

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

February 7, 2006

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, at 1:05 P. M., Tuesday, February 7, 2006, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz; M. S. Joe Brito; Jack R. Cavalier, Vice Chairman; Mark L. Dudenhefer, Peter J. Fields; Robert C. Gibbons, Chairman; and Paul V. Milde III.

Also in attendance were: Steve Crosby, County Administrator; Joseph L. Howard, County Attorney; and Marty Y. Beard, Chief Deputy Clerk.

Presentation by the Public. The following persons spoke on topics as identified:

Jim McMath	-	Comprehensive Plan.
John Schindel	-	Public transportation.
Lou Silver	-	Widewater Park.
	-	Crows Nest.
	-	Fannie Roots.
	-	“Character” is theme for Taxpayers Association.

- Planning Commission Meeting on Comprehensive Plan.
  
- Christine Wedding
  - Requested VDOT assistance.
  - Procurement Code.
  
- Donald Travis
  - Transportation issues.
  - Attendance at meetings to become an informed citizen.

Legislative; Report of the Superintendent of the Schools. Dr. Jean Murray, Division Superintendent of Schools, gave a presentation on current school issues and responded to Board members questions.

Legislative; Presentation and Committee Reports by Board Members. Board members spoke on topics as identified:

- Mr. Brito
  - Procurement Code.
  - Civil War monument.
  - Attended Boy Scout Troop 142 Eagle Scout Award Ceremony for Jonathan Clancey.
  - Attended Regional Elected Officials Meeting.
  - Attended Ribbon Cutting Ceremony for Visitors Center at Wingate Inn on Warrenton Road.
  - Rappahannock River Easement.
  
- Mr. Dudenhefer
  - Procurement Code.
  - Attended Rappahannock Regional Jail Authority Board meeting.
  
- Mr. Schwartz
  - Placement of signs for Stafford Freedom project.

- Attended Ribbon Cutting Ceremony for Visitors Center at Wingate Inn on Warrenton Road.
- Traffic on Sanford Drive.
- Remove Item 2 from Consent Agenda.

- Mr. Milde
- Thanked supporters of his election.
  - Crows Nest.
  - Transportation issues.
  - Brooke Post Office.
  - Requested proclamation for Postmaster at Brooke Post Office.

- Mr. Fields
- Smart Growth Coalition.
  - Impact Fees.
  - Transfer of development rights.

- Mr. Cavalier
- New state park in Widewater.
  - Removed Item 5 from Consent Agenda.
  - Attended Parks and Recreation Commission meeting.
  - Bond referendum.
  - Attended meeting of Stonebridge Homeowner's Association.
  - Attended meeting of Aquia Harbour Homeowner's Association.

- Mr. Milde
- Removed Item 10 from Consent Agenda.

- Mr. Gibbons
- Expressed appreciation to Mr. Cavalier for his efforts on the new state park in Widewater.

- Signage for Stafford Regional Airport and Visitor’s Center.
- Signage for Rowser Building.
- Town Hall Meeting on Virginia Railway Express.
- Policy on flags.
- Location of fire hydrants at Bridal Estates.
- Rappahannock Area Development Commission merger.
- Air quality in Planning District 16 federally mandated.

Legislative; Report of the County Attorney. Mr. Joseph L. Howard, County Attorney, commented on the following:

- Additions to Closed Meeting Agenda.

Legislative; Report of the County Administrator. Mr. Steve Crosby, County Administrator, commented on the following:

- Reassessments.
- Megan Orient commented on the Grand Opening of the Stafford Visitor’s Center and tourism.

Legislative; Consent Agenda. Mr. Fields motioned, seconded by Mr. Cavalier, to adopt the Consent Agenda consisting of Items 1 thru 10, omitting items 2, 5, and 10.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Item 1. Legislative; Approve Minutes of Board Meeting. Regular Meeting of December 13, 2005.

Item 3. Utilities; Authorize a Public Hearing to Transfer Property to the School Board.

Resolution R06-63 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO TRANSFER  
PARCEL AP-54-132A TO THE SCHOOL BOARD

WHEREAS, Stafford County is the owner of Parcel AP54-132A, which consists of 433 square feet; and

WHEREAS, the property is surplus to the County needs; and

WHEREAS, the School Board desires the parcel for the new Grafton Village Middle School; and

WHEREAS, the County desires to transfer ownership of the parcel to the School Board; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires that a public hearing be held prior to transfer of the property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the County Administrator be and he hereby is authorized to hold a public hearing to transfer Parcel AP54-132A to the School Board.

Item 4. Legislative; Approve Proclamations:

Proclamation P06-05 reads as follows:

A PROCLAMATION TO COMMEMORATE  
POSTHUMOUSLY CPL. BRETT LEE LUNDSTROM

WHEREAS, Cpl. Brett Lee Lundstrom, 22, chose to follow in his father's footsteps as a proud member of the United States Marine Corps after graduating from Brooke Point High School in 2001; and

WHEREAS, Cpl. Brett Lee Lundstrom, a member of the Oglala Sioux Tribe, was known as a kind-hearted, charismatic and extremely bright young man, an avid sports fan and cross-country runner who always had a smile and a joke for everyone he met; and

WHEREAS, Cpl. Brett Lee Lundstrom served in Iraq as a rifleman with E Co., 2<sup>nd</sup> Battalion, 6<sup>th</sup> Marines, as part of Regimental Combat Team-8, II Marine Division; and

WHEREAS, during tours of duty fighting our Nation's war on terror in Afghanistan and Iraq, Cpl. Brett Lee Lundstrom was awarded two Navy Achievement Medals, an Iraqi Campaign Medal, an Afghanistan Campaign Medal, the Global War on Terrorism Service Medal and the National Defense Medal; and

WHEREAS, Cpl. Brett Lee Lundstrom was killed by small arms fire during a valiant fight with insurgents on Saturday, January 7, 2006, near Fallujah, Iraq; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the ultimate sacrifice which Cpl. Brett Lee Lundstrom made in defense of his country, and to express its sincere condolences to his family;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that Cpl. Brett Lee Lundstrom be and he hereby is commemorated posthumously

Proclamation P06-06 reads as follows:

A PROCLAMATION TO RECOGNIZE AND  
COMMEND VERNON E. BLAISDELL

WHEREAS, Vernon E. Blaisdell was the Hartwood District representative on the Utilities Commission from February 1996 through January 2006; and

WHEREAS, the Utilities Commission was created as a critical advisory body to assist the Board with the growth and development of the County's utility system; and

WHEREAS, Vernon E. Blaisdell served as Chair of the Commission from January 2005 through January 2006, and was the Recording Secretary from January 2003 through January 2005; and

WHEREAS, Vernon E. Blaisdell was a strong supporter of the Rocky Pen Run project, and served on the Drainfield Standards Committee; and

WHEREAS, Vernon E. Blaisdell spent countless hours meeting with Health Department officials, businessmen and other citizens affected by the Commission's actions, and faithfully attended meetings of the Commission and its committees to ensure that the needs of the community were fully recognized; and

WHEREAS, his fellow Commission members respected Vernon E. Blaisdell for his moderating influence and fair and balanced viewpoints; and

WHEREAS, as a member of a family which has resided in Stafford for several generations, Vernon E. Blaisdell offered a practical perspective and unique knowledge of the County during a decade of unprecedented growth; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the dedication and enthusiasm with which Vernon E. Blaisdell worked on behalf of all the residents of Stafford;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that Vernon E. Blaisdell be and he hereby is recognized and commended for his service on the Utilities Commission.

Proclamation P06-07 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND THE STAFFORD  
SENIOR HIGH SCHOOL GIRLS VARSITY FIELD HOCKEY TEAM

WHEREAS, the Stafford Senior High School Girls Varsity Field Hockey Team finished the season with a perfect 24-0 record, outscoring their opponents by a combined total of 130-6, including 17 shutouts; and

WHEREAS, the squad prevailed over former State Champion teams from Frank W. Cox High School and Princess Anne High School in Virginia Beach and W. T. Woodson High School in Fairfax to win the title of Virginia High School League AAA 2005 State Champions; and

WHEREAS, the Stafford Senior High School Girls Varsity Field Hockey Team rallied from deficits in the State Quarters and Finals, thanks to a total team effort, superior sportsmanship and a heartfelt passion for the game; and

WHEREAS, the Stafford Senior High School Girls Varsity Field Hockey Team also garnered top honors as Northwest Region Champions and took the Commonwealth District title during the regular season; and

WHEREAS, the Stafford Senior High School Girls Varsity Field Hockey program is respected throughout the state as a powerhouse, thanks to a rigorous off-season conditioning program, the ability to handle adversity, and a willingness on the part of all members of the team to support one another on and off the field of play; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the dedication and enthusiasm with which the members of the Stafford Senior High School Girls Varsity Field Hockey Team have worked to garner top honors in their sport;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the Stafford Senior High School Girls Varsity Field Hockey Team be and they hereby are recognized and commended for their many outstanding successes.

Proclamation P06-04 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND COUNTY STAFF, SCHOOL PERSONNEL, STUDENTS AND THE STAFFORD COUNTY HISTORICAL SOCIETY FOR COLLABORATING TO PRODUCE “STAFFORD IS MY HOME”

WHEREAS, County government employees, Stafford County Public School System staff and students from the North Stafford High School Learn and Serve Program collaborated to produce an educational and entertaining activity book for elementary school children titled “Stafford is My Home”; and

WHEREAS, Jane Conner, on behalf of the Stafford County Historical Society, provided historical resources and expertise; and

WHEREAS, two North Stafford High School Learn and Serve classes, taught by Katy Werner, volunteered to develop the book’s activities to broaden the scope of the

material, strengthen the lessons it presents, and keep development costs to a minimum;  
and

WHEREAS, this unique activity book supports the Virginia Standards of Learning requirements for history and social science; and

WHEREAS, “Stafford is My Home” contains a useful table of resources for parents and addresses issues to help families identify Stafford County as their home, while exploring state history, local government, and what it means to live in a democracy; and

WHEREAS, “Stafford is My Home” touts the unique historical and recreational assets the County offers; and

WHEREAS, “Stafford is My Home” also teaches essential child safety lessons and provides crossword puzzles, stories and other activities about conservation and recycling and

WHEREAS, school employees conducted a contest among third and fourth graders for the design of the cover, and selected the vibrant expression of Victoria Yuen, a student at Kate Waller Barrett Elementary School; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the hard work and collaborative effort which resulted in a unique learning tool to enhance community spirit, insure the safety of our children, and share the historical and environmental assets of Stafford;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that County staff, School Personnel, Students and the Stafford County Historical Society be and they hereby are recognized for collaborating to produce “Stafford is My Home.”

Proclamation P06-08 reads as follows:

A PROCLAMATION TO DECLARE FEBRUARY 2006  
AS BLACK HISTORY MONTH IN STAFFORD

WHEREAS, Americans have recognized Black history annually since 1926, thanks to the contributions of Harvard graduate Dr. Carter G. Woodson who researched and wrote about the legacy of Black Americans, and brought national attention to the contributions of this important segment of our nation's population; and

WHEREAS, African-Americans have been among the leading scientists, physicians and intellectuals in America, including Benjamin Banneker, a self-taught surveyor, mathematician and astronomer, and agricultural chemist George Washington Carver, who revolutionized the farming economy of the South; and

WHEREAS, the recent death of Coretta Scott King, the widow of slain civil-rights leader Martin Luther King Jr., brings to the forefront during this special observance her work and the efforts of other African-Americans to continue the legacy of Dr. King's vision for social and economic change through non-violent means; and

WHEREAS, the African-American Community in Stafford is a vibrant and growing component of the population, employed in key positions in the private sector as teachers, doctors and pastors, as well as in local, state and federal governments; and

WHEREAS, the Stafford County Branch of the NAACP, National Council of Negro Women and the Stafford County Historical Society work to preserve and disseminate information about African-American history locally through special programs and publications; and

WHEREAS, the Board desires to call public attention to the achievements of African-Americans in Stafford and throughout the Nation, and to use this occasion to highlight the ingenuity, creativity, and cultural and political experiences of citizens of African descent;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that February 2006 be and it hereby is declared as Black History Month in Stafford.

Item 6. Public Services; Petition VDOT to Include a Street Within Summerset Ridge and Streets Within Stafford Lakes Village, Section 9, Into the State Secondary Road System.

Resolution R06-41 reads as follows

A RESOLUTION PETITIONING THE VIRGINIA DEPARTMENT  
OF TRANSPORTATION TO INCLUDE PINEY HILL LANE WITHIN  
SUMMERSET RIDGE SUBDIVISION INTO THE STATE SECONDARY  
ROAD SYSTEM

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Piney Hill Lane within Summerset Ridge Subdivision into the State Secondary Road System; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Summerset Ridge Subdivision into the State Secondary Road System:

Street	Station	Length
Piney Hill Lane	Fr: Inter. Holly Corner Road	0.20 Miles
	To: 0.20 Mi. S. Inter. Holly Corner Road	50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Summerset Ridge Subdivision, LR 030025990, recorded July 2, 2003; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the developer and the Residency Administrator of VDOT.

Resolution R06-07 reads as follows

A RESOLUTION PETITIONING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE VILLAGE PARKWAY, WILD ROSE DRIVE, COUNTRY MANOR DRIVE, STILL SPRING COURT WITHIN STAFFORD LAKES VILLAGE, SECTION 9, INTO THE STATE SECONDARY ROAD SYSTEM

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add these streets within Stafford Lakes Village, Section 9, into the State Secondary Road System; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th of February, 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Stafford Lakes Village, Section 9, into the State Secondary Road System:

Street	Station	Length
Village Parkway	Fr: Inter. Stratford Hall Court To: Country Manor Drive	0.18 Miles 90' ROW
Wild Rose Drive	Fr: Inter. Country Manor Drive To: Still Spring Court	0.17 Miles 50' ROW
Wild Rose Drive	Fr: Still Spring Court To: Country Manor Drive	0.13 Miles 50' ROW
Country Manor Drive	Fr: Village Parkway To: Wild Rose Drive	0.07 Miles 52' ROW
Country Manor Drive	Fr: Wild Rose Drive To: Wild Rose Drive	0.25 Miles 52' ROW
Still Spring Court	Fr: Inter. Wild Rose Drive To: Wild Rose Drive	0.04 Miles 44' ROW

Unrestricted rights-of-ways (ROW), as indicated above, for these streets with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Stafford Lakes Village, Section 9, PM 040000062, Instrument Number 040011106 recorded March 22, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the developer and the Residency Administrator of VDOT.

Item 7. Utilities; Authorize Acquisition of Easements for the Truslow Road Water Line Extension.

Resolution R06-62 reads as follows:

A RESOLUTION TO AUTHORIZE PAYMENT FOR AN EASEMENT  
ON PARCEL 44-117E FOR THE TRUSLOW ROAD WATER LINE  
EXTENSION

WHEREAS, the Board has authorized construction of the Truslow Road Water Line Extension; and

WHEREAS, water line easements are necessary to construct the water line extension; and

WHEREAS, the owners of Tax Map 44, Parcel 117E, have agreed to grant the necessary easement on their property for \$2,000; and

WHEREAS, staff has determined that this amount is reasonable compensation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that the County Administrator be and he hereby is authorized to make payment in an amount not to exceed Two Thousand Dollars (\$2,000) for an easement on Parcel 44-117E for the Truslow Road Water Line Extension.

Resolution R06-74 reads as follows:

A RESOLUTION TO AUTHORIZE PAYMENT FOR AN EASEMENT ON  
PARCEL 44-116 FOR THE TRUSLOW ROAD WATER LINE EXTENSION

WHEREAS, the Board has authorized construction of the Truslow Road Water Line Extension; and

WHEREAS, water line easements are necessary to construct the water line extension; and

WHEREAS, the owners of Tax Map 44, Parcel 116, have agreed to grant the necessary easement on their property for \$4,368; and

WHEREAS, staff has determined that this amount is reasonable compensation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that the County Administrator be and he hereby is authorized to make payment in an amount not to exceed Four Thousand, Three Hundred Sixty-Eight Dollars (\$4,368) for an easement on Parcel 44-116 for the Truslow Road Water Line Extension.

Resolution R06-75 reads as follows:

A RESOLUTION TO AUTHORIZE PAYMENT FOR AN EASEMENT ON  
PARCEL 44-117D FOR THE TRUSLOW ROAD WATER LINE EXTENSION

WHEREAS, the Board has authorized construction of the Truslow Road Water Line Extension; and

WHEREAS, water line easements are necessary to construct the water line extension; and

WHEREAS, the owners of Tax Map 44, Parcel 117D, have agreed to grant the necessary easement on their property for \$3,978; and

WHEREAS, staff has determined that this amount is reasonable compensation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that the County Administrator be and he hereby is authorized to make payment in an amount not to exceed Three Thousand, Nine Hundred Seventy-Eight Dollars (\$3,978) for an easement on Parcel 44-117D for the Truslow Road Water Line Extension.

Item 8. Utilities; Award Contract for Centrifuge for the Little Falls Run Wastewater Treatment Facility.

Resolution R06-68 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO AWARD A CONTRACT FOR A CENTRIFUGE AT THE LITTLE FALLS  
RUN WASTEWATER TREATMENT FACILITY

WHEREAS, the existing fifteen year old centrifuge at the Little Falls Run Wastewater Treatment Facility is in need of replacement; and

WHEREAS, the replacement of this equipment was approved in a previous Capital Improvement Program and funding is included in the current budget; and

WHEREAS, the design for the replacement centrifuge has been completed and offered for public bid; and

WHEREAS, one bid was received from Andritz-Ruthner, Inc. in the amount of \$382,550; and

WHEREAS, this bid has been reviewed and determined to be reasonable by Parsons, the firm providing engineering services for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that the County Administrator be and he hereby is authorized to award a contract to Andritz-Ruthner, Inc. in an amount not to exceed Three Hundred Eighty-Two Thousand Five Hundred Fifty Dollars (\$382,550) for a centrifuge for the Little Falls Run Wastewater Treatment Facility.

Item 9. Utilities; Award Contracts for Purchase of Chemicals for Water and Wastewater Treatment Facilities.

Resolution R06-73 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE CONTRACTS FOR THE PURCHASE OF PROCESS  
CHEMICALS

WHEREAS, the Department of Utilities needs to purchase process chemicals for use at its water and wastewater treatment facilities; and

WHEREAS, funds are available in the FY2006 Operating Budgets for the purchase of these chemicals; and

WHEREAS, the County has participated in a cooperative bid process with the Fairfax County Water Authority and other jurisdictions for the purchase of water and wastewater treatment process chemicals and has solicited bids for two of these chemicals on its own;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that the County Administrator be and he hereby is authorized to execute contracts with Univar USA with an estimated 12-month expenditure of \$242,000; Allegiance Chemicals with an estimated 12-month expenditure of \$295,000; Kuehne Chemical with an estimated 12-month expenditure of

\$187,000; and General Chemical with an estimated 12-month expenditure of \$421,000 for the purchase of process chemicals for the water and wastewater treatment facilities, subject to appropriation of funds in FY2007 for this purpose; and

BE IT FURTHER RESOLVED that these contracts are authorized for renewal for up to three (3) additional 12-month periods subject to appropriation of funds by the Board for this purpose in subsequent years.

Finance; Approve Expenditure Listings. Mr. Schwartz commented.

Discussion ensued.

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to request that all payments regarding the Stafford Regional Airport Authority be done incrementally as phases of construction are complete.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Mr. Schwartz, seconded by Mr. Fields, to adopt proposed Resolution R06-76 with a change.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Resolution R06-76 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED

JANUARY 17, 2006, THROUGH FEBRUARY 6, 2006

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the above-mentioned EL be and it hereby is approved.

Parks and Recreation; Consider Name of Park on Moncure Property. Mr. Cavalier motioned, seconded by Mr. Fields, to refer proposed Resolution R06-77 to the Parks and Recreation Commission.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Frito, Cavalier, Dudenhefer, Fields

Nay: (0)

Legislative; Regular Agenda Addition. Mr. Milde motioned, seconded by Mr. Cavalier, to add an appointment to the Parks and Recreation Commission to the Regular Agenda.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Legislative; Appoint Members to Boards, Authorities, Commissions and Committees; Parks and Recreation Commission. Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-126.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution R06-126 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE PARKS  
AND RECREATION COMMISSION

WHEREAS, Section 15.2-1806 of the Code of Virginia (1950), as amended, authorizes the Board to appoint members to serve on the Parks and Recreation Commission; and

WHEREAS, membership consists of ten members, one member from each election district in the County, one member as a representative from the School Board, one member from the Board of Supervisors and one member from the Planning Commission; and

WHEREAS, the Board has appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
John Druiett (Hartwood District)	December 31, 2008
Thomas Paton (Garrisonville District)	December 31, 2007
VACANT (Aquia District)	December 31, 2006

Jack R. Cavalier  
(Board of Supervisors) December 31, 2006

John C. LeDoux  
(School Board Representative) December 31, 2007

Randy Walther  
(Falmouth District) December 31, 2008

Kenneth Mitchell  
(Planning Commission) December 31, 2007

Chris Hoppe  
(Griffis-Widewater District) December 31, 2008

Brian Robinson  
(George Washington District) December 31, 2006

Laurence R. Checca  
(Rock Hill District) December 31, 2008

WHEREAS, a vacancy exists in the Aquia District; and

WHEREAS, the Board desires to fill the vacancy; and

WHEREAS, the term of appointment is three years;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of January, 2006, that

<u>NAME</u>	<u>EXPIRATION</u>
Robert Ray (Aquia District)	December 31, 2006

be and he hereby is appointed to the Parks and Recreation Commission.

Legislative; Appoint Members to Boards, Authorities, Commissions and Committees; Beautification Committee. Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-111.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde  
Nay: (0)

Resolution R06-111 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE STAFFORD  
COUNTY BEAUTIFICATION COMMITTEE

WHEREAS, Resolution R02-215 reestablished the Beautification Committee; and

WHEREAS, Resolution R02-215 authorizes 17 members to be appointed to the Beautification Committee, one to represent each of the following: education system, business community, County Extension Office, a community or civic organization, a high school student, a youth organization, County government, a garden club, Sheriff's Office, community involvement representative, and one representative from each of the County's seven election districts; and

WHEREAS, the Board desires to appoint an additional high school student representative; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
Julie May (County Government)	December 31, 2006
Trina McCarthy (Youth Organization)	December 31, 2006
Ian Treggett (Extension Office)	December 31, 2006
Laurie Posner (George Washington District)	December 31, 2006
Bobbye Hayes (Griffis-Widewater District)	December 31, 2006
Janet O’Neal (Education System)	December 31, 2006
Betty Avisian (Falmouth District)	December 31, 2006
Sandra West (Community Organization)	December 31, 2006
Deputy Craig Cain (Sheriff’s Office)	December 31, 2006

Cynthia Lucero-Chavez  
(Community Involvement) December 31, 2006

Eleanor Brookover  
(Rock Hill District) December 31, 2006

Mike Holmes  
(Hartwood District) December 31, 2005

VACANT  
(Business Community) December 31, 2005

Anne Kline  
(Garden Club) December 31, 2005

VACANT  
(Garrisonville) December 31, 2004

Shari Kern  
(Aquia) December 31, 2006

Jacob Kern  
(High School Student) December 31, 2006

Anthony Celestini  
(High School Student) December 31, 2006

WHEREAS, the term of the Garrisonville representative has expired; and

WHEREAS, the Board desires to fill this vacancy; and

WHEREAS, the term of membership is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that

<u>NAME</u>	<u>EXPIRATION</u>
Wendy Meyer (Garrisonville)	December 31, 2006

be and she hereby is appointed to the Beautification Committee.

Planning; Consider Rezoning 38.99 Acres from A-1 to M-1 Located at 50 Riverside Parkway. Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-13.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz  
Nay: (0)

Ordinance O06-13 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY, WITH PROFFERS, FROM A-1, AGRICULTURAL TO M-1, LIGHT INDUSTRIAL, ASSESSOR'S PARCELS 44-147, HARTWOOD ELECTION DISTRICT

WHEREAS, H. Clark Leming, applicant for the Ward Corporation, has submitted application RC2500922 requesting reclassification, with proffers, of Assessor's Parcel 44-147 from A-1, Agricultural, to M-1, Light Industrial, consisting of 38.99 acres, located on the west side of Riverside Parkway, south of Sanford Drive, within the Hartwood Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from A-1 Agricultural, to M-1, Light Industrial, Assessor's Parcel 44-147 with the following proffers:

1. Transportation
  - A. Subject to VDOT warrants being met, the Applicant agrees to install a traffic signal at the intersection of Sanford Drive and Riverside Parkway.
  - B. Access to the Property shall be from Riverside Parkway, as indicated on the Generalized Development Plan, dated March 16, 2005, revised August 11, 2005, prepared by ATCS, PLC, ("GDP").

- C. The Applicant agrees to contribute the sum of fifty thousand dollars (\$50,000.00) toward improvements to Sanford Drive, twenty-five thousand dollars \$25,000.00 payable within thirty (30) days of approval of a final site plan for the property, and twenty-five thousand dollars (\$25,000.00) payable on or before the date of the issuances of the first occupancy permit for the property.
- D. The Applicant agrees to implement any other transportation improvements indicated by the “Traffic Impact Analysis,” prepared by VETTRA Co., dated March 17, 2005.
- E. The Applicant agrees to dedicate 12 feet of right of way along Sanford Drive (SR-670) as indicated on the GDP.

2. Architectural Design and Signage

- A. The Applicant shall employ predominantly site cast concrete, brick and textured paint and glass for the front and side facades of any building constructed on the property.
- B. The facades shall feature a predominant field color of off-white or light gray or light beige. No dark or primary colors shall be utilized for facades. Accent colors, not to exceed twenty percent (20%) of the surface area shall be selected to harmonize with the field color or feature primary colors.
- C. The Applicant agrees that any building constructed on the Property shall be designed and built such that facades exceeding two hundred feet (200’) in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.

- D. The Applicant agrees that buildings 1, 2 and 3 as indicated on the GDP shall be limited to no more than 35 feet in height.
  - E. The Applicant agrees to employ a consistent, coordinated design theme for Signage throughout the development ties into the color and style utilized for the buildings.
  - F. The Applicant agrees not to install any general advertising signs on the Property, nor shall any carnival style flags, banners, blinking or flashing lights, balloons or windsocks be employed on the Property. Signs shall be of a coordinated color and design.
  - G. The Applicant agrees that the buildings constructed on the Property shall conform substantially in appearance to the renderings, dated October 18, 2005, titled “Riverside Business Park,” prepared by Donnally, Vujcic Associates, LLC, and attached to these proffers as Exhibit 1.
3. Lighting – The Applicant agrees to install “cut off lighting” for all parking lot areas, which shall not exceed 0.5 horizontal foot candles measured along the property line adjacent to the forty foot (40’) buffer shown on the western side of the Property. Any lighting employed for areas in the front of the buildings and the parking lot shall be of a type which does not distort or alter the color of the items being illuminated. A lighting plan illustrating these principles shall be submitted as part of the site plan for the Property.
  4. Fire Protection – The Applicant agrees to install automatic sprinkler systems in all buildings constructed on the Property.
  5. Uses Not To Be Constructed – The Applicant agrees that the following uses shall not be constructed on the Property: aquaculture, commercial kennel, recycling facility, welding or machine shops, automobile assembly/disassembly , painting,

- upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or battery manufacture, heavy machinery sales and service, parking and storage of tractor trailers, contractors equipment and storage yards, and convenience center or store. The Applicant further agrees that outdoor storage, as defined by the Zoning Ordinance, shall not be permitted on the Property.
6. Internal Sidewalk Network – The Applicant agrees to construct an internal sidewalk network within the Property as indicated on the GDP.
  7. Hours of Delivery - The hours of delivery for buildings 1, 2 and 3 on the GDP shall be limited to 9:00 a.m. to 6:00 p.m. weekdays and weekends.
  8. Clearing and Grading - The Applicant agrees to install an orange safety fence at the proposed limits of the clearing and grading prior to the approval of the grading plan for the Property.
  9. Sewerage – The Applicant agrees that a pump station will not be utilized to service the Property, provided the road crossing of the stream valley can be constructed a minimum of twenty-three (23) feet above the stream bed.
  10. Stormwater Pond – The Applicant agrees that a conventional Stormwater pond shall not be placed within eight (8) feet of any CRPA located on the Property.
  11. Crime Prevention
    - A. In the event a berm is constructed along Sanford Drive or Riverside Parkway, the height of such berm shall not exceed thirty-six (36) inches.
    - B. The Applicant shall generally refrain from having plantings within ten (10) feet of any of the buildings on the site. In no event shall any planting be located within

(10) feet of any building entrance nor shall any planting located within ten (10) feet of a building exceed thirty-six (36) inches in height.

C. Front entrance doors for each building shall be glass. Any back door, if not made of glass, shall include a “peephole.”

Finance; Amend the County Code Entitled “Procurement Code”. Mr. Schwartz commented.

Mr. Dudenhefer motioned, seconded by Mr. Brito, to adopt proposed Ordinance O06-21 as amended.

Discussion ensued.

Mr. Schwartz made a substitute motion to deny proposed Ordinance O06-21 as amended by the Committee.

The substitute motion dies for lack of a second to the motion.

The Voting Board tally on the original motion was:

Yea: (5) Cavalier, Dudenhefer, Gibbons, Milde, Brito  
Nay: (2) Fields, Schwartz

Ordinance O06-21 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20 OF  
THE STAFFORD COUNTY CODE ENTITLED “PROCUREMENT CODE”

WHEREAS, the Board desires to amend the “Procurement Code”;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of February 2006, that Chapter 20 of the County Code be and it hereby is amended and reordained as follows:

**PROCUREMENT CODE**

- Art. I. In General, §§ 20-1---20-45
- Art. II. Competitive Bidding, §§ 20-46---20-80
- Art III. Competitive Proposals, §§ 20-81---20-100
- Art IV. Special Provisions Relating to Construction Contracts,  
§§ 20-101---20-120
- Art. V. Selection of Consultants, §§ 20-121---20-145
- Art. VI. Debarment or Suspension of Prospective Contractors,  
§§ 20-146---20-150

**ARTICLE I. IN GENERAL**

**Sec. 20-1. Title.**

This chapter shall be known and may be cited as the “Procurement Code of Stafford County, Virginia.”

**Sec. 20-2. Definitions.**

For purposes of this chapter, the following terms have the meanings ascribed to them herein, except where the context clearly requires another meaning:

*Best value* means the overall combination of quality, price, and various elements of required services that in total are optimal relative to the county’s needs.

*Change order* means a written order, signed by a person authorized in this chapter or otherwise, directing a contractor to make changes which the changes clause of the contract authorizes to be ordered without the consent of the contractor.

*Construction or construction contract* means contracts for the building, altering, repair, improvement or demolition of any public structure or building, or other public improvements of any kind to any public real property. It shall not include the routine operation, routine repair, or routine maintenance of existing buildings, structures or real property, including publicly owned or operated utility lines or storm sewers.

*Contractor* means any individual, committee, club, association or other organization or group of individuals, or any corporation, partnership, sole proprietorship, joint stock company, joint venture or any other private legal entity, having or proposing a contract with the board of supervisors or any using department.

*Contracts* means all types of county agreements, regardless of what they may be called, for the procurement or disposal of services, supplies or construction.

*Nonprofessional services* means any services not specifically identified as professional services in the definition of professional services.

*Potential bidder or offeror* means a person who, at the time the board of supervisors negotiates and awards or proposes to award a contract, is engaged in the sale or lease of goods, or the sale of services, insurance or construction, of the type to be procured under such contract, and who at such time is eligible and qualified in all respects to perform that contract, and who would have been eligible and qualified to submit a bid or proposal had the contract been procured through competitive sealed bidding or competitive negotiation.

*Procurement* means buying, purchasing, renting, leasing or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the

obtaining of any supply, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.

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

*Purchasing officer* is an employee, designated by the finance director as the head of the central purchasing division, authorized to exercise any or all of the authority and perform any duty pertaining thereto which the finance director may delegate to others, in accordance with the provisions of this chapter.

*Requisition* means a document or documents, in a form prescribed by the finance director, which constitutes demand by the using department for the provision of supplies, services or construction.

*RFP* means a request for proposals.

*Service contract* means any contract which may be entered into by or on behalf of the board of supervisors or any using department for the provision of any service, to include time, labor or effort by the contractor, but not involving the delivery of a specific end product, other than reports incidental to the required performance; provided that the term shall not include contracts for regular employment in the county service; and provided further that it shall not include any contract for professional services which may be governed by an independent policy pertaining to such services. The term "services" shall specifically include, but not be limited to, banking services.

*Supplies* means all property, articles or things, including, but not limited to, all equipment and materials, but not including real property or any interest in real property, which are to be used by or furnished to any using department.

*Using department* means all departments, offices, constitutional officers, agencies, divisions, boards, districts or services within the county government, deriving their support, in whole or in part, from funds budgeted and appropriated by the board of supervisors, specifically including, but not limited to, the school board and the social services department. This term shall include volunteer fire and rescue companies, except as may be otherwise provided in this chapter.

**Sec. 20-3. Violations of chapter.**

The willful violation of any provision of this chapter or any rule or regulation adopted hereunder shall constitute a Class 1 misdemeanor. Upon conviction, any employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.

**Sec. 20-4. Purpose and general application of chapter.**

(a) The regulations contained in this chapter are promulgated by ordinance of the board of supervisors pursuant to sections 2.2-4300(c) and 2.2-4302 of the Code of Virginia, to effectuate the purposes of those sections with regard to procurement and disposition of supplies, services and construction for the county.

(b) Except as otherwise specifically provided, the regulations prescribed in this chapter shall apply to any contract for supplies, services or construction entered into after their effective date, unless the parties agree to their application to a contract solicited or entered into prior to their effective date.

(c) Except as otherwise specifically provided, the regulations contained in this chapter shall apply to every expenditure of funds appropriated by the board of supervisors, by or

on behalf of the board or any using department, specifically including, but not limited to, the county school board, constitutional officers of the county and the social services department of the county, for the procurement of any supplies, services or construction, except as otherwise provided by law or this chapter. Such regulations shall apply to all dispositions of county supplies.

Sec. 20-5. Compliance with chapter.

All procurements of supplies, services and construction shall be made in accordance with the provisions of this chapter.

**Sec. 20-6. Chapter does not prevent compliance with conditions of grant, gift or bequest.**

Nothing contained in this chapter shall prevent the board of supervisors or any using department from complying with the terms and conditions of any grant, gift or bequest.

**Sec. 20-7. Rights of school board as to purchases; chapter not applicable to procurement of capital improvements by school board.**

Notwithstanding any other provisions of this chapter, the school board shall retain its right to specify the goods and services it wishes to purchase and to approve or reject all purchases made on its behalf. Furthermore, this chapter shall not apply to the procurement of capital improvements by the school board which shall be governed by applicable state law.

Sec. 20-8. Conflict of interests.

For the purposes of this chapter, conflict of interests shall be governed by the State and Local Government Conflict of Interests Act (§ 2.2-3100, et seq. of the Code of

Virginia) and by title 2.2, chapter 43, article 6 (§ 2.2-4367 et seq.), Ethics in Public Contracting, of the Code of Virginia.

**Sec. 20-9. County not to discriminate against persons on basis of race, creed, sex, etc.**

Stafford County shall not discriminate against any person on the basis of race, color, creed, religion, national origin, sex or handicapped status.

**Sec. 20-10. General powers and duties of county administrator as purchasing agent.**

(a) The county administrator shall be the purchasing agent for the county and shall be under the supervision and control of the board of supervisors for the faithful execution and performance of such function. He shall perform the purchasing function through the finance department, but he shall remain ultimately responsible for that function.

(b) The county administrator shall make all procurements and dispositions for the county in such manner and with such exceptions as may be provided for in this chapter. He shall have authority to transfer or trade supplies between using departments and he shall have charge of the storerooms and warehouses of the county.

(c) The county administrator is hereby authorized to develop and implement suitable specifications or standards for any or all supplies to be purchased by the county. He shall, except where otherwise provided, inspect or provide for the inspection of all deliveries to ensure their compliance with the specifications so established.

(d) The county administrator may delegate all authority to act as purchasing agent to the finance director, except as otherwise provided in this chapter.

**Sec. 20-11. General powers and duties of finance director under chapter; purchasing officer generally.**

(a) The finance director personally shall interpret the meaning and application of this chapter and his decision on questions pertaining thereto shall be final. The director may seek the assistance of the county attorney's office in rendering any decision or interpretation requested.

(b) The finance director shall maintain complete records pertaining to the performance of the procurement and disposition functions assigned to him by this chapter. With the exception of materials provided in connection with competitive procurements, prior to opening of bids or the award of a contract in competitive negotiations, such records shall be public documents and shall be open for inspection in accordance with the provisions of the Virginia Freedom of Information Act. (Code of Virginia, § 2.2-3700 et seq.)

(c) The finance director is hereby authorized to delegate any and all of the authority and duties set forth in this chapter not reserved specifically to him to such other officers and employees of the county as he shall deem appropriate. He may designate a person to be purchasing officer, one for the county and the other for the school board, who shall be employees of the finance department, but such designation shall not be deemed to relieve the finance director of responsibility for supervision and control of the purchasing function assigned to him by this chapter.

(d) Any purchasing officer designated pursuant to this section shall perform such duties as may be assigned ~~him~~ by the finance director consistent with this chapter, and shall have charge of the central purchasing division of the county.

Sec. 20-12. Purchasing manual.

(a) The county administrator is hereby authorized to promulgate, after consultation with the finance director, a purchasing manual, which shall establish rules for the internal administration of the central purchasing division and such other matters as may be provided herein, including the method and manner of administratively processing

procurements and sales. Such rules shall be consistent with this chapter and the laws of the United States and the commonwealth and shall have the force and effect of law.

(b) Rules which may be promulgated by the county administrator in accordance with subsection (a) above shall be in effect from the date on which they are promulgated and may be amended, altered or repealed by him as he shall deem appropriate; provided, however, that copies of all such action by the county administrator with regard to such rules shall be immediately forwarded to the board of supervisors, which may overrule the county administrator. The board of supervisors additionally reserves to itself the authority to amend, alter or repeal any provision of the rules so promulgated.

(c) In addition to rules that may be promulgated as provided for above, the purchasing manual shall contain, at a minimum, the following items:

- (1) The regulations set out in this chapter, kept current, and references to state and federal law which may be applicable to certain procurements or sales.
- (2) Specimen copies of all forms, including standard invitations for bids, standard contracts and standard specifications.
- (3) Internal operating procedures of the central purchasing division, including the manner of processing requisitions and purchase orders and methods for expediting purchases when the finance director determines them to be necessary
- (4) A detailed procedure to be followed for all procurements for the school board to implement the provisions of section 20-7.
- (5) Such other matters as the county administrator shall deem necessary and proper to the efficient administration of the central purchasing division or which shall be authorized in this chapter.

Sec. 20-13. Cooperation with department of minority business enterprise.

Within the limits of the funds appropriated and the provisions of law, the finance director shall cooperate with the Department of Minority Business Enterprise, the United States Small Business Administration, and other public or private agencies in promoting the purposes of that office.

Sec. 20-14. Unauthorized procurements and dispositions generally.

(a) No person shall have the authority to bind the county or any using department to any contract, except as provided in this chapter.

(b) Any procurement or disposition made by any person in the name of the county or any using department, which procurement or disposition is not in compliance with this chapter or the purchasing manual, or both, shall be deemed unauthorized. Any person who makes an unauthorized procurement or sale may be personally liable therefore to the vendor or purchaser of supplies, services or construction. Such sales or procurements shall be voidable, in the discretion of the board of supervisors.

(c) The county administrator and his employees shall not be liable and shall be held harmless for any unauthorized procurement or disposition which was not initiated or approved by them.

(d) A determination as to whether any procurement or disposition was unauthorized shall be made, in the first instance, by the purchasing officer, if there be one. He shall report his finding to the finance director, who shall consult with the county attorney's office. If the finance director personally determines that the procurement or disposition was unauthorized, he shall bill the person allegedly responsible for the amount of any damages sustained by the county. The person allegedly responsible shall have a right of appeal to the county administrator, provided that the appeal is filed, in writing, within

fourteen (14) calendar days of the submission of a bill to him. Should an appeal be denied, or not taken in a timely fashion, and the bill not be paid, the county attorney's office shall undertake legal proceedings to recover the money owed.

(e) Any unauthorized procurement or disposition may be grounds for termination from county service of the responsible employee or for the imposition of other adverse action which may be provided for in the county personnel regulations.

Sec. 20-15. Requisition or purchase order and sufficient funds (budgeted, unencumbered and appropriated) required.

The finance director shall not make procurement for any using department unless and until he has received, in advance, a properly completed requisition or purchase order for which there are budgeted, unencumbered and appropriated funds sufficient to pay for the proposed procurement, except as may be otherwise provided in this chapter.

Sec. 20-16. Initiation and processing of requisitions.

A requisition shall be initiated by the using department and processed by the finance director in accordance with such rules as the county administrator shall promulgate in the purchasing manual referred to in section 20-12.

**Sec. 20-17. Compliance with federal law and regulations as to expenditure of federal assistance or contract funds.**

Where the procurement of any supplies, services or construction involves the expenditure of federal assistance or contract funds, the county administrator shall comply with such federal law and authorized regulations as are mandatorily applicable and which may not be reflected in the regulations set out in this chapter.

Sec. 20-18. General requirements for contracts.

(a) ~~Unless the finance director personally shall establish classifications of contracts to which this section shall not apply,~~ **All** all contracts for **twenty-five thousand dollars (\$25,000) or more** ~~more than one thousand dollars (\$1,000)~~ to which the county is a party shall be in writing.

(b) All contracts shall be in a form prepared by the county and approved by the county attorney or his designee, or shall be individually prepared for a specific procurement, and all such contracts shall incorporate provisions of this chapter by reference insofar as they may apply. Nothing herein shall prevent the use of a contract prepared by a vendor, if a standard contract has not been prepared for the procurement or if such use has been approved by the county attorney's office. Notwithstanding the provisions of this section, the provisions of this chapter shall be deemed incorporated, insofar as they may be applicable, into any contract to which a using department or the board of supervisors shall be a party, whether specifically referenced therein or not.

(c) All contracts shall be in the name of the board of supervisors, or where appropriate, in the name of a using department which has independent statutory authority to enter into contracts; provided, however, that all leaseholds entered into by any using department shall be in the name of the board.

Sec. 20-19. Specific provisions to be included in contracts.

(a) *Generally.* Every contract to which the county is a party shall expressly contain the provisions required by this section, in addition to such other terms and conditions as may be agreed to among the parties.

(b) *Termination for convenience of county.* Each contract ~~for more than one thousand dollars (\$1,000)~~ shall contain appropriate provisions which permit work or delivery thereunder to be terminated, in whole or from time to time in part, whenever the county administrator shall determine that such termination is in the best interests of the county

and which provide for fair and reasonable compensation to any contractor who is so terminated.

(c) *Termination for default.* Each contract to which the county is a party shall contain an express provision which permits termination of the contract for failure of the contractor to perform his contractual obligations.

(d) *Termination for nonfunding.* Each contract to which the county is a party which requires that the county make payments beyond the fiscal year in which such contract was made shall contain a provision for termination of the contract in the event that the board of supervisors shall cease to appropriate funds for the purposes of the contract.

(e) *Examination and copying of contractor's records.* Unless the county attorney's office shall authorize an exception to this subsection, each contract for more than twenty-five (\$25,000) shall expressly provide that the contractor shall agree that the finance director, or his duly authorized agent, shall, until the expiration of three (3) years following the final payment on the contract, have access to and the right to examine and copy any directly pertinent books, documents, papers and records of the contractor involving transactions related to the contract in question. Such contracts shall further contain a provision to the effect that the contractor shall include a similar access, examination and copying requirement in any subcontract which is for more than ten thousand dollars (\$10,000). Such contracts and subcontracts shall further provide that, in the event there is litigation or arbitration involving the contract, rights of access, examination and copying thereunder shall continue until any litigation, appeals, claims or arbitration shall have been finally disposed of.

(f) *Employment discrimination.* Every contract of over ten thousand dollars (\$10,000) shall include the provisions in the following:

(1) During the performance of this contract, the contractor agrees as follows:

- a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, age, disability or any other basis prohibited by state law relating to discrimination in employment, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
  - b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
  - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- (2) The contractor will include the provisions of the foregoing paragraphs a, b, and c in every subcontract or purchase order of over ten thousand dollars (\$10,000) so that the provisions will be binding upon each subcontractor or vendor.

(g) *Faith-based clause.* This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia Section 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

Sec. 20-20. Legal review of certain contracts.

All contracts ~~for in excess of~~ **fifty thousand dollars (\$50,000) or more** ~~twenty-five thousand dollars (\$25,000)~~ shall be reviewed by the county attorney's office, prior to award of the contract, except where the contract is a lawful renewal of an existing

contract to which there has been no material change. **The County Attorney shall review nonstandard contracts at any amount.**

Sec. 20-21. Execution of contracts.

(a) Contracts for twenty thousand dollars (\$20,000) or less which may be entered into by a using department under this chapter shall be executed by the director of the using department, or his principal deputy, and by no other person, if authorized by the county administrator.

(b) The county administrator is authorized to execute contracts **less than** ~~of~~ one hundred thousand dollars (\$100,000) ~~or less~~ subject to purchasing guidelines and subject to the approved budget and appropriated funds.

(c) Contracts which are to be entered into directly by the board of supervisors may be signed by the county administrator or his designee.

(d) Contracts which may be entered into directly by the central purchasing division shall be executed by the purchasing officer or such other person as the finance director may direct.

Sec. 20-22. Contract administration.

(a) The using department shall, unless the finance director shall otherwise direct, inspect and approve or disapprove all deliveries under contracts and the performance thereunder. Discrepancies in deliveries or in the performance of the contract shall initially be brought to the attention of the vendor by the using department. The using department shall also promptly notify the purchasing officer of any such discrepancy. Failure to satisfactorily resolve any deficiency that has been identified shall be brought to the attention of the purchasing officer, who shall institute formal complaint with the vendor.

If satisfaction is still not forthcoming, the finance director shall contact the county attorney for further proceedings.

(b) Notwithstanding any other provision of this chapter, the board of supervisors may specifically provide for separate contract administration in construction contracts.

Sec. 20-23. Central stores revolving fund.

The county administrator may provide a central stores revolving fund, in such amount as he may determine from time to time, to finance the purchase, storage and issuance of standard supplies, for the convenience of the county. Such fund shall be administered by the ~~finance director~~ **director of public services** and he shall be responsible for the actual operation of such fund. The county administrator may include rules in the purchasing manual with respect to such fund.

Sec. 20-24. Blanket purchase agreements and purchase orders.

(a) Blanket purchase agreements are requirements-type contracts for supplies which are regularly required by using departments only on an as-needed basis and which supplies are not readily available from central stores.

(b) The finance director may determine those supplies which may reasonably be acquired by the county on such contracts for the use of one or more using departments and may require any or all using departments to obtain such supplies by requisitions filed against such uniform blanket purchase orders.

(c) The county administrator is authorized to promulgate such rules as may be necessary to account for the cumulation of funds among several using departments for application against a uniform blanket purchase order.

(d) Blanket purchase agreements shall be instituted on an annual basis, unless the finance director shall authorize a shorter term, and any such blanket purchase agreement shall be subject to the requirements for bidding which are applicable to the reasonable estimated value of such agreement.

(e) No blanket purchase agreement shall be of itself construed to constitute a contract with the vendor for the full estimated amount of the annual agreement, and a contractual obligation shall exist with any vendor only to the extent that requisitions shall have actually been made against such agreement.

(f) It shall be the responsibility of the head of the using department to ensure that no unauthorized purchases are made against any properly awarded blanket purchase agreement, and he shall report any unauthorized purchase to the finance director, in accordance with this chapter.

**Sec. 20-25. Procurements of less than two thousand five hundred dollars (\$2,500).**

Procurements of less than two thousand five hundred dollars (\$2,500) shall be made directly by the **using department** ~~purchasing officer~~, after having made such reasonable investigation into price and other terms as may be necessary to protect the interests of the county.

Sec. 20-26. Procurements from state penitentiary or pursuant to joint purchasing agreements.

Procurements of supplies from the state penitentiary or through state, federal, council of governments or other political jurisdiction bids, or any other source with which the county has entered or shall enter a joint purchasing agreement, shall be exempt from the competitive bidding requirements of this chapter; provided, that other provisions of this chapter shall apply where otherwise appropriate.

Sec. 20-27. Sole source procurements.

Sole source procurements shall be exempt from the regulations of this chapter for competitive bidding. Where services or supplies are only available from a single source, because of legal requirements, specific patents or copyrights, peculiar qualifications and skills, technical specifications or other reasons, the finance director may obtain such supplies or services from the sole source. It shall be the responsibility of the using department to justify the need for sole source procurement. Upon a determination in writing from the using department that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The finance director shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the board of supervisors awards or announces its decision to award the contract, whichever occurs first. The finance director or his designee is authorized to enter into direct negotiations with the sole source supplier to obtain such terms and conditions as he may determine to be in the best interest of the county. He shall, at the outset of such negotiations, set detailed cost and price objectives, and shall maintain a record of negotiations with the sole source supplier.

Sec. 20-28. Purchases for special police work.

Purchases for special police work shall be exempt from the regulations of this chapter governing competitive bidding. When the sheriff certifies to the finance director that any items are needed for special police work, including undercover police operations, the finance director may procure the needed items without competitive bidding.

Sec. 20-29. Emergency procurements generally.

(a) Emergency procurements shall be exempt from the regulations of this chapter for competitive bidding.

(b) For the purposes of this chapter, an emergency shall be deemed to exist when there is a breakdown in any county service or any time that supplies are needed for immediate use in work which may be essential to, or may vitally affect, the public health, safety or general welfare. An emergency may include work undertaken under court order or in anticipation of court order.

(c) If an emergency occurs during office hours, the using department shall notify the purchasing officer and he shall either procure supplies or services directly or authorize the using department to do so.

(d) If an emergency occurs after office hours, the using department shall procure necessary supplies or services. The head of the using department shall forward a requisition to the central purchasing division, within seventy-two (72) hours after the emergency situation, together with a written justification for the procurement and a copy of the delivery record.

(e) The head of the using department shall initially determine in writing whether an emergency exists which justifies the application of these provisions, and shall make a written determination of the basis for the emergency and for the selection of the particular contractor. The purchasing officer shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the board awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. If, upon subsequent review, the finance director personally determines that no emergency actually existed, he shall proceed under the regulations pertaining to unauthorized procurements. Prior

authorization for emergency procurements shall be obtained from the finance director personally whenever possible.

Sec. 20-30. Confirming orders for emergency procurements.

When any using department makes an emergency procurement, it shall execute a ~~confirming requisition, bearing in plain letters thereon the words "CONFIRMING ORDER"~~. Such **requisitions** orders shall be forwarded directly to the **purchasing department** ~~finance director~~ for review and **processing** payment.

Sec. 20-31. Review and payment of demands on open accounts, etc.

Demands for payment made on open accounts for supplies, services or construction or emergency procurements, for which contracts have previously been awarded, shall be forwarded directly to the finance director for review and payment.

Sec. 20-32. Public inspection of procurement records.

(a) Except as provided herein, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act.

(b) Cost estimates relating to a proposed procurement transaction prepared by or for the county shall not be open to public inspection.

(c) Any bidder or offeror, upon request, shall be afforded the opportunity to inspect bid and proposal records within a reasonable time after the opening of all bids, but prior to award, except in the event that the county decides not to accept any of the bids and to reopen the contract. Otherwise, bid and proposal records shall be open to public inspection only after award of the contract.

(d) Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

(e) Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction or prequalification application submitted pursuant to **the Virginia Public Procurement Act**, subsection of B § 2.2-4317,~~(B)~~ shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the bidder, offeror or contractor must invoke the protections of this subsection prior to or upon submission of the data or other materials and must identify the data or other materials to be protected and state the reasons why protection is necessary.

Sec. 20-33. Sale, transfer or other disposal of property.

(a) The finance director is authorized to sell, trade, transfer or otherwise dispose of any property which is the property of the board of supervisors and is determined to be surplus either to the using department or the county generally.

(b) The using department shall be required to certify what of its property is surplus to it and may be disposed of. The finance director shall determine whether such property is surplus to the county generally. Such determination shall be final. The using department shall be responsible for the storage, maintenance and safekeeping of all supplies in its charge, including surplus property, and for the transportation of surplus property to the site of sale or other disposal.

(c) The finance director may authorize any using department to sell any property certified to be surplus to the county generally; provided that any such sale shall be consistent with this section.

(d) When the head of the using department certifies to the finance director that any property is irreparable or unsalvageable, and that the costs of storage are excessive, and that such property could not be sold for sufficient funds to cover the costs of storage or other disposal, upon receipt of written authorization from the finance director, the head of the using department may cause such property to be transported to the county landfill for disposal. The head of the using department shall make and keep, for not less than two (2) years, a complete written record of all such dispositions of property.

(e) The county administrator may promulgate additional rules in the purchasing manual governing in-house transfers and trades not inconsistent with this section.

(f) Sales of **surplus** property deemed by the finance director to be worth more than five thousand dollars (\$5,000) shall be by **electronic auction**, competitive verbal bids, at public auction or by other method. The finance director shall determine which method is likely to obtain the highest price in each case or class of cases, and his decision shall be final.

(g) Property that has been certified by the head of the using department as surplus may be used for trade-in value in connection with any procurement, provided that, if the procurement is required by this chapter to be by competitive bids, the bidder shall be required to state the value that he assigns the property to be traded in as a part of his bid, and to provide prices both with and without trade-in.

(h) Whenever any person acquires county property disposed of pursuant to this section, and is required to remove the property from premises owned by the county, such person shall execute a written agreement to indemnify and hold the county harmless from any and all liability which may be incurred during removal. Such person shall provide the finance director with evidence of the existence of liability insurance covering the risks potentially involved and, if required by law, ~~workmen's~~ **workers'** compensation insurance.

## ARTICLE II. COMPETITIVE BIDDING

Sec. 20-46. General requirements for procurements of twenty-five thousand dollars (\$25,000) or more.

All procurements of supplies and services estimated to be twenty-five thousand dollars (\$25,000) or more shall be made on the basis of sealed competitive bids, except as otherwise provided in this chapter. The finance director shall solicit bids from prospective contractors by mailing them invitations for bids prepared as provided in this article, by posting a copy of the invitation for bids on a bulletin board at the central purchasing office and, where required by law or policy of the board of supervisors, or where deemed appropriate by the finance director, by publication of a notice of invitation for bids in a newspaper of general circulation in the county or elsewhere. The finance director may advertise the bid by means of professional or trade publications. All notices shall be designed and intended to obtain as many bidders reasonably able to meet the specifications as possible, but no procurement shall be subject to challenge solely on the ground that a qualified bidder was not solicited. The finance director may require the using department to identify potential bidders for receipt of notice in accordance with this section.

Sec. 20-47. General requirements for procurements ~~less than \$25,000, but more than \$5,000~~ for two-thousand five hundred dollars (\$2,500) or more but less than twenty-five thousand dollars (\$25,000).

~~(a) Procurements of supplies or services estimated to cost more than five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000), may be made by the finance director in the open market, without sealed bids. Except as otherwise provided in this chapter, the director shall solicit no fewer than three (3) written quotes for such supplies or contractual services by mail, by fax, by electronic mail or by other~~

public notice. The finance director shall maintain a public record of all bids solicited and all quotes received, and shall indicate in such records which quote was accepted.

**(a) Procurements of supplies or services estimated to cost two thousand five hundred dollars (\$2,500) or more, but less than five thousand dollars (\$5,000), may be made by the department director in the open market, without sealed bids. The department director shall solicit no fewer than three (3) verbal quotes for such supplies or contractual services by mail, telephone, electronic mail, and fax or by other public notice. The department director shall maintain a public record of all quotes received, and shall indicate such records which quote was accepted. Any quote in excess of five thousand dollars (\$5,000) shall be confirmed in writing by the bidder as soon as possible.**

~~(b) Procurements of supplies or services estimated to cost more than two thousand five hundred dollars (\$2,500) but less than five thousand dollars (\$5,000) may be made by the finance director in the open market, without sealed bids. The director shall solicit no fewer than three (3) verbal quotes for such supplies or contractual services by mail, telephone, electronic mail, and fax or by other public notice. The finance director shall maintain a public record of all quotes received, and shall indicate such records which quote was accepted. Any quote in excess of five thousand dollars (\$5,000) shall be confirmed in writing by the bidder as soon as possible, but in any event before the contract shall have been executed.~~

**(b) Procurements of supplies or services estimated to cost five thousand dollars (\$5,000) or more, but less than twenty-five thousand dollars (\$25,000), may be made by the department director in the open market, without sealed bids. Except as otherwise provided in this chapter, the department director shall solicit no fewer than three (3) written quotes for such supplies or contractual services by mail, by fax, by electronic mail or by other public notice. The department director shall maintain a public record of all quotes solicited and all quotes received, and shall indicate in such records which quote was accepted.**

Sec. 20-48. Exemptions generally.

(a) Notwithstanding any other provision of this chapter, the items listed in this section are exempt from the requirements of competitive bidding, but shall comply with other provisions of this chapter. They may be solicited and contracted for by the finance director as he shall deem appropriate. The list of exempt items may be amended by the board of supervisors whenever it deems it appropriate. The finance director, may, however, elect to comply with any or all of the requirements for competitive bidding for the items listed in this section.

(b) The exempt items and categories of items are as follows:

(1) Advertising.

~~(2) Auction fees.~~

(2) ~~(3)~~ Audit fees.

(3) ~~(4)~~ Bank service charges.

(4) ~~(5)~~ Books, manuscripts and pamphlets.

(5) ~~(6)~~ Care, search and housing of prisoners.

(6) ~~(7) Costs of litigation,~~ **Legal services**, including, **but not limited to**, court costs, witness fees (lay and expert), transcripts, court reporters, exhibits and the like, jury verdicts and settlements.

(7) ~~(8)~~ Dues, subscriptions and publications, Dunn & Bradstreet reports.

(8) ~~(9)~~ Educational films.

(9) ~~(10)~~ Freight charges.

(10) ~~(11)~~ Self-insurance claims.

(11) ~~(12)~~ Inspection fees and costs.

(12) ~~(13)~~ Perishable foodstuffs.

(13) ~~(14)~~ Prescriptions/medicines.

~~(15) Printing.~~

(14) ~~(16)~~ Service and maintenance agreements.

~~(17) Surveyors.~~

~~(18) Telephone and telegraph service (standard not custom).~~

(15) ~~(19)~~ Travel, room and board **and related fees.**

(16) ~~(20)~~ Tuition **and training.**

(17) ~~(21)~~ Utility services.

(c) Notwithstanding that any item may be exempt from competitive bidding as a consequence of this section, any expenditure ~~greater than~~ one hundred thousand dollars (\$100,000) or more for such item must be approved by the board of supervisors, unless such procurement has been previously approved by the board in connection with the annual budget process or in the case of emergencies.

Sec. 20-49. Preparation and contents of invitation for bids; equal brand provisions.

(a) Competitive bids, where required, shall be solicited by invitations for bids which shall be prepared by the finance director, with such assistance from the using department as he shall require. Invitations for bids shall be comprised generally of an invitation, instructions to bidders, plans and specifications for the supplies or services desired and proposed contracts. They may include such other information as the finance director deems appropriate and necessary.

(b) Invitations for bids and specifications for all supplies or services shall include the following provisions relating to equal brand products other than those which may be set forth by name or other clear identification in the specifications:

- (1) The name of a certain brand, make, manufacturer or definite specifications is to denote the quality standard of article desired, but does not restrict bidders to the specific brand, make, manufacturer or specification named; it is to set forth and convey to prospective bidders the general style, type, character and quality of article desired, and
- (2) Wherever in specifications or contract documents a particular brand, make of material, device or equipment is shown or specified, such brand, make of material, device or equipment shall be regarded merely as a standard. Any other brand, make of material, device or equipment which is recognized as the equal of that specified, considering quality, workmanship and economy of operation, and is suitable for the purpose intended, shall be considered responsive to the specifications.

Sec. 20-50. Cancellation of invitation for bids.

Any invitation for bids or other solicitation may be canceled when the finance director determines that it is in the best interests of the county to do so. The reasons therefor shall be made a part of the record in the matter.

Sec. 20-51. Prequalification of prospective contractors.

(a) The finance director is authorized to prequalify prospective contractors prior to any solicitation of bids, whether for supplies, services, insurance, or construction, by requiring prospective contractors to submit such information as the director shall deem appropriate, including samples, financial reports and references; provided, however, that opportunity to prequalify shall be given to any prospective contractor who has not been suspended or debarred under this chapter.

(b) The finance director may refuse to prequalify any prospective contractor, provided that written reasons for refusing to prequalify are made a part of the record in each case. The decision of the director shall be final.

(c) In considering any request for prequalification, the finance director shall determine whether there is reason to believe that the prospective contractor possesses the management, financial soundness and history of performance which indicate apparent ability to successfully ~~to~~ complete the plans and specifications of the invitation for bids. The finance director may employ standard forms designed to elicit necessary information or may design other forms for the purpose.

(d) Prequalification of a prospective contractor shall not constitute a conclusive determination that the prospective contractor is responsible and such contractor may be rejected as nonresponsible on the basis of subsequently discovered information.

(e) Failure of a prospective contractor to prequalify with respect to a given procurement shall not bar the contractor from seeking prequalification as to future procurements or from bidding on procurements which do not require prequalification.

Sec. 20-52. Submission of sealed bids.

Written sealed bids, where required by this chapter, shall be returned to the finance director. Bid submission may be in any sealed envelope which is clearly identified by project or procurement name, the name of the bidder, the due date and time of bid opening, and which further states plainly that the envelope is not to be opened prior to bid opening. Should any bid be received which is not so identified, the bidder assumes the risk that the submission will be opened prior to bid opening. Bids so opened shall be disqualified.

Sec. 20-53. Alternate bids.

Any bidder may submit a bid which he knows varies materially from the specifications. Such bid shall be clearly labeled as an ALTERNATE BID and may be provided in addition to, or in lieu of, a responsive bid. Such bids may be accepted only where no responsive bid is received and only when the alternate bid is in substantial compliance with the specifications.

Sec. 20-54. Bidder's certification as to price.

All bidders may be required to certify, in writing at the time of bid, that the price being offered to the county in connection with the particular solicitation is the price offered to the bidder's most favored customers.

Sec. 20-55. Rejection of bids.

The finance director may reject any or all bids.

Sec. 20-56. Opening of bids.

Bids shall be opened publicly in the presence of one or more witnesses, at the time and place designated in the invitation for bids or any amendment thereto. Bids which are received after the time designated shall not be opened or considered.

Sec. 20-57. Withdrawal of bid after opening.

(a) Any bidder for supplies, services or construction may withdraw his bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith and the mistake was a clerical mistake, as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error, or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. If a bid contains both clerical and judgment mistakes, a bidder may withdraw his bid from consideration if the price bid would have been substantially lower than the other bids due solely to the clerical mistake, that was an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid which shall be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. The finance director shall require, and so state in the invitation for bids, the following procedure for withdrawal of a bid:

- (1) The bidder must give notice in writing of his claim of right to withdraw his bid within two (2) business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice.
- (2) No bid may be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or of another bidder

in which the ownership of the withdrawing bidder is more than five percent (5%).

- (3) If a bid is withdrawn under this section, the lowest remaining bid shall be deemed to be the low bid.
- (4) No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to, or perform any subcontract or other work agreement for, the person to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted, without the approval of the finance director. The person or firm to whom the contract was awarded and the withdrawing bidder are jointly liable to the county in an amount equal to any compensation paid to, or for the benefit of, the withdrawing bidder without such approval.

(b) The finance director may contest withdrawal of any bid by any means provided by law.

Sec. 20-58. Evaluation of bids.

Bids shall be evaluated on the basis of requirements which may be set forth in the invitation for bids and which may include criteria to determine acceptability as to inspection, testing, quality, workmanship, delivery and suitability for a particular purpose.

Sec. 20-59. Waiver of bid informalities.

The finance director may waive any informality in any bid; provided, however, that bids or amendments thereto which are received after the time specified for the opening of bids will neither be opened nor considered.

Sec. 20-60. Award of contract generally.

(a) All procurements of supplies or services which are subject to the competitive bidding requirements set forth in this article shall be unconditionally awarded to the lowest responsive and responsible bidder, without alteration or correction, by the finance director, except where authority to award or reject is given to some other person or reserved to the board of supervisors, or where only alternate bids are received and handled in accordance with section 20-53.

(b) The contract shall be awarded with reasonable promptness by written notice to the successful bidder. Nothing herein shall prevent the finance director from giving notice of intention to award to the apparently successful bidder, but such notice shall not constitute award.

Sec. 20-61. Procedure when only one responsive and responsible bid received.

In the event that only one responsive and responsible bid is received for supplies or services which require solicitation of sealed bids, the invitation for bids may be canceled and the items rebid, unless the finance director determines that the price bid is reasonable and in the best interests of the county, on the basis of price comparison, value analysis, prior price history, an engineering estimate or other method which establishes the reasonableness of the price bid. When the finance director personally determines that the above methods of establishing price reasonableness are not feasible, he may authorize his agents to enter into negotiations with the single responsible and responsive bidder. Such negotiations shall consist of detailed discussions with regard to the cost of labor, materials, overhead and profit. The finance director shall establish a detailed cost/price objective which he determines to be in the best interests of the county, prior to the initiation of any negotiations. Any bidder who is party to such negotiations shall be required to certify that his price proposal is complete, current and accurate prior to the initiation of such negotiations. A record of negotiations shall be prepared upon the

completion thereof, which shall detail the most significant considerations which resulted in the agreed upon contract price.

Sec. 20-62. Tie bids.

(a) In the case of a tie bid, preference shall be given to goods, services and construction produced in Virginia or provided by Virginia persons, firms or corporations, if such a choice is available; otherwise the tie shall be decided by lot.

(b) Whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder who is a resident of Virginia.

(c) Notwithstanding the provisions of subsections (a) and (b), in the case of a tie bid in instances where goods are being offered, and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the greatest amount of recycled content.

Sec. 20-63. Negotiations with successful bidder.

No negotiations may be entered into with an apparently successful bidder with respect to any contractual term or condition which would constitute a material change in the specifications or the contract price.

Sec. 20-64. Record of bids.

Each bid received, with the name of the bidder, shall be entered on a record and each successful bidder shall be specifically noted on such record after the award of the contract.

**Sec. 20-65. Protest of award--Generally.**

(a) Any bidder or offeror may protest the award of, or the decision to award, a contract to any other bidder or offeror, by submitting a written protest to the finance director within the times specified in this section.

(b) No protest shall lie for any claim that the selected bidder or offeror is not a responsible bidder or offeror, except as provided in section 2.2-4359 of the Code of Virginia, nor shall any protest lie for any matter which the finance director determines could reasonably have been ascertained prior to the time set for the opening of bids or proposals, unless such protest shall have been filed in writing not less than ten (10) working days prior to such time.

(c) Any protest, other than one required to be made before the opening of bids or proposals, shall be filed not later than ten (10) calendar days after the award or decision to award the contract to the successful bidder or offeror is publicly posted.

(d) Any protest shall state in detail the basis therefor and the specific relief requested.

(e) The finance director shall inform the county attorney's office of the receipt of any protest and shall provide all relevant information and documentation.

(f) The finance director shall personally decide all protests within ten (10) days of receipt thereof, and shall issue written findings as provided in this article. His decision shall be final, unless appealed within ten (10) days to the county administrator. The county administrator shall conduct a hearing conforming to the requirements of section 2.2-4365 of the Code of Virginia. The decision of the county administrator shall be final unless appealed to the circuit court of the county within thirty (30) days of receipt of the written decision.

(g) Any potential bidder or offeror on a contractor negotiated on a sole source or emergency basis who desires to protest the award or decision to award such contract shall

submit such protest in the same manner no later than ten (10) days after posting or publication of the notice of such contract as provided in section 20-29.

Sec. 20-65.1. Legal actions.

(a) A bidder or offeror, actual or **prospective** ~~perspective~~, who is refused permission or disqualified from participation in bidding or competitive negotiation, or who is determined not to be a responsible bidder or offeror for a particular contract, may bring an action in the appropriate circuit court challenging that decision, which shall be reversed only if the petitioner establishes that the decision was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid.

(b) A bidder denied withdrawal of a bid under this chapter may bring an action in the appropriate circuit court challenging that decision, which shall be reversed only if the bidder establishes that the decision of Stafford County was not an honest exercise of discretion, but rather was arbitrary or capricious or not in accordance with the Constitution of Virginia, applicable state law or regulation, or the terms or conditions of the Invitation to Bid.

(c) A bidder, offeror, or contractor, or a potential bidder or offeror on a contract negotiated on a sole source or emergency basis in the manner provided, whose protest of an award or decision to award is denied, may bring an action in the appropriate circuit court challenging a proposed award or the award of a contract, within ten (10) days, which shall be reversed only if the petitioner establishes that the proposed award or the award is not an honest exercise of discretion, but rather is arbitrary or capricious or not in accordance with the Constitution of Virginia, statutes, regulations, ordinances or the terms and conditions of the Invitation to Bid or Request for Proposal.

(d) If injunctive relief is granted, the court, upon request of Stafford County, shall require the posting of reasonable security to protect Stafford County.

(e) A contractor may bring an action involving a contract dispute with Stafford County in the appropriate circuit court.

(f) A bidder, offeror or contractor need not utilize administrative procedures meeting the standards of this Code, if available, but if those procedures are invoked by the bidder, offeror, or contractor, the procedures shall be exhausted prior to instituting legal action concerning the same procurement transaction unless the county agrees otherwise.

(g) Nothing herein shall be construed to prevent the county from instituting legal action against a contractor.

Sec. 20-66. Same--Remedies.

(a) In the event that the finance director determines that a decision to award a contract is arbitrary or capricious, prior to the award of a contract, then the sole relief shall be a finding to that effect and he may cancel the proposed award or revise it to comply with law.

(b) In the event that the finance director makes the determination required in subsection (a) of this section after a contract has been awarded, the sole remedy shall be a finding to that effect and relief as provided in section 2.2-4360 of the Code of Virginia. In no case may the protester be awarded anticipated profits or the costs or expenses of protest or appeal of any decision to the courts.

(c) In the event that the finance director determines that a protest filed under section 20-65(b) of this article is well-founded, he may cancel the solicitation or revise it to comply with law.

(d) The validity of any contract awarded in good faith in accordance with this chapter shall not be affected by any protest or appeal, and award of a contract need not be delayed for the period during which a bidder or offeror may protest; provided that, in the event of a timely protest, no award shall be made unless the finance director personally determines that it is necessary to proceed to award without delay to protect the public interest, or unless the bid or offer would otherwise expire.

Sec. 20-67. Bid bonds.

The finance director ~~may is authorized, to~~ require that each bidder on a competitively bid procurement for supplies or ; services ~~or construction in excess of~~ for one hundred thousand dollars (\$100,000) ~~or more shall~~ submit, with his bid, a certified check, payable to the county, for a sum not to exceed five ~~(5)~~ percent (5%) of the bid total, as a guarantee that the bidder will enter into a contract for the supplies or services sought should he be awarded the contract. In lieu of a certified check, it shall be sufficient that the bidder provide an irrevocable letter of credit or corporate surety bond, issued by a company licensed to do business as a surety in Virginia, for a sum equal to the amount of any certified check which would otherwise have been required. The conditions of such bond shall be established by the finance director, unless otherwise established by law. Noncompliance with this section may require the rejection of the bid. Annual bid bonds may be accepted.

Sec. 20-68. Payment and performance bonds.

(a) The finance director may require any bidder for supplies or services to execute a performance bond in an amount equal to one hundred ~~(100)~~ percent (100%) of the contract price solely for the protection of the county, conditioned upon the faithful performance of the work in strict conformity with the contract documents.

(b) The finance director may require any successful bidder for supplies or services to execute a payment bond in an amount equal to one hundred ~~(100)~~ percent (100%) of the

price specified in the contract, conditioned upon the faithful payment of all persons who have and fulfill contracts which are directly with the contractor for performing labor or furnishing materials in the prosecution of the work provided for in any such contract.

(c) Any performance or payment bond required hereunder shall be in the form of a certified check, irrevocable letter of credit or a bond executed by a surety company authorized to do business as a surety in the commonwealth.

### ARTICLE III. COMPETITIVE PROPOSALS

Sec. 20-81. When authorized; factors to be considered for authorization.

(a) When the finance director personally determines in writing (specifically setting forth the basis for the determination) that the use of competitive sealed bidding is either not practicable or is not advantageous to the county or any using department, a contract for supplies or other than professional services may be entered into by competitive sealed proposals.

(b) In making his determination under this section, the finance director shall consider whether:

- (1) Quality, availability or capability is overriding in relation to price in procurements for research and development, technical supplies, or special services;
- (2) The initial installation needs to be evaluated together with subsequent maintenance and service capabilities, and what priority should eventually be given these requirements in the best interest of the county; or
- (3) The marketplace will respond better to a solicitation permitting not only a range of alternative proposals, but also evaluation and discussion of them before making an award (for example, with respect to the acquisition of data

processing hardware and software), ~~or specially designed PABX phone systems).~~

Sec. 20-82. Solicitation of proposals generally.

Proposals shall be solicited under this article through requests for proposals and adequate public notice shall be provided to obtain the widest range of offerors.

Sec. 20-83. Preparation and contents of RFP.

(a) When authorization has been received to employ competitive sealed proposals, a request for proposals shall be prepared by such person as the finance director shall direct.

(b) RFPs shall contain at least the following information:

- (1) The type of supplies or services required;
- (2) A description of the work involved and its location;
- (3) An estimate of when and for how long the services shall be required;
- (4) The type of contract which will be used;
- (5) A date by which proposals shall be submitted;
- (6) A statement that all proposals shall be in writing;
- (7) Statement that information received will not be disclosed to other offerors during selection;
- (8) A statement of the minimum information that the proposal must contain, to

include, where appropriate:

- a. The name of the offeror, the location of the offeror's principal place of business;
  - b. If deemed relevant by the draftsman of the RFP, the age of the offeror's business and average number of employees over a previous period of time, as may be specified;
  - c. The abilities, qualifications and experience of all persons who would be assigned to provide the required services or supplies;
  - d. A listing of other contracts under which services similar in scope, size or discipline to the required services were performed or undertaken within a previous, specified period of time, and a list of current references, including telephone numbers, who may be contacted with respect to such contracts;
  - e. A plan giving as much detail as practical explaining how the required services shall be performed, or how the required services shall be provided or of what they shall consist; and
- (9) The factors, including the offeror's proposed compensation, to be used in the evaluation and selection process, listed in descending order of their relative importance or accorded a prespecified point value. Such criteria shall include, among other relevant things, proximity to the place where services are to be performed, the offeror's present workload, and the applicability of prior experience and the suitability of the supplies to meet the identified needs.

Sec. 20-84. Criteria for evaluation of proposals.

The criteria which shall be used in the evaluation of competitive sealed proposals shall be set forth in detail in the request for proposals, as provided in section 20-83(b)(9) and shall be strictly adhered to in the selection process. Any such criteria may include judgmental factors, in addition to objective factors, relating to the procurement.

Sec. 20-85. Opening and register of proposals.

Proposals shall be opened so as to avoid disclosure of contents of offers to competing offerors during the process of negotiation. A register of proposals shall be provided in accordance with rules promulgated by the county administrator in the purchasing manual.

Sec. 20-86. Discussions with responsible offerors.

As shall be provided in the request for proposals and as may be further provided in this article, discussions may be conducted with responsible offerors who submit proposals determined by the finance director to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion of proposals, and revisions thereto may be made by the offeror after submissions and prior to award, for the purpose of making and obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

Sec. 20-87. Negotiations with selected offeror.

(a) A specific person designated by the finance director shall negotiate a contract with the selected offeror, for the required supplies or services at a compensation determined to be fair and reasonable. Assistance in the conduct of negotiations may be requested of the county attorney's office.

(b) Negotiations under this section shall be directed toward:

- (1) Making certain that the offeror has a clear understanding of the scope of the services or the supplies, specifically the essential requirements involved in providing the required supplies or services;
- (2) Determining that the offeror will make available the necessary personnel and facilities to perform the services in the required time, or provide the needed supplies; and
- (3) Agreeing upon compensation which is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity and nature of such services or the supplies required.

Sec. 20-88. Award of contracts; protests.

Award of a contract shall be made by the county administrator to the responsible offeror whose proposal is most advantageous to the county and with whom negotiations have been successful. The county attorney's office shall be consulted with respect to the form and content of the contract with the selected offeror. Protests shall be made in accordance with the provisions of article II of this chapter governing bid protests.

#### **ARTICLE IV. SPECIAL PROVISIONS RELATING TO CONSTRUCTION CONTRACTS**

Sec. 20-101. Application of article.

Contracts for construction shall be governed generally by this chapter, and by the additional regulations set out in this article. Where a regulation set forth in this article is in conflict with any other provision of this chapter, the provisions of this article shall govern.

Sec. 20-102. Applicability of state and federal law.

Contracts for construction which are subject to the provisions of state and federal law shall be governed thereby and by the regulations of this chapter, where they do not conflict with such law.

Sec. 20-103. Solicitation of bids.

Bids for construction shall be solicited by the finance director by means of formal invitations for bids, instructions to bidders, plans and specifications for the project and proposed contracts for the work, which shall be prepared by the finance director in consultation with appropriate persons, including architects, engineers and other consultants who may be employed by the county for the purposes of any project. Invitations may be distributed by any such party employed by the county.

Sec. 20-104. Award of contract; rejection of bids.

(a) All contracts for construction of one hundred thousand dollars (\$100,000) or more shall be awarded by the board of supervisors, in accordance with the regulations governing the award of contracts generally. The board may reject any or all bids, without giving reason therefor.

(b) Construction contracts for less than one hundred thousand dollars (\$100,000) may be awarded by the county administrator, in accordance with the regulations governing the award of contracts generally, subject to purchasing guidelines and subject to approved budget and appropriated funds. The county administrator may reject any or all bids, without giving reason therefor.

(c) The board of supervisors may direct that the authority provided in this section may be exercised by any other person than herein specified.

**Sec. 20-105 Bid Bonds**

**(a) All bids or proposals for construction contracts for one hundred thousand dollars (\$100,000) or more shall be accompanied by a bid bond from a surety company selected by the bidder that is authorized to do business in Virginia, as a guarantee that if the contract is awarded to the bidder, he will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent (5%) of the bid amount.**

**(b) No forfeiture under a bid bond shall exceed the lesser of (1) the difference between the bid for which the bond was written and the next low bid, or (ii) the face amount of the bid.**

**(c) Nothing in this section shall preclude a public body from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than one hundred thousand dollars (\$100,000).**

Sec. ~~20-105~~ 20-106. Payment and performance bonds.

(a) The finance director shall require any bidder for a construction contract ~~in excess~~ of one hundred thousand dollars (\$100,000) **or more** to execute a performance bond in an amount equal to one hundred ~~(100)~~ percent **(100%)** of the price specified in the contract, solely for the protection of the county, conditioned upon the faithful performance of the work in strict conformity with the plans, specifications and conditions for same.

(b) The finance director shall require any successful bidder for a construction contract ~~in excess~~ of one hundred thousand dollars (\$100,000) **or more** to execute a payment bond in an amount equal to one hundred ~~(100)~~ percent **(100%)** of the price specified in the contract, conditioned upon the faithful payment of all persons who have and fulfill

contracts which are directly with the contractor for performing labor or furnishing materials in the prosecution of the work provided for in such contract.

(c) Any performance or payment bond required hereunder shall be in the form of a certified check, irrevocable letter of credit or a bond executed by a surety company authorized to do business as a surety in the commonwealth.

Sec. ~~20-106~~ 20-107. Change orders.

(a) Any owner's representative appointed by the board of supervisors, or should there be no such representative, the county administrator may approve any change order which does not involve a change in the contract price or the time of performance, or which involves a cumulative change in the contract price of not more than an estimated twenty-five thousand dollars (\$25,000), or a change in the time of performance of not more than an estimated thirty (30) days. Changes not authorized herein to be made by the owner's representative or the county administrator shall be made only upon direction of the person or body who or which executed the contract.

**Sec. ~~20-107~~ 20-108. Special provisions for design-build, fast track and construction manager contracts.**

(a) Notwithstanding any other provisions of this chapter, the board of supervisors may authorize the use of design-build, fast track or construction manager type contracts for construction. When such authorization has been given, it shall not be necessary to bid the work competitively, nor shall the provisions of this chapter with respect to construction be applicable.

(b) The county administrator, in consultation with the county attorney, shall execute such requests for proposals and enter into such negotiations as he shall deem appropriate to enter into a contract for the work under this section. Any such contract shall be submitted to the board of supervisors for approval prior to execution of the contract

documents. The county administrator may designate any person to administer the contract on behalf of the county.

## **ARTICLE V. SELECTION OF PROFESSIONALS**

Sec. 20-122. Applicability of article.

(a) This article governs the selection of professional services by using departments and by the board of supervisors and such selection shall not be subject to the competitive bidding requirements of this chapter.

(b) This article shall apply to those using departments subject to the provisions of this chapter. It shall govern the format for the drafting of requests for proposals, and the procedure to be followed in their use.

(c) The procedure set forth in this article is recommended for any procurement of professional services, but shall be required only for professional services reasonably estimated to ~~exceed~~ a cost of thirty thousand dollars (\$30,000) **or more.**

Sec. 20-123. Board authorization required for certain contracts.

Contracts for professional services, **excluding those obtained pursuant to Sec. 20-124 (4),** anticipated to cost thirty thousand dollars (\$30,000) or more may be entered into only with the specific authorization of the board of supervisors.

Sec. 20-124. Determination of need for professional services; approving authority.

(a) The head of the using department in the area most directly affected by the need for professional services shall determine, in the first instance, the need for professional services. He shall recommend selection of a professional to the appropriate approving authority, as provided herein.

(b) If the funds necessary for acquisition of professional services have not previously been budgeted and appropriated by the board of supervisors, the using department shall prepare a request for such action and forward it to the county administrator for approval and presentation to the board. The board shall either approve or disapprove the request, in whole or in part. Approval shall constitute authorization for the using department to obtain the identified professional services, in accordance with this article.

(c) When the board approves a request, as provided in subsection (b) above, or when the funds for professional services have already been included in a using department's budget and appropriated in accordance with that budget, such services may be acquired by an approving authority as follows:

- (1) Professional services estimated to cost less than twenty thousand dollars (\$20,000) shall be obtained by the head of the using department. **After approval by the purchasing department, the head of the using department is authorized to sign such contract.**
- (2) Professional services estimated to cost ~~more than~~ twenty thousand dollars (\$20,000) **or more**, but less than thirty thousand dollars (\$30,000), shall be obtained by the using department. **After approval by the purchasing department, the county administrator or his designee is authorized to sign such contract.** ~~provided that the county administrator shall be required to approve the final selection of the professional services before any negotiations are entered into in accordance with this article.~~
- (3) Professional services estimated to cost thirty thousand dollars (\$30,000) or more shall be obtained only **by the issuance of a written Request for Proposal indicating the general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual**

**terms and conditions, including any unique capabilities or qualifications that will be required of the contractor.** ~~with the approval of the board of supervisors, notwithstanding that funds may have been budgeted and appropriated therefore.~~

**(4) The county attorney shall have the authority to obtain professional services for a total sum of less than fifty thousand dollars (\$50,000) without executing a standard contract for services, as long as the county attorney accepts a contractor's proposal or engagement letter in writing and promptly sends the acceptance, and the proposal or engagement letter, to the purchasing department.**

Sec. 20-125. Format for RFP.

Requests for proposals for professional services shall be prepared in the same format provided in article III of this chapter governing competitive sealed proposals.

Sec. 20-126. Distribution of RFP; advertising for prospective offerors.

The person charged with responsibility for the RFP for professional services shall ensure that it is widely distributed among persons and firms reasonably able to provide the required services. When such person determines that sufficient time exists, he shall advertise for prospective offerors in newspapers of general circulation, in trade journals and other publications and as he shall otherwise deem appropriate to obtain the highest practical number of responses.

Sec. 20-127. Receipt and handling of proposals.

Proposals submitted under this article shall be dated and the time received shall be recorded thereon. Proposals shall not be publicly opened nor disclosed to any person not a member of the **evaluation** ~~screening~~ committee referred to in section 20-128, except the

county administrator or county attorney or their designees. Nothing contained in any offer shall be open for public inspection until such time as an award has been made, except as may be otherwise required by the Virginia Freedom of Information Act (Code of Virginia, § 2.2-3700, et seq.).

Sec. 20-128. Evaluation of proposals.

(a) Following distribution of the RFP under this article, the approving authority shall appoint an evaluation ~~screening~~ committee which shall review and evaluate any proposals which are received and prepare a recommendation to the approving authority.

(b) The evaluation ~~screening~~ committee shall evaluate proposals solely on the basis of the evaluation factors, which were set out in the RFP.

Sec. 20-129. Discussions with offerors.

(a) The evaluation ~~screening~~ committee appointed pursuant to this article may conduct discussions with any offeror and shall invite three (3) to five (5) offerors for such discussions. The purposes of the discussions shall be limited to the determination in greater detail of the offeror's qualifications and the exploration, with the offerors, of the scope and nature of the required services, the offeror's proposed method of performance, the relative utility of alternate methods of approach and cost of the services. A record shall be kept and maintained for a reasonable time of all such discussions.

(b) No information may be conveyed to any offeror which was submitted by any other offeror in the conduct of discussions under this section.

(c) Proposals may be modified or withdrawn at any time prior to the conclusion of the discussions entered into under this section.

Sec. 20-130. Selection of best qualified offerors.

(a) Following discussions provided for in section 20-129 to determine the qualifications of the offerors, the **evaluation** ~~screening~~ committee shall select, in the order of their respective qualifications ranking, no fewer than three (3) acceptable offerors (or such lesser number, if less than three (3) acceptable proposals were received) deemed to be best qualified to provide the required services.

(b) The **evaluation** ~~screening~~ committee shall forward its recommendations to the appropriate approving authority as provided in this article, which authority shall select the best qualified offeror.

**Sec. 20-131. Submission of cost or pricing data by selected offeror.**

The offeror selected by the approving authority pursuant to section 20-130 may be required to submit cost or pricing data to the person responsible for the preparation of the RFP at a time specified prior to the commencement of negotiations in accordance with section 20-132.

Sec. 20-132. Negotiations with selected offeror.

Negotiations with the best qualified offeror selected under this article may be conducted in accordance with article III of this chapter governing competitive sealed proposals.

Sec. 20-133. Award of contract.

If a contract can be agreed upon with the best qualified offeror pursuant to negotiations provided for in section 20-132, the contract shall be awarded to that offeror.

Sec. 20-134. Failure of negotiations to produce contract.

(a) If a contract cannot be agreed upon between the county and the first qualified offeror under this article, a written record stating the reasons therefor shall be placed in the file and the county negotiator shall advise the offeror of the termination of negotiations.

(b) Upon failure of negotiations to produce an acceptable contract, the county negotiator may enter into negotiations with the next most qualified offeror as determined by the evaluation ~~screening~~ committee's recommendation to the approving authority under this article. If negotiations with such offeror again fail, the negotiator shall terminate the negotiations and commence them with the next most qualified offeror.

(c) If all negotiations fail to produce a contract with any of the three (3) most qualified offerors, the evaluation ~~screening~~ committee may make additional recommendations to the approving authority.

Sec. 20-135. Records of negotiations.

The county negotiator shall keep detailed records of any negotiations which were entered into in accordance with any provision of this article.

## ARTICLE VI. DEBARMENT OR SUSPENSION OF PROSPECTIVE CONTRACTORS

Sec. 20-146. Authority.

(a) After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the finance director personally, after consultation with the using department and the county attorney, shall have authority to debar a person for cause from consideration for award of contracts. The debarment shall not be for a period of more than three (3) years.

(b) The finance director, after consultation with the using department and the county attorney, shall have authority to suspend a person from consideration for award of contracts, if there is probable cause for debarment. The suspension shall not be for a period exceeding three (3) months.

Sec. 20-147. Grounds.

The grounds for debarment or suspension pursuant to this article include the following:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

(b) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a contractor with the county.

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.

(d) Violation of contract provisions, as set forth below, of a character which is regarded by the finance director to be so serious as to justify debarment action:

(1) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(2) A recent record of failure to perform or of unsatisfactory performance in

accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.

(e) Any other cause the finance director determines to be so serious and compelling as to affect responsibility as a county contractor, including debarment by another governmental entity.

Sec. 20-148. Decision generally.

The finance director shall issue a written decision to debar or suspend. The decision shall:

- (1) State the reasons for the action taken; and
- (2) Inform the debarred or suspended person involved of his rights to review as provided in this article.

Sec. 20-149. Copy of decision to be furnished to person involved.

A copy of the decision under section 20-148 shall be mailed or otherwise furnished immediately to the debarred or suspended person.

Sec. 20-150. Finality of decision; appeal.

A decision under this article shall be final and conclusive, unless fraudulent, or the debarred or suspended person appeals in writing to the county administrator within fourteen (14) calendar days of notice of disbarment or suspension. The county administrator shall conduct a hearing at which the debarred or suspended person may be present and present evidence. The decision of the county administrator shall be final.

Planning; Refer an Amendment to the Comprehensive Plan Regarding the Widewater Plan to the Planning Commission. Mr. Cavalier commented.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-86.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Resolution R06-86 reads as follows:

A RESOLUTION TO WITHDRAW RESOLUTION  
R05-432 REFERRING A PREVIOUS AMENDMENT  
TO THE COMPREHENSIVE PLAN REGARDING  
THE WIDEWATER AREA

WHEREAS, the Board, at a meeting on November 29, 2005, voted by Resolution R05-432 to refer an amendment to the Comprehensive Plan Regarding the Widewater Area to the Planning Commission; and

WHEREAS, the Board desires that the Planning Commission review an alternative amendment to the Comprehensive Plan regarding the Widewater Area; and

WHEREAS, the Board desires that the Planning Commission report its recommendation within sixty (60) days;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that Resolution R05-432 be and it

hereby be rescinded and the original amendment to the Comprehensive Plan regarding the Widewater Area be and it hereby is withdrawn from the Planning Commission.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-85.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution R06-85 reads as follows:

A RESOLUTION WHICH REFERS AN AMENDMENT TO THE  
COMPREHENSIVE PLAN REGARDING THE WIDEWATER  
PLAN TO THE PLANNING COMMISSION

WHEREAS, the Widewater Plan was adopted in 1994 as an element of the Comprehensive Plan; and

WHEREAS, the Board requests the Planning Commission to review an amendment of the Comprehensive Plan pursuant to the provisions of Section 15.2-2230 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board recommends the Planning Commission consider repealing the Widewater Plan and amend the Land Use Plan Map for the Widewater area to reflect the current zoning designations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the Widewater Plan, dated May, 1994, be and it hereby is referred to the Planning Commission for consideration and recommendation to the Board ; and

BE IT FURTHER RESOLVED that the Planning Commission shall report its recommendation to the Board within 60 days.

Legislative; Discuss Woodlands Pool. Mr. Greg Sager, Director of Parks and Recreation, gave a presentation.

Discussion ensued.

Hearing no objections from the Board, this item was deferred to the March 7, 2006, Board Meeting.

Legislative; Discuss Retreat. Hearing no objections from the Board, Mr. Schwartz deferred this item to the Fall of 2006.

Legislative; Discuss Board Office Space. Mr. Paul Milde commented.

Discussion ensued.

Hearing no objections from the Board, this item was deferred to a Work Session on February 21, 2006.

Legislative; Comprehensive Plan. The County Administrator commented.

Hearing no objections from the Board, this item was deferred until after later in the meeting.

Legislative; Revise Resolution R05-464 which Allows the Use of a Low-Pressure Sewer System for Tax Map 45, Parcels 220 and 220-E. The County Administrator commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-91 (R05-464 (R))

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Resolution R06-91 reads as follows:

A RESOLUTION TO ALLOW THE USE OF A LOW-PRESSURE SEWER SYSTEM FOR TAX MAP 45, PARCELS 220 AND 220E

WHEREAS, Resolution R90-434 (R-2) limits the use of low-pressure sewer systems for new residential subdivisions to those specifically determined by the Board to be in the best interest of the County; and

WHEREAS, the lots are in the Urban Service Area and the developer desires to utilize the public sewer system; and

WHEREAS, the County desires to avoid the construction of sewage pumping stations not shown on the Master Plan; and

WHEREAS, the alternative gravity sewer systems are excessively long and expensive;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that use of a low-pressure sanitary sewer system with grinder pumps be permitted on TM 45, Parcels 220 and 220E; and

BE IT FURTHER RESOLVED that the developer shall comply with the following requirements:

1. Ensure that the subdivision plat and deeds to each property contain a clause that the property owner shall be required to maintain a contract with a qualified repair firm for maintenance and repair of the grinder pump should it fail;
2. Install each grinder pump outside of the house;
3. Provide a backup power source for each grinder pump;
4. Provide a manual transfer switch for each grinder located outside of the house.

~~BE IT STILL FURTHER RESOLVED that this approval is contingent on the owner dedicating a minimum 50-acre conservation easement, as described in his letter of December 1, 2005, and that this approval is void and of no effect if such easement is not dedicated to Stafford County.~~

Utilities; Stafford Regional Airport Pump and Haul Program. Mr. Dale Allen, Assistant Director of Utilities-Engineering, gave a presentation.

Mr. Schwartz motioned, seconded by Mr. Fields, to deny proposed Resolution R06-02 and proposed Resolution R06-03.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Utilities; Authorize a Request for Proposals for Projects in the Capital Improvement Program. Mr. Keith Dayton, Assistant Director of Utilities-Construction/Maintenance gave a presentation.

Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-70.

Discussion ensued.

Mr. Brito made a substitute motion to defer until the next Board meeting.

The motion failed for lack of a second to the motion.

The Voting Board tally was:

Yea: (6) Schwartz, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (1) Brito

Resolution R06-70 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT TO AUTHORIZE A REQUEST FOR  
PROPOSALS FOR ENGINEERING SERVICES IN SUPPORT OF THE  
DEPARTMENT OF UTILITIES CAPITAL IMPROVEMENT PROGRAM

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, it is efficient to select multiple engineering firms to provide design and consulting services in support of the Department of Utilities Capital Improvement Program; and

WHEREAS, it is necessary for the Board to authorize the solicitation of proposals from interested firms;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that the County Administrator be and he hereby is authorized to issue a Request for Proposals for engineering services in support of the Department of Utilities Capital Improvement Program.

Legislative; Discuss Stormwater Ordinance Amendment. Mr. Dan Schardein, Director of Code Administration, gave a presentation.

Discussion ensued.

Hearing no objections from the Board, this item was deferred to the March 7, 2006, meeting.

Legislative; Closed Meeting Addition. Mr. Fields motioned, seconded by Mr. Dudenhefer, to add the following item to the Closed Meeting Agenda:

Contract Negotiations for a Comp Plan Consultant.

(Joseph L. Howard, Jr.)

Section 2.2-3711 A7

Code of Virginia

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Legislative; Closed Meeting. At 3:27 P.M., Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-05.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution CM06-05 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting a personnel matter in regard to appointments to the Airport Authority, and two other personnel matters; legal advice regarding Crow's Nest

Litigation, the Rappahannock River easement, Contract Negotiations for a Comp Plan Consultant and the Drainfield Ordinance; and the acquisition of real property for public purpose in regard to Crow's Nest, the Stafford Fire Station and a new public school site; and

WHEREAS, pursuant to Section 2.2-3711 A1, A7 and A3 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 5:19 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Fields motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution CM06-05a.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution CM06-05a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD  
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON  
FEBRUARY 7, 2006

WHEREAS, the Board has, on this the 7th day of January 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 7th day of February 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legislative; Authorize School Board to Pursue Negotiations to Purchase Property. Mr. Schwartz motioned, seconded by Mr. Fields, to authorize the School Board to pursue negotiations to purchase property for a high school in Leeland Station area subject to instructions regarding the appraised value in relationship to the contract amount.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Legislative; Regular Agenda Deletion. Mr. Dudenhefer motioned, seconded by Mr. Brito, that the Board of Supervisors remove the amendment to Section 22-58 of the County Subdivision Ordinance from the Board's public hearing agenda for the evening session and refer the amendment to Section 22-58 of the Subdivision Ordinance to the Planning Commission for further consideration with a recommendation back to this Board.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Budget; Discuss Mid-Year Budget Review; Authorize a Public Hearing to Budget and Appropriate Additional Funds in Accordance with the 2006 Mid-Year Review and Authorize Proffer Funds for the Schools. Ms. Cheryl Beagle, Budget Director, gave a presentation.

Discussion ensued.

Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-80.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (1) Brito

Resolution R06-80 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO BUDGET  
AND APPROPRIATE ADDITIONAL FUNDS IN ACCORDANCE WITH  
THE FY2006 MIDYEAR REVIEW

WHEREAS, an analysis of the revenues and expenditures at midyear for FY2006 indicates that various expenditures require appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing on Proposed Resolution R06-82 which budgets and appropriates funds in accordance with the FY2006 Midyear Review as follows:

**GENERAL FUND:**

Transfer to Other Funds	3,802,279
Sheriff	240,894
Debt Service	200,000
Social Services	80,000
<b>General Fund Total</b>	<b>4,323,173</b>

**CAPITAL PROJECTS FUND** **2,733,539**

**SCHOOL CONSTRUCTION FUND** **716,740**

**FLEET SERVICES FUND** **352,000**

BE IT FURTHER RESOLVED that the County Administrator is authorized to utilize appropriated compensation study funds for a 2% salary increase for all employees effective with the February 17, 2006 pay date.

Budget; Amend the FY2007 Budget Calendar. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-28.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Resolution R06-28 reads as follows:

A RESOLUTION TO AMEND THE FISCAL YEAR 2007 BUDGET  
CALENDAR

WHEREAS, Section 15.2-2503 of the Code of Virginia (1950), as amended, states that the governing body shall receive the budget for the upcoming Fiscal Year by April 1st; and

WHEREAS, Section 22.1-93 of the Code of Virginia (1950), as amended, requires that the governing body prepare and approve the annual budget for the upcoming Fiscal Year for educational purposes by May 1st;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the Fiscal Year 2007 Budget Calendar be and it hereby is established as follows:

**February**

- ***February 7, 2006***  
FY2006 Mid Year Budget Review presented
  
- ***February 14, 2006***  
Superintendent's Proposed Funding Request to the School Board

**March**

- ***March 7, 2006***  
County Administrator to Present Budget at Board Meeting
  
- ***March 9, 2006***  
Work Session - Financial Budget Team to include:
  - Budget Office
  - Commissioner of Revenue
  - Finance Department
  - Treasurer's Office
  - Clerk of the Circuit Court
  - Social Services Department
  - Comprehensive Services Act
  
- ***March 14, 2006***  
Work Session - General Government Budget Team to include:

Board of Supervisors  
County Administration  
County Attorney  
Human Resources  
Registrar  
Solid Waste  
Cooperative Extension  
Economic Development/Legislative Affairs  
Tourism Fund

- ***March 16, 2006***

Work Session – Public Safety Budget Team to include:

Commonwealth’s Attorney  
Fire and Rescue Departments  
Sheriff  
E-911 Fund  
Asset Forfeiture Fund

- ***March 21, 2006***

Authorization to advertise FY2007 County Budgets and CY2006 Tax Rates

- ***March 23, 2006***

Work Session – Community Development Budget Team to include:

Information Technology  
Public Services  
Parks and Recreation  
Code Administration  
Planning  
Transportation  
Utilities

- **March 25, 2006**  
Advertise FY2007 County Budgets and CY2006 Tax Rates in the Free Lance-Star
- **March 28, 2006**  
School Board to present School Budget to Board of Supervisors

**April**

- **April 1, 2006**  
Advertise FY2007 County Budgets and CY2006 Tax Rates in the Free Lane-Star
- **April 3, 2006**  
Budget Work Session with School Board
- **April 11, 2006**  
Public Hearing on FY2007 County Budgets
- **April 13, 2006**  
Budget Work Session – Review Citizens Comments
- **April 25, 2006**  
Public Hearing on CY2006 Tax Rates  
Adopt & Appropriate FY2007 County Budgets  
Adopt CY2006 Tax Rates

Finance; Authorize Submission of an Application to the Virginia Public School Authority for \$41,700,000 and Schedule a Public Hearing. Mr. Fields motioned, seconded by Mr. Schwartz, to add proposed Resolution R06-87 to the Regular Agenda.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz  
Nay: (0)

Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-87.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito  
Nay: (0)

Resolution R06-87 reads as follows:

A RESOLUTION AUTHORIZING STAFFORD COUNTY  
TO SUBMIT AN APPLICATION TO VPSA FOR \$41,700,000  
AND TO SCHEDULE A PUBLIC HEARING

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the Board of Supervisors has received a request from the Stafford County School Board (the "School Board") to contract a debt and issue general obligation bonds of the County in the maximum amount of \$41,700,000 in one or more series to finance certain capital improvements for public school purposes (the "Bonds") and to sell such bonds to the Virginia Public School Authority ("VPSA"); and

WHEREAS, the Board of Supervisors has determined that it may be necessary or desirable to advance money to pay the costs for such capital projects for public school purposes (the "Projects") and to reimburse such advances with proceeds of one or more financings;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of February, 2006,

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board to pay the costs of acquiring, constructing and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$41,700,000.
2. The County Administrator is authorized and directed to submit an application or applications to the VPSA in order to sell the Bonds in one or more series, to the VPSA at the Spring 2006 VPSA bond sale or such subsequent VPSA bond sale or sales as the County Administrator may determine.
3. The County Administrator is authorized to advertise a public hearing to be held on March 21, 2006 on the issuance of the Bonds.
4. This resolution shall take effect immediately upon its adoption.

Deferred Business Item 8. Budget; Reappropriate Unexpended Funds from FY2005 to FY2006 for School Projects in the Amount of \$5.7Million. Mr. Fields motioned, seconded by Mr. Schwartz, to authorize a public hearing on the issue of the request that unexpended funds in FY2005 be carried forward to FY2006 for School Construction Projects.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier  
Nay: (0)

Recess. At 6:10 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order. At 7:04 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Schwartz gave the Invocation.

Pledge of Allegiance. Boy Scout Troop 840 led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentation to Eagle Scout Patrick Chamberlin. Mr. Gibbons and Mr. Cavalier presented the proclamation to Patrick Chamberlin.

Presentations by the Public-II. The following persons spoke on topics as identified:

Ruth Carlone - BPOL tax.

Nan Rollison - Comprehensive Plan.

Planning; Consider a Conditional Use Permit for a Child Care Center at 115 Primmer House Road on Assessor's Parcels 46-93H and 46-48. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following person spoke:

Clark Leming, on behalf of the applicant

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-66.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Resolution R06-66 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2501389 TO ALLOW A CHILD CARE CENTER IN A PD-1, PLANNED DEVELOPMENT-1, ZONING DISTRICT ON ASSESSOR'S PARCELS 46-93H AND 46-48, FALMOUTH ELECTION DISTRICT

WHEREAS, Minnieland Private Day School, Inc., applicant, has submitted application CUP2501389 requesting a Conditional Use Permit to allow a child care center in a PD-1, Planned Development-1, Zoning District on the above-described property; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits this use in a PD-1, Planned Development-1, Zoning District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that this request meet the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that a Conditional Use Permit pursuant to application CUP2501389 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow a child care center on Assessor's Parcels 46-93H and 46-48.

2. Development of the site shall be in conformance with the Generalized Development Plan entitled "Minnieland at Leeland Station" prepared by Barnes and Johnson, Inc., dated August 17, 2005.
3. There shall be no outdoor play activities from dusk to dawn.
4. The standard hours of operation for the child care center shall be limited to 5:30 A.M. to 7:00 P.M. Monday through Friday and on Saturdays, shall be limited to 8:00 A.M. to 7:00 P.M. On Sundays, the child care center will be limited to 8:00 A.M. to 5:00 P.M. only for Administrative and Maintenance Employees and for Open Houses.
5. All outdoor play activities on the premises shall be supervised by employed individuals permitted to do so under state law and regulations.
6. The outdoor play areas shall be enclosed by a six (6) foot high, board on board, privacy fence and additional screening provided to screen the parking area from the single-family dwellings.
7. Five to ten (5-10) canopy trees shall be provided throughout the rear playground area for the purpose of shading playground areas.
8. All building entrances shall be properly illuminated in accordance with Crime Prevention through Environmental Design (CEPTED) principles.
9. The buildings shall be in conformance with the Proposed Elevations, submitted to the Planning Department on December 8, 2005.
10. Building façade for the proposed building shall use brick materials.

11. The operator of the child care center shall maintain a valid license from the Commonwealth of Virginia Department of Social Services.
12. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal or state code.

Planning; Consider Rezoning 1.46 Acres from R-1 to B-2 Located at 2080 Jefferson Davis Highway. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following person spoke:

Cecelia Kirkman

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O06-18.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Ordinance O06-18 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM R-1, SUBURBAN RESIDENTIAL, TO B-2, URBAN COMMERCIAL, ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL 30-69A, AQUIA ELECTION DISTRICT

WHEREAS, Stafford County, applicant, has submitted application RC2501622 requesting reclassification from R-1, Suburban Residential, to B-2, Urban Commercial, of property consisting of approximately 1.46 acres, located on the east side of Jefferson Davis Highway, approximately 500 feet south of Courthouse Road, Aquia Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify the parcel of land, as shown on the plat of survey by Rush W. Boyer, L.S. dated March, 1964, Deed Book 149, Page 201, and a plat of survey by John B. Vance, Jr., L.S. dated December 6, 1973, Deed Book 247, Page 258, from R-1, Suburban Residential, to B-2, Urban Commercial.

Planning; Consider Rezoning 1.08 Acres from A-1 to B-2 Located at 1945 Jefferson Davis Highway. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following person spoke:

Clark Leming, on behalf of the applicant

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O06-19.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Schwartz

Nay: (0)

Ordinance O06-19 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY, WITH PROFFERS, FROM A-1, AGRICULTURAL, TO B-2, URBAN COMMERCIAL, ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL 39-3A, AQUIA ELECTION DISTRICT

WHEREAS, Frank P. Moncure Lodge #279, applicant, has submitted application RC2501349 requesting reclassification, with proffers, from A-1, Agricultural, to B-2, Urban Commercial, of property consisting of approximately 1.08 acres, located on the west side of Jefferson Davis Highway, approximately 3,000 feet south of Courthouse Road, Aquia Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of February, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify, with proffers, the parcels of land, as shown on the plat of survey by

Greenhorne & O'Mara Inc., dated January 17, 2005, from A-1, Agricultural, to B-2, Urban Commercial, with the following proffers:

1. Right-of-way Dedication and Improvement – The applicant shall dedicate right of way along Jefferson Davis Highway (US Rt. 1) 56 feet from the centerline of Jefferson Davis Highway as indicated on the Generalized Development Plan (GDP) dated March, 2005, revised November 11, 2005 by Greenhorne & O'Mara, Inc.
2. Interparcel Access - Applicant shall provide interparcel access easements to Assessor's parcels 39-3 and 39-10, but shall be under no obligation to construct such connections. No direct access shall be permitted from the Property to Jefferson Davis Highway.
3. Architecture Treatment - The Applicant shall employ brick on all façades of all buildings. The Applicant agrees to utilize an architectural treatment, such as that indicated in the renderings entitled "Frank P. Moncure Lodge," dated May 21, 1992, prepared by Tejas Design Group, Inc.
4. Signage – The Applicant shall not install any general advertising signs on the Property, nor shall any carnival style flags, banners, light, balloons or windsocks be employed on the Property. Signs shall be of a coordinated color and design.
5. Fire Protection - The Applicant agrees to install automatic sprinkler systems in all buildings constructed on the Property.
6. Lighting - The Applicant shall install lighting within the parking area that is directed away from residential properties and Jefferson Davis Highway.
7. Uses not to be Constructed - The Applicant agrees that the following uses shall not be constructed on the property: 1) Building material sale and storage yard and

- mulch sale; 2) Car Wash; 3) Commercial apartment; 4) Convenience center; 5) Hotel; 6) Indoor flea market; 7) Lumber/building/electrical/plumbing supply with covered storage; 8) Machinery sale and service; 9) Motel; 10) Plant and tree nursery/greenhouse; 11) School; 12) Public facility/utility; 13) Vehicle fuel sale; and 14) Medium intensity commercial retail.
8. Buffer - The Applicant shall retain existing vegetation to the rear of the Property to the extent possible given grading and engineering constraints.
  9. Generalized Development Plan – The Applicant agrees to develop the property in conformance with the Generalized Development Plan, dated March 2005, prepared by Greenhorne & O’Mara.

Planning; amend the Street Addressing Ordinance to Change the Index of Official Road Names. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.  
No one desired to speak.  
The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-17.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde  
Nay: (0)

Ordinance O06-17 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD  
COUNTY STREET ADDRESSING ORDINANCE BY AMENDING

THE INDEX OF OFFICIAL ROAD NAMES TO NAME ONE ROAD  
IN THE FREDERICKSBURG POSTAL AREA AND ONE IN THE  
FREDERICKSBURG POSTAL AREA

WHEREAS, the Board has established a Countywide system for naming all roads and numbering all principal buildings in the County; and

WHEREAS, the Board is authorized by Section 15.2-2019 of the Code of Virginia (1950), as amended, to name roads; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony received at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, that the Street Addressing Ordinance for Stafford County be and it hereby is amended and reordained by amending the Index of Official Road Names to name one road in the Fredericksburg Postal Area as follows:

<u>Location</u>	<u>Current Road name</u>	<u>New Road Name</u>
Mountain View Road from the south side of Centreport Pkwy to the intersection with Enon Road	Mountain View Road	Pine View Drive

Legislative; Closed Meeting. At 7:30 P.M., Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution CM06-06.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution CM06-06 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to Crow's Nest litigation and contract negotiations for a Comp Plan Consultant; the acquisition of real property for public purpose in regard to Stafford Fire Station; and one personnel matter in regard to Airport Authority appointments, and two other personnel matters; and

WHEREAS, pursuant to Section 2.2-3711 A7, A3 and A1 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 8:17 P.M., the Chairman called the meeting back to order.

Closed Meeting Certification CM06-06a. Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed CM06-06a.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution CM06-06a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON  
FEBRUARY 7, 2006

WHEREAS, the Board has, on this the 7th day of January 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 7th day of February 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legislative; Discuss Appointments to Boards, Authorities, Commissions and Committees. Mr. Schwartz commented.

Discussion ensued.

Legislative; Closed Meeting. At 8:29 P.M., Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM06-07.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

CM06-07 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to discuss in Closed Meeting a personnel matter in regard to Airport Authority appointments; and

WHEREAS, pursuant to Section 2.2-3711 A1, VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors on this the 7<sup>th</sup> day of February, 2006, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 8:40 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Cavalier, motioned, seconded by Mr. Dufenhefer, to adopt proposed Resolution CM06-07a.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Resolution CM06-07a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 7, 2006

WHEREAS, the Board has, on this the 7th day of February 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 7th day of February 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legislative; Appoint Members to the Stafford Regional Airport Authority. Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Resolution R06-127.

The Voting Board tally was:

Yea: (6) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (1) Fields

Resolution R06-127 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE  
STAFFORD REGIONAL AIRPORT AUTHORITY

WHEREAS, the Board, by approval of Resolution R89-727 on December 5, 1989, established the Stafford Regional Airport Commission; and

WHEREAS, the Board, by approval of Resolution R98-298 on August 4, 1998, changed the name to the Stafford Regional Airport Authority; and

WHEREAS, the parties to the Stafford Regional Airport Agreement are the City of Fredericksburg, County of Stafford, and County of Prince William; and

WHEREAS, the Agreement provides that the Authority shall be composed of four members from Stafford, two members from Prince William and one member from Fredericksburg; and

WHEREAS the term of appointment is four years; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
William W. George (Member-At-Large)	December 31, 2005
Philip Tetu (Member-At-Large)	December 31, 2005
Cord A. Sterling (Member-At-Large)	December 31, 2005
Thurman Campbell (Member-At-Large)	December 31, 2005

WHEREAS, Philip Tetu has submitted his resignation; and

WHEREAS, the term of all members expired on December 31, 2005; and

WHEREAS, the Board desires to fill these vacancies;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors, on this the 7th day of February, 2006, that:

<u>NAME</u>	<u>EXPIRATION</u>
Thurman Campbell (Member-At-Large)	December 31, 2009
William George (Member-At-Large)	December 31, 2009
John Garvin (Member-At-Large)	December 31, 2009
Henry Scharpenberg (Member-At-Large)	December 31, 2009

be and they hereby are appointed to the Stafford Regional Airport Authority.

Legislative; Authorize Request For Proposals for the Comprehensive Plan. Mr. Milde motioned, seconded by Mr. Fields, to authorize negotiations with Peter J. Smith and Company for the Comprehensive Plan Review.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Adjournment. At 8:55 P. M., the Chairman declared the meeting adjourned until Monday, February 13, 2006.

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Steve Crosby  
County Administrator

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Robert C. Gibbons  
Chairman