
Organizational Meeting, Wednesday, January 6, 2010, 4:00 p.m. Government Center, Verona, VA.

PRESENT: Larry C. Howdyshell, Chairman
David R. Beyeler
Tracy C. Pyles, Jr.
Wendell L. Coleman
Jeremy L. Shifflett
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

ABSENT: Gerald W. Garber, Vice-Chairman

VIRGINIA: At an organizational meeting of the Augusta County Board of Supervisors held on Wednesday, January 6, 2010, at 4:00 p.m., at the Government Center, Verona, Virginia, and in the 234th year of the Commonwealth....

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GREENVILLE FIRE AND RESCUE STATION

The Board considered approval of Public Private Educational Facilities and Infrastructure Act PPEA guidelines and conceptual stage request for proposals.

Patrick J. Morgan, County Attorney, reported that before using the PPEA process, the Board of Supervisors has to adopt a policy which will implement the State Code and then look at each project on a case-by-case basis. Mr. Morgan gave a PowerPoint presentation with the following high-lights:

- Passed in 2002 that allows a more streamlined method of procurement and more imaginative approaches to procurement;
- Brings private funding and/or private risk to public projects;
- Provides a faster mechanism for completing projects that are time sensitive;
- Allows for creative financing; and
- Brings innovative thinking and vision from the private sector to public projects.
- Allowable uses:
 - Any education facility for a public school or institution of higher education, including any building used primarily for school events;
 - Any building or facility for principal use by a public entity;
 - Any recreational facility;
 - Any improvements, together with equipment, necessary for the security and public safety of public buildings;
 - Communications infrastructure for public buildings, including any utility infrastructure;
 - Technology infrastructure; and
 - Fosters Public / Private Partnerships for Development.

Guidelines:

- Prior to using the PPEA, responsible public entities must adopt a set of PPEA Guidelines consistent with the statute.
- Tonight the Board of Supervisors is asked to consider adopting a policy that complies with the PPEA and empowers the County to proceed under the provisions of this act.
- The PPEA process can be initiated in two ways:
 - Solicited: as with a traditional RFP, the county posts a notice that it is accepting proposals for a set-forth project under the PPEA. Provides flexibility and allows change if desired.

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GREENVILLE FIRE AND RESCUE STATION (cont'd)

- Unsolicited: a private entity submits a proposal.

Solicited Proposals:

- The county must make a determination that it reasonably expects the PPEA process to be more beneficial than traditional procurement processes under the Public Procurement Act.
- The public notice must allow for at least 45 days for proposals to be submitted.

Unsolicited Proposals:

- The county must make a threshold decision as to whether the proposal is something that fits with the county's priorities and should be pursued.
- If so, the county has to post a public notice detailing the subject matter of the proposal and providing at least 45 days for competing proposals to be submitted.
- If not, the county should return the proposal to the private entity.

Content of Conceptual Proposals:

- Project Team, along with qualifications and experience.
- Project description, with as much detail as possible including:
 - Site Plan showing project location; Project schedule.
 - Conceptual design of facility/services.
 - **BEST PRACTICE:** Clear delineation of public entity responsibilities and private sector responsibilities.
 - Disclosure of any property or interest in property that may be needed, and the plans for securing such property or interest.
 - A list of all required permits and approvals and a schedule for obtaining them.

Project cost and financing:

- **BEST PRACTICE:** Detailed financing plan (i.e., Pro Forma).
- **BEST PRACTICE:** Sources of funds for the project.
- Public benefits and tax considerations.

Review Process:

- The PPEA statute and guidelines set forth the minimum information necessary for submission of a PPEA proposal.
- The review process consists of two stages:
 - Initial review of the conceptual proposal(s) submitted.
 - Review of detailed phase proposals and negotiation of a comprehensive agreement (PPEA contract).

Conceptual Stage Review:

- Internal staff reviews submitted proposals.
- Staff evaluates all competing proposals based on broad criteria and makes a recommendation to:
 - Stop the process and return all proposals.
 - Move one proposal to the detailed phase.
 - Move two or more proposals to the detailed phase.
- Make a determination, in writing, that proceeding with a competitive negotiation under the PPEA will be in the public interest – as opposed to using the Public Procurement Act procedures.
- In order to find a public interest, it must determine that there is public benefit given:
 - The scope, complexity, or urgency of the project; or
 - The existence of risk sharing, added value, funding, or economic benefits not otherwise available to the public entity.

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GREENVILLE FIRE AND RESCUE STATION (cont'd)

- The staff's recommendation is provided to the County Administrator.
- The County Administrator then has several options in making a decision to advance the project to the next phase:
 - Ask the review committee for further information or analysis.
 - Agree with the recommendation and authorize the committee to proceed accordingly.
 - Agree with the recommendation, but authorize the committee to proceed accordingly with certain conditions.
 - Disagree with the committee recommendation and direct it to act in a particular manner (for example, move two proposals to the detailed phase rather than just one).

Detailed Phase Review:

- Once a decision has been made to move to the detailed phase review with one or more proponents, the proponents must submit a detailed proposal.
- The detailed proposal is then reviewed and evaluated by substantially the same review committee from the conceptual phase.
- The Finance Director coordinates a review by outside financial consultants, if needed.
- Additional expertise is brought in as needed.
- An internal staff team is established to negotiate a development agreement and cooperation agreement (if necessary).
- If a comprehensive agreement cannot be reached, the county has several options:
 - Stop the PPEA process – the county has the authority to terminate the process at any time prior to signing a comprehensive agreement.
 - Terminate negotiations with the proposer and seek approval from the County Administrator to enter into negotiations with another proposer or proponents.

Mr. Morgan added that a change needed to be made in the proposal given to the Board. On Page 12, mentions 45-day period where an advertisement needs to be placed in general circulation one time a week for four successive weeks. He noted that was not necessary; only one advertisement was needed.

Patrick J. Coffield, County Administrator, gave examples of other jurisdictions using the PPEA to help with infrastructure projects including Rockingham County with SRI International, School Administration Building and County Government office addition, Harrisonburg with a school project and the Augusta County Service Authority with the Stuarts Draft water treatment plant. Mr. Morgan added that “you have a little more flexibility; but in getting the flexibility, you have to require a lot more of the applicant to make sure you're getting exactly what you want and that it is going to comply.” He added that one of the ways the PPEA could help the fire station project is that it could allow the county to bypass some architectural design work since the proposal only calls for a basic building that would just need to fit building code requirements.

John C. McGehee, Assistant County Administrator, added, “this is something new for Augusta County. I look at it as an opportunity.” Mr. McGehee introduced and asked for the Board's input in revising the RFP for the Greenville Fire and Rescue Station.

Ms. Sorrells noted that the fire and rescue station project description needs to indicate that it is in the Greenville “area”. She also asked that the statement regarding ten employees should include “employees and/or volunteers”. On Page 5, under the Review Committee, Ms. Sorrells asked if members of the committee should be

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GREENVILLE FIRE AND RESCUE STATION (cont'd)

appointed by the Chairman of the Board of Supervisors. Mr. McGehee reported that staff believes that the Real Estate Contract/Construction Committee, chaired by Supervisor Shifflett, should be the Review Committee unless the Board wanted to change it. He noted that the Committee included Jeremy Shifflett (Supervisor), Mike Nickell (Building Inspections), Fire Chief Carson Holloway, John McGehee (Assistant County Administrator) and Pat Morgan (advisor). Mr. Beyeler asked that the proposal reflect the present Committee.

Mr. McGehee asked that an addition be made to the proposal, under Project Characteristics (Page 3), reflecting the location of the site proposed identified by tax map and parcel. It should also be noted under the evaluation criteria (Page 6), Project Characteristics.

Mr. Beyeler asked Mr. Morgan how much of the financial information was available under the Freedom of Information Act (FOIA). Mr. Coffield stated that the corporate financial information was left confidential in Rockingham County. The RFP response (minus the corporate financial) was made public. Mr. Morgan advised that Page 8 indicates information on "Separation and Marking of Confidential Information". Mr. McGehee added that vendors can mention on the RFPs what is proprietary information. If it is identified as proprietary information, it would remain confidential.

Mr. McGehee expressed appreciation to Rockingham County officials and Bo Beasley of the Service Authority for assisting with this process. "When you start a process that you have not done before, you have to glean any information that you can get. They have been extremely helpful." Mr. McGehee added that during the Conceptual Stage, interviewees will be invited to give a presentation.

Mr. Coffield mentioned that the Board had directed at the last meeting that this issue be brought before the Board in draft form for consideration. He noted that it could be advertised to seek proposals. Forty-five days would be February 22; review March 10th. Public hearing would be either March 24th or April 14th.

Mr. Morgan added that the policy needs to be adopted before moving forward. After that motion, the authorization to move forward with the project can be considered.

Ms. Sorrells moved, seconded by Mr. Shifflett, that the Board adopt the PPEA policy.

Vote was as follows: Yeas: Howdysshell, Sorrells, Beyeler,
 Shifflett, Pyles and Coleman

 Nays: None

 Absent: Garber

Motion carried.

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Ms. Sorrells moved, seconded by Mr. Shifflett, that the Board approve the RFP for the PPEA for the design/construction of a fire station in the Greenville area, as revised.

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GREENVILLE FIRE AND RESCUE STATION (cont'd)

Vote was as follows: Yeas: Howdyshell, Sorrells, Beyeler, Shifflett and Coleman

Nays: Pyles

Absent: Garber

Motion carried.

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Mr. Pyles expressed concern of budget and financial issues, "we have tremendous amount of belt-tightening going on right now, and this is not a time to let our belt out."

Mr. Pyles moved, no second, that the Board approve a similar proposal be made to solicit proposals to relocate Company 10 with a rescue unit south of Staunton (southern border of Staunton to five miles south).

Chairman Howdyshell stated that this issue has been studied, researched, and debated not to move Company 10. Mr. Beyeler mentioned that the Board has previously voted that Company 10 remain at its current location and felt that the motion was out of order. Mr. Morgan stated that the motion was not out of order for re-consideration.

Vote was as follows: Yeas: Pyles

Nays: Howdyshell, Sorrells, Beyeler, Shifflett and Coleman

Absent: Garber

Motion failed.

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CHAIRMAN HOWDYSHHELL EXPRESSED APPRECIATION

Chairman Howdyshell made the following statement:

Nevertheless, this has been an exciting and challenging year. We've had some obstacles. We've met those obstacles. The Board has done an outstanding job of dealing with a lot of things that haven't been very pleasant this past year. We hope that, through this, we have gained some knowledge and some experience and bettered ourselves. We've done things that we never thought we would be able to do. We've faced challenges that most people would say government would never do; but we've done it. I'm not much on speeches and a lot of words, but I've grown a lot and I've gotten a few gray hairs where I haven't had gray hairs before, mainly on my eyebrows. I appreciate the opportunity the Board has entrusted in me to do this job and I gladly think it's time for a new Chair. Every year we need to do this. As you go through the chairmanship, I think a year is long enough.

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ELECTION OF CHAIRMAN – 2010

Chairman Howdyshell called for nominations for Chairman for 2010.

Mr. Coleman nominated Gerald W. Garber, seconded by Ms. Sorrells, Chairman for 2010.

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ELECTION OF CHAIRMAN – 2010 (cont'd)

The Chairman called for a vote for Gerald W. Garber, Chairman for 2010.

Vote was as follows: Yeas: Howdysshell, Sorrells, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Absent: Garber

Motion carried.

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VICE CHAIRMAN FOR 2010

Mr. Beyeler nominated Jeremy L. Shifflett, seconded by Ms. Sorrells, for Vice-Chairman for 2010. Mr. Beyeler moved that Jeremy L. Shifflett be elected by acclamation.

Vote was as follows: Yeas: Howdysshell, Sorrells, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Absent: Garber

Motion carried.

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BOARD MEETING SCHEDULE FOR 2010

Vice-Chairman Shifflett advised that the Board meeting schedule and resolution had been enclosed with the last meeting agenda package, noting that the Board had reviewed the schedule earlier with no comments.

Mr. Beyeler moved, seconded by Mr. Howdysshell, that the Board adopt the schedule as submitted and resolution:

SCHEDULED MEETINGS OF THE
AUGUSTA COUNTY BOARD OF SUPERVISORS
FOR THE YEAR 2010

LOCATION: GOVERNMENT CENTER, VERONA, VA

DATES - 2010	Regular Meetings		Staff Briefings
	Wednesday	Monday	Monday
	7:00 p.m.	7:00 p.m.	1:30 p.m.
JANUARY (ORGANIZATIONAL MEETING)	6 th	4:00 p.m.	
JANUARY	13 th	27 th	25 th
FEBRUARY	10 th	24 th	22 nd
MARCH	10 th	24 th	22 nd
APRIL	14 th	28 th	26 th
MAY	12 th	26 th	24 th
JUNE	9 th	23 rd	21 st
JULY	14 th	28 th	26 th
AUGUST	11 th	25 th	23 rd
SEPTEMBER	8 th	22 nd	20 th
OCTOBER	13 th	27 th	25 th
NOVEMBER	10 th	23 rd	(Tues) 22 nd
DECEMBER	8 th		

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BOARD MEETING SCHEDULE FOR 2010 (cont'd)

Special Meetings:

Budget Hearing	April 21, 2010	
Budget Adoption	May 5, 2010	
Organizational Meeting	January 5, 2011	5:00 p.m.

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- **March 29th & 30th -Budget Briefing**
 - **November 7th through 9th - Annual VACo Conference**
 - **July 14th (previously cancelled - 7/11/07; 7/9/08; 7/8/09)**

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**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, § 15.2-1416 of the Code of Virginia (1950), as amended, requires that the Board of Supervisors of Augusta County, Virginia, at its organizational meeting, prescribe by resolution the days on which it will hold future meetings during the ensuing months.

WHEREAS, the Board of Supervisors now desires to establish its schedule for regular meetings during calendar year 2010.

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

1. The Board of Supervisors shall hold regular meetings during calendar year 2010, in the Board Meeting Room at the Augusta County Government Center, on the dates and at the times set forth on the schedule attached to this Resolution.

2. In the event the Chairman of the Board of Supervisors, or the Vice Chairman of the Board of Supervisors, if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Board of Supervisors to attend a regular meeting, such regular meeting shall be continued to the next business day. Such finding and declaration shall be communicated to the members of the Board of Supervisors and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Mr. Coleman commented that the July meeting has been cancelled the previous three years and felt that it should be cancelled now to eliminate additional work at a later date to cancel the meeting. Mr. Beyeler felt that the July cancellation should be considered at a later date after determining the work load.

Vote was as follows: Yeas: Howdyshell, Sorrells, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Absent: Garber

Motion carried.

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TIE BREAKER

Mr. Beyeler advised that the Board has an odd number of supervisors, but in case of an even vote (with someone absent), the vote would fail. He suggested that the same procedure be used as has been used in the past.

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TIE BREAKER (cont'd)

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board not appoint a tie breaker for 2010.

Vote was as follows: Yeas: Howdysshell, Sorrells, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Absent: Garber

Motion carried.

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RULES OF PROCEDURE

The Board considered adoption of Rules of Procedure.

Mr. Coffield noted that there were two forms; one for the Board of Supervisors and the other for staff to sign when attending a Closed Session.

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board adopt the Rules of Order, as it relates to the Board, and do away with the requirement for the Board and Staff to sign pledges.

Mr. Coleman stated that a signed form would not prevent someone speaking outside of Closed Session.

Vote was as follows: Yeas: Howdysshell, Sorrells, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Absent: Garber

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Donna Fix, of Meade Mobile Home Park, expressed her appreciation for the donations made to the Kelli Talley family in those weeks after the loss of their mobile home in a fire on December 7th. Ms. Fix mentioned that there is a self-constructed wood stove in her mobile home park and added that it had been brought to her attention that there is no Fire Marshall in Augusta County. The Fire Department had referred her to the Virginia State Fire Marshall's office with Stephen Sites. Mr. Sites said that he would find out what the state laws were concerning this issue. She understood that there is no code or regulations regarding inspections in mobile homes, particularly, with wood stoves. She wanted the Board to be aware that a person will be coming to the area to do an investigation.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following:

Mr. Howdysshell: Thank you to staff for their hard work during the inclement weather.

Mr. Beyeler: Thank you to Mr. Howdysshell for his excellent job in serving as Chairman in 2009. "Although it hasn't always been smooth, you've done an excellent job. Thank you!"

Ms. Sorrells: Echoed Mr. Beyeler. Further, with the big snow storm, she thanked VDOT, Fire and Rescue, and National Guard for their assistance.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Beyeler moved, seconded by Ms. Sorrells, the Board adjourned subject to call of the Chairman.

Vote was as follows: Yeas: Howdysshell, Sorrells, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Absent: Garber

Motion carried.

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Chairman

County Administrator