percent or greater.

Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to the Virginia State and Local Government Conflict of Interests Act (Va. Code § 2.2-3100 *et seq.*) (“COIA”).

Identify the proposed plan for obtaining sufficient numbers of qualified workers in all trades or crafts required for the project.

For each firm or major subcontractor that will perform construction or design activities, provide the following information:

A sworn certification by an authorized representative of the firm attesting to the fact that the firm is not currently debarred or suspended by any federal, state or local government entity.

A completed qualification statement that reviews all relevant information regarding technical qualifications and capabilities, firm resources, and business integrity of the firm, including bonding capacities, insurance coverage, and firm equipment. This statement shall also include a mandatory disclosure by the firm for the past five years any of the following:

- bankruptcy filings
- claims for liquidated damages
- fines, assessments or penalties
- judgments or awards in contract disputes
- contract defaults, contract terminations
- license revocations, suspensions, other disciplinary actions
- debarments or suspensions by a governmental entity
- denials of prequalification
- findings of non-responsibility
- safety performance issues, including fatality incidents, “Experience Modification Rating,” “Total Recordable Injury Rate” and “Total Lost Workday Incidence Rate”
- violations of any federal, state or local criminal or civil law
- criminal indictments or investigations
- claims filed by or against the firm

Worker safety programs: Describe worker safety training programs, job-site safety programs, accident prevention programs, written safety and health plans, including incident investigation and reporting procedures.

Project Characteristics

- Provide a topographic map (1:2000 or other appropriate scale) indicating the location of the qualifying project.

- Provide a description of the proposed project, including the conceptual design, in sufficient detail so that type and intent of the project, its location, and the communities that may be affected are clearly identified.
- Identify any facility, building, infrastructure, or improvement included in a proposal as part of a qualifying project specifically or conceptually.
- Identify and fully describe any work to be performed by the County and the timeline for its performance.
- Include a list of all federal, state, and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
- Identify any anticipated adverse social, economic, and environmental impacts of the project. Specify the strategies or actions to mitigate known or anticipated adverse impacts of the project. Indicate if any environmental or archaeological assessment has been completed.
- Identify the projected positive social, economic, and environmental impacts of the project.
- Identify the proposed schedule for the work on the project, including sufficient time for the County to review the proposal and plans, and the estimated time for completion.
- Identify contingency plans for addressing public needs if the project is not completed according to projected schedule.
- Propose allocation of risk and liability for work completed beyond the Comprehensive Agreement's completion date and assurances for timely completion of the project.
- State assumptions related to ownership, legal liability, and operation of the project and the existence of any restrictions on the County's use of the project.
- Provide information about phased or partial openings of the proposed project prior to completion of the entire work.
- List other assumptions relied on or any contingencies that must occur for the project to be successful.

Project Financing

Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.

Submit a plan for the development, financing, and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds. Include any supporting due diligence studies, analyses or reports.

Include a list and discussion of assumptions underlying all major financial elements of the plan. Identify the proposed risk factors and methods for dealing with these factors.

Identify any local, state, or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment, both one-time and ongoing.

Project Benefit and Compatibility

Identify community benefits, including the economic impact the project will have on the County and local community in terms of amount of tax revenue to be generated for the County, the number of jobs generated for County residents, the level of pay and fringe benefits of such jobs, the training opportunities for apprenticeships and other training programs generated by the project, and the number and value of subcontracts generated for County subcontractors.

Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.

Explain the strategy and plan to involve and inform the general public, business community, local governments, and governmental agencies in areas affected by the project.

Describe the compatibility of the project with local, regional, and state economic development efforts.

Describe the compatibility with the local comprehensive plan, infrastructure development plans, and capital improvement program.

APPENDIX C. Required Information for Detailed Review Proposals

For a proposed construction project, construction plans and specifications that are at least 50% complete, as determined by the County.

Conceptual site plan indicating proposed location and configuration of the project on the proposed site. Any facility, building, infrastructure, or improvement included in a proposal as part of a qualifying project shall be identified specifically or conceptually.

Conceptual (single line) plans and elevations depicting the general scope, appearance, and configuration of the proposed project.

Detailed description of the proposed participation of, use by, and financial involvement of the County.

List of public facilities or other public improvements required of the County to complete the project.

Statement of the plans for securing all necessary real property interests, such as easements, rights-of-way, etc., for the project. The statement must include the names and addresses, if known, of the current owners of the necessary property and the location of any property the proposer requests the County to condemn.

Detailed listing of all firms that will provide design, construction, and completion guarantees and warranties, and a brief description of the guarantees and warranties.

Total life-cycle costs, methodology, assumptions of the project, and the proposed project start date. The life-cycle cost analysis should include a detailed analysis of the projected return, rate of return, or both; the expected useful life of the facilities; and estimated annual operating expenses. The information should also include each party's anticipated commitment; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs.

Detailed discussion of assumptions about user fees or rates and about usage of the project.

Identification of known government or public support or opposition for the project. Government or public support should be demonstrated through resolutions of government departments or boards, minutes of meetings, letters, or other official communications.

Demonstration of consistency with the County's comprehensive plan or a schedule of the steps necessary to amend the comprehensive plan.

Description of an ongoing evaluation system to track key performance criteria, including schedules, cash management, quality, worker safety, change orders, and legal compliance.

Identification of any known conflicts of interest or other factors that may impact consideration of the proposal, including the identification of persons who would be obligated to disqualify themselves from participation in any transaction in connection to the project because of the Conflict of Interest Act.

Acknowledgement of conformance with the Ethics in Public Contracting provisions of Va. Code §§ 2.2-4367 through 2.2-4377.

Additional information requested by the County.

APPENDIX D. Proposal Evaluation Criteria

In addition of any criteria listed in a Request for Proposals, the County will consider the following items in its evaluation of PPEA proposals.

Qualifications and Experience

Factors to be considered in determining whether the proposer possesses the requisite qualifications and experience include:

Professional qualifications and experience with similar projects;

Demonstrated ability to perform the work;

Demonstrated record of successful past performance, including timeliness of project delivery, compliance with plans and specifications, quality of workmanship, cost-control and project safety;

Demonstrated conformance with applicable laws, codes, standards, regulations, and agreements on past projects;

Leadership structure;

Project Administrator's experience;

Management approach;

Project staffing plans, the skills levels of the proposed workforce, and the proposed safety plans for the project; and

Financial condition of the proposer.

Project Characteristics

Factors to be considered in evaluating the project characteristics include:

Project definition;

Proposed project schedule;

Operation of the project after completion;

Technological and technical feasibility;

Conformity to state and County laws, regulations, and standards;

Environmental impacts;

Condemnation impacts;

State and local permits; and

Maintenance of the project after completion.

Project Financing

Factors to be considered about the proposed project financing include:

Cost and economic benefit to the County;

Financing, including debt source, and its impact on the debt or debt burden of the County;

Financial plan, including overall feasibility and reliability of plan; default implications; degree to which proposer has conducted due diligence investigation; maintenance and operational costs after completion; and

Life-cycle cost analysis.

Project Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the County's long-term development goals and objectives include the following:

Community benefits, including the economic impact the project will have on the County in terms of amount of tax revenue generated for the County, the number of jobs generated for area residents, the level of pay and fringe benefits of such jobs, and the number and value of subcontracts generated for area subcontractors;

Community support or opposition, or both;

Public involvement strategy;

Compatibility with existing and planned facilities;

Compatibility with County, regional, and state economic development efforts; and

Compatibility with the County's land use and transportation plans.

APPENDIX E. Required Components of Comprehensive Agreement

Delivery of maintenance, performance, and payment bonds or letters of credit in connection with the development or operation of the qualifying project, in the forms and amounts satisfactory to the County and in compliance with Va. Code § 2.2-4337 for those components of the qualifying project that involve construction;

Review and approval of plans and specifications for the qualifying project by the County;

County's inspection of the qualifying project to ensure the private entity's compliance with the Comprehensive Agreement;

Maintenance of liability insurance or self-insurance reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;

County's monitoring of the practices of the private entity to ensure proper maintenance of the qualifying project;

Terms under which the private entity will reimburse the County for County services, if any;

Policy and procedures governing the rights and responsibilities of the parties if the Comprehensive Agreement is terminated or there is a material default by the private entity. *See* Va. Code § 56-575.9(A)(8);

Filing of appropriate financial statements by private entity on a periodic basis;

User fees, lease payments, or service payments as may be established upon agreement of the parties. Any payments or fees shall be the same for persons using the facility under like conditions and shall not materially discourage use of the qualifying project;

A copy of any service contract shall be filed with the County; and

A schedule of the current user fees or lease payments shall be made available by the private entity to any member of the public upon request.

Any grants from, or loans by, the County from amounts received from federal, state, or local government sources;

Incorporation of the duties of the private entity from the PPEA;

Certification by the private entity and its team members that all material representations, information, and data provided in connection with a proposal are true and correct. If material changes occur with respect to any representations, information or data provided for a proposal, the private entity shall immediately notify the County. Any violation of this section of the Comprehensive Agreement by the private entity shall give the County the right to terminate the agreement, withhold payment or other consideration due, and seek any other remedy available under the law;

Requirement for the written approval of the County for the private entity to substitute or replace identified team members, including major subcontractors performing over \$1 million of work;

The date for the commencement of activities related to the qualifying project. *See* Va. Code § 56-575.4(F); and

Other requirements of the PPEA or terms that the County determines serve the public interest, such as liquidated damages and reporting of SWAM and Tier 2 data.

the County's procurement website and in one or more newspapers or periodicals of general circulation in the County.

Consideration of Proposals

The Working Group shall review solicited proposals, accepted unsolicited proposals, and competing proposals using the criteria listed in Appendix D. The Working Group shall recommend in writing one of the five actions listed below to the County Administrator for General Government proposals or to the Superintendent for education proposals. Upon receipt of the Working Group's recommendation, the County Administrator or Superintendent shall determine:

- not to proceed further with any proposal;
- to proceed to the detailed review phase with the original unsolicited proposal;
- to proceed to the detailed review phase with a competing proposal;
- to proceed to the detailed review phase with a solicited proposal; or
- to proceed to the detailed review phase with multiple proposals.

The County Administrator shall give written notice to all proposers of the decision of the County Administrator or Superintendent in writing.

Detailed Review Phase

If the County Administrator or Superintendent decide to proceed to the detailed review phase, the County Administrator's written notice to proposers shall establish a reasonable deadline for submission of detailed proposals based upon the complexity of the project. The required information for detailed proposals is listed in Appendix C. The County Administrator's notice may require additional information in the detailed proposals.

Each proposer shall submit an original and eight copies of its detailed proposal along with the detailed review fee to the County Administrator.

The Working Group shall evaluate each detailed proposal using the criteria listed in Appendix D. After the Working Group has reviewed the detailed proposals, it shall make its recommendations to the County Administrator or the Superintendent.

For General Government proposals, the Board shall receive the County Administrator's recommendation and hold a public hearing on the detailed proposals. For education proposals, the

School Board shall receive the Superintendent's recommendation and hold a public hearing on the detailed proposals. The public hearing shall be held at least 30 days before execution of an Interim or Comprehensive Agreement.

After the public hearing, the Board or School Board shall determine by resolution:

- not to proceed further with any proposal;
- to defer a decision until it has received additional information from one or more proposers; or
- to proceed to the negotiation phase with one or more proposers.

Negotiation Phase

Negotiations

If the Board or School Board agrees to proceed to the negotiation phase, the Working Group shall begin negotiations with one or more proposers on a Comprehensive Agreement. If desirable or necessary, the Working Group may also negotiate an Interim Agreement while the Comprehensive Agreement is being negotiated. The negotiations shall be based on the detailed proposals that were the subject of the public hearing at the end of the detailed review phase.

The private entity must enter into a Comprehensive Agreement with the County prior to developing or operating the project.

Duration of Negotiation Phase

The County anticipates that the negotiation phase may last three months or longer for simple projects and six months or longer for more complex projects.

Posting and Filing of Proposed Agreements

Once the negotiation phase for an Interim or a Comprehensive Agreement is complete, but before an Interim or a Comprehensive Agreement is executed, the County Administrator shall post the negotiated agreement on the County's website or on the Commonwealth of Virginia Department of General Services' central electronic procurement website for at least 10 days.

In addition, the County Administrator may publish a summary of the negotiated agreement and the location where copies of the negotiated agreement are available for public inspection in a newspaper of general circulation in the County.

The County Administrator shall make at least one copy of the negotiated agreement available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of Va. Code § 2.2-3705.6(11) shall not be required to be posted, except as otherwise agreed to by the County and the private entity.

Interim Agreement

Prior to, or in connection with, the negotiation of the Comprehensive Agreement, the County may enter into an Interim Agreement with the private entity. The Interim Agreement may (i) permit the private entity to commence and be compensated for initial activities related to the qualifying project, such as project planning and development, design and engineering, environmental analysis and mitigation, surveying, and ascertaining the availability of financing for the proposed facilities or services; (ii) establish the process and timing of the negotiation of the Comprehensive Agreement; and (iii) contain other provisions related to the development or operation of a qualifying project. See Va. Code § 56-575.9:1.

The Board must review, and by Board resolution authorize the County Administrator to execute, an Interim Agreement for General Government projects. The Board must review, and by Board resolution authorize the School Board to execute, an Interim Agreement for education projects. See Va. Code §§ 56-576.16(5); 56-575.3:1(C)(2).

Comprehensive Agreement

The Comprehensive Agreement shall include the components listed in Appendix E and other terms agreed to by the parties. Any changes in the Comprehensive Agreement shall be made by written amendment.

The Board must review, and by Board resolution authorize the County Administrator to execute, a Comprehensive Agreement for General Government projects. The Board must review, and by Board resolution authorize the School Board to execute, a Comprehensive Agreement for education projects. See Va. Code §§ 56-576.16(5); 56-575.3:1(C)(2).

Within 30 days after the County enters into a Comprehensive Agreement, the County Administrator shall submit a copy to the Commonwealth of Virginia's Auditor of Public Accounts.

Posting of Procurement Records

Once an Interim or Comprehensive Agreement has been executed, the County Administrator shall make procurement records available for public inspection upon request. Procurement records shall not include trade secrets of the private entity or financial records of the private entity that are not generally available to the public through regulatory disclosure or otherwise. See Va. Code § 56-575.17(D).

Voting yes: Mr. Tuck, Mrs. Bansley, Mr. Scott, Mr. Dooley and Mr. Willis

Voting no: None

Absent: Mr. Thomasson and Mr. Sharp

Motion passed.

**There being no further business, Vice-Chairman Scott adjourned the Broadband Authority
at 7:56 pm.**

Bill Thomasson, Chairman